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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Spirit of God, descend on our hearts. For apart from You, we live our lives in vain. May our Senators walk in Your ways, keeping Your precepts with such integrity that they will never be ashamed. Lord, incline their hearts to Your wisdom, providing them with the understanding they need to accomplish Your purposes in our world. Let Your mercy protect them from the dangers of this life, as they learn to find delight in Your guidance. Keep them ever mindful of the fewness of their days and the greatness of their work. Remove from them any bitterness or resentment that corrodes their peace. Deliver them from the tyranny of trifles, as they strive to accomplish Your work on Earth.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. STRANGE). The majority leader is recognized.

HEALTHCARE

Mr. MCCONNELL. Mr. President, Americans have been hurting under ObamaCare. Senators took a big step toward moving beyond its failures with the motion-to-proceed vote earlier this week. It allowed the Senate to proceed with this important debate. It allowed the Senate to work through an open amendment process.

Senators have considered proposals already, including some procedural motions from across the aisle. Senators will have the opportunity to consider many, many more amendments tonight. I know that colleagues in both parties are eager to do so.

I encourage Senators with healthcare ideas—whether Republicans, Democrats, or Independents—to bring their amendments to the floor. We have heard many different ideas on healthcare in recent months. Not every idea, of course, is a good one.

One idea from the Democratic leader is simply to throw money at insurance companies—no reforms, no changes, just a multimillion-dollar bandaid.

Another idea from many other Democrats is to quadruple down on ObamaCare with a government-run single-payer system. It is called single payer because there is one payer, or insurer, the government. Nearly every healthcare decision would be directed by a Federal bureaucrat. Taxes could go up astronomically. The total cost could add up to $32 trillion, according to an estimate of a leading proposal.

We will vote on single payer this afternoon, and we will find out what support it enjoys in the Senate—especially on the other side of the aisle. We all know this is likely to be a very long night. It is part of a long process that has taken a lot of hard work from a lot of dedicated colleagues already.

One phase of that process will end when the Senate concludes voting this week, but it will not signal the end of our work—not yet. Ultimately, the goal is to send legislation from Congress to the President—legislation that can finally move us beyond ObamaCare's years of failures.

The President is ready to sign legislation. Congress will keep working to pass it because we know the American people deserve better than ObamaCare. They deserve better than ObamaCare and its skyrocketing costs. They deserve better than ObamaCare and its plummeting choices. They deserve better than the job-killing regulations, crushing mandates, and collapsing markets ObamaCare has given them.

We all know this. We all know that the ObamaCare status quo hasn't been working for the people we represent. We have known it for literally years.

Many of us committed to voting for a better way on healthcare. That is what every Senator who supported the motion to proceed voted for on Tuesday.

Let's finish our work. Let's not allow this opportunity to slip by. We have made important progress already. We can build on it now.

The moment before us is one many of us have waited for and talked about for a very long time. It is a moment that can't come soon enough for the people we represent. I urge everyone to keep working hard so we can get this over the finish line. It is what our constituents and our country deserve.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AMERICAN HEALTH CARE ACT OF 2017

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1628, which the clerk will report.

The senior assistant legislative clerk read as follows:

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

A bill (H.R. 1628) to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017.

Pending:

McConnell amendment No. 267, of a perfecting nature.

McConnell (for Daines) modified amendment No. 340 (to amendment No. 267), to provide for comprehensive health insurance coverage for all United States residents, improved healthcare delivery.

The PRESIDING OFFICER. Under the previous order, the time until 2:15 p.m. will be equally divided between the leaders or their designee.

If no one yields time, time will be charged equally to both sides.

The Senator from Delaware.

Mr. CARPER. Mr. President, I spent many years of my life in Navy airplanes. I am a retired Navy captain. Senator ALEXANDER said something the other day about the fact that a pilot doesn't start up and take off in an airplane unless he or she knows what the destination is. I thought that was pretty interesting. It is true.

With respect to healthcare in this country, we have actually known for a long time what the destination is, and the destination is a combination of three things: better healthcare coverage for less money—and cover everyone. That is really our destination. It is not just the destination this year in this Congress; it has been our destination really since Harry Truman was President.

For some years, we have argued and disagreed about how to get to the destination. I don't think anyone would argue about the need to get to that destination, but the question is how.

In 1993—I mentioned yesterday in my remarks on the floor—Hillary Clinton was a brandnew First Lady and worked on something called HillaryCare. In response, Republicans came up with something that really has its roots and origin from the Heritage Foundation. They had more of a market-based approach, which called for every State having their own exchange, where people without coverage could get healthcare coverage. There would be a sliding scale tax credit that would help buy down the cost of premiums for folks who got the coverage in their State's exchange. Low-income people got a bigger tax credit. Higher income people had a smaller tax credit that would eventually fade away.

The third piece of the Republican alternative to HillaryCare was the idea of an individual mandate, which basically said that everybody has to get coverage. If you don't, we can't make you, but you have to pay a fine. Over time the fine would go up.

The fourth piece of the Republican proposal in 1993 was that employers of a certain size with a certain number of employees would have to make sure they provided coverage for their employees. I don't remember a lot of specificity of what that coverage would include, but if they had quite a few employees, they would have to provide coverage for them, make it available.

The last piece was the idea that health insurance companies would say at that time: If you have a preexisting condition, sorry, we are just not going to cover you. The Republican proposal said: That is verboten. You can't do that, insurance companies.

So that was their idea that was introduced here. There were, I think, about 23 cosponsors, led by John Chafee, who was a former marine, former Governor of Rhode Island, U.S. Senator, and highly regarded. The legislation he introduced in 1993 had 20, 22 cosponsors, I think, including some people who are still here—Senator HATCH, Senator GRASSLEY, and a number of others. That idea became RomneyCare.

In 2006, Governor Romney sought to cover everybody in the State of Massachusetts before running for President. It was a pretty good idea. It was such a good idea that when we worked on the Affordable Care Act, that idea was one of the major principles, one of the major pillars of the Affordable Care Act.

Now—I said this yesterday—Barack Obama gets credit for coming up with that approach to provide healthcare. He is a smart guy, but that wasn't his deal. He didn't come up with that. I didn't come up with that. Governor Romney didn't come up with that. I don't think Senator John Chafee, beloved Senator from Rhode Island—neither he nor Senator HATCH nor Senator GRASSLEY came up with that. I think it was an idea from the Heritage Foundation. It is probably heresy, as a Democrat, to say this, but it was a good idea. It was a good idea in 1993. It was a good idea in 2006 in Massachusetts, and it was a good idea when we folded it into the Affordable Care Act as one of the major pillars.

I want to go back and revisit 2009 just for a little bit. There are those who believe that there was no bipartisan involvement and the ACA was just hustled through without a lot of thought or debate. As it turns out, I think we spent 80 days all total in the U.S. Senate in that Congress in 2009, debating the bill in committees—the two committees of jurisdiction. I served then and I serve now on the Finance Committee. We spent a heck of a lot of time in debates and markups where people had a chance to offer amendments, debate them. The Health, Education, Labor, and Pensions Committee spent a lot of time that year, 2009, similarly in bipartisan hearings, with bipartisan amendments, debate.

All totaled, I believe, over 300 amendments were offered in Senate committees of jurisdiction, and I am told that 160 amendments offered by Republican Senators were adopted and made part of the legislation.

I know our Republican colleagues believe that they were shut out of the process, but I think a closer review of that process in history would suggest that just wasn't so. Was it a perfect process? No. Could it have been better? Sure. You can always do things better. But it was a process that we went through in order to address this concern.

In 2008, during that year's election, one of the things I learned was that we were spending in this country, as a percentage of GDP for healthcare, 18 percent of GDP. I have a friend who, when I ask him how he is doing, says: Compared to what?

I would just say: Well, what were the Japanese spending in 2008 as a percentage of GDP for healthcare? It was 8 percent. Think about that. Well, maybe we got better results; maybe people live longer in this country or we have lower rates of infant mortality than the Japanese. No, it is not true. They got better results. They spent half as much, and they got better results.

Well, maybe a lot of people in that country didn't have coverage and we covered everyone. Actually, just the opposite is true. They covered everyone. We had 40 million people who went to bed in 2008 without any healthcare coverage, and for a lot of them, access to healthcare coverage was the emergency room of a hospital.

As you all know, as we know, when people get sick enough, they will get care in this country. It may not be cost-effective care. It may be expensive care because it is not just an emergency room visit. In many instances, it is the admission to the hospital and a stay that could last for days or even weeks. We do have some idea how much it costs to stay in the hospital. It is hugely expensive. Eventually, people would get healthcare coverage or healthcare attention, but a lot of times it costs an arm and a leg, literally and figuratively. So the question was, could we do better than that?

What we came up with is a multifaceted approach, which includes that Heritage Foundation idea of the exchanges where people didn't have access to coverage. And the focus would be not just on spending money on people when they were sick, but to save us—not to have so much a sick care system, but to have a healthcare delivery system that focuses more on helping people to stay healthy and well, with a much bigger focus on prevention and wellness and frankly a focus on, for example, making sure people, when they reach the age of 50, get a colonoscopy and they don't have to pay a whole lot of money to get it because it would be part of their health insurance coverage.

I have a friend whose mom died several years ago. My friend and I work out at the YMCA in Wilmington from time to time. She just turned 50, and I said: Well, how old are your parents? My friend is really fit, and I said: How old are your parents now?

She said: They are both deceased.

I said: Really? What happened?

She said: My mom died of colon cancer a number of years ago.

I said: Didn't she get the colon screening—the colorectal screening and all?

She said: No, no, no. She didn't like that, didn't want to do that. It costs a lot of money, and so she just didn't do it.

We have other people who, over the years, have not had prostate screenings for prostate cancer, and we have had people who didn't have breast cancer screenings because, in some cases, it is unpleasant and, in some cases, just because it can cost a lot of money, and a lot of that was out of pocket, so people would forego that. We have changed that. We want people to get the screenings and to be able to get those screenings and find out and make sure that they are not going to get sick and cost a lot of money.

My friend's mother was sick for many months. I can't imagine how much it cost—and all that for maybe a $1,000 colorectal screening that was not taken.

We don't do that stuff in this country much anymore. We actually offer the screenings. They are free. With our focus on wellness and prevention and things like annual physicals, we want to catch problems when they are small.

One of the reasons healthcare coverage in Japan—as a Naval flight officer, I flew a lot of missions in and out of Japan during the Vietnam war, and one of the things I learned about Japan is that, one, the people are very slender. In this country, about one-third of our people now are obese or on their way to being obese. Obesity is a great precursor, which says that this person is going to have healthcare problems and costly healthcare problems. There are a lot of people in this country who still smoke—not as many as before—but that is another predictor of people on whom we are going to have to spend a whole lot of money.

The other thing that caught my eye in Japan was the access to primary healthcare close to where people live. In almost every neighborhood of any consequence, people had access to a clinic where they could go for a checkup, for a physical to catch problems when they are small and to address them when they are small. As we looked around the world at things that were working, that would seem to be something that worked, we tried to make sure that was part of our approach in the Affordable Care Act.

Another thing we found that worked is, in some countries and literally here in this country—the Mayo Clinic, the Cleveland Clinic, and places like that—one of the secrets of their success, better results for less money, is the idea of coordinating the delivery of healthcare—coordinating the delivery of healthcare.

My mom, now deceased, lived until she was 82. She had dementia. She had arthritis. She had congestive heart failure. She had any number of ailments. My dad had passed away several years earlier. She lived near Clearwater, FL. We had people—my sister had people living with her to take care of her until later in her life. At one time, my mom was seeing five or six doctors. They were prescribing a total of 15 medicines for her. I remember we had in her home something that looked like a fishing tackle box—my dad's fishing tackle box. You may have seen one of these. If you open it up, it has all these medicines in it to take before breakfast, with breakfast, after breakfast, before lunch, all the way to bedtime, and they are all set up and arranged. Fifteen different medicines she was taking from five or six doctors who never talked to each other. Nobody had any idea what was being prescribed for my mom. Nobody was coordinating that care. That is foolish. I know a lot of those medicines probably interacted badly with each other and hastened my mom's decline and death.

The focus we had on the Affordable Care Act, with coordinated delivery of healthcare among different doctors and different specialties and with hospitals, nursing homes, federally qualified community health centers, and the VA, we do a much better job at coordinating delivery of healthcare.

In Delaware, we just don't have electronic health records for healthcare—we have those all over the country now. One thing that came out of the Affordable Care Act was we put the pedal to the metal and said we want a whole lot more electronic health records being used that talk to each other for coordinated delivery of healthcare—better care. Delaware took it a step further. In Delaware, we have something called the Delaware Information Network, which I signed into law, authorizing it in my last term as Governor. I had no idea really what the potential was of what we were doing, but with some help from the Federal Government, we have now just a terrific utility, a terrific mechanism to help us take this idea of coordinating delivery of healthcare and put it on steroids and further improve the quality of healthcare.

I have been approaching this day with real concern. I am an optimistic guy. I am a glass half-full guy, but I have been troubled a lot more than not. I went home last night and my wife met me at the door and she said: You don't seem yourself. I said: I am troubled, and she said she was too. She had been watching too much TV. There are a lot of concerning things going on in this city, at the White House, and even in this building.

We are at our best when we work together. We Democrats didn't create Social Security by ourselves. The GI bill—I was a beneficiary of the GI bill at the end of the Vietnam war, and so was my father at the end of World War II. There have been good ideas like Medicare. Democrats didn't create them by themselves, Republicans didn't create them by themselves. We worked together to create those landmark pieces of legislation and programs that all of us would agree are good for this Nation and good for our people.

When you are dealing with a subject that involves maybe everybody in the country and perhaps one-sixth of our population, this is one we ought to do together. We ought to do this together.

JOHN MCCAIN and I served during the Vietnam war. We came to the House of Representatives together, and we worked on normalizing relations with Vietnam. He was a Senator with John Kerry, and I was a House Member with a bunch of my colleagues over there.

JOHN MCCAIN stood right over here a couple days ago. We were all happy to see him back. We welcomed him back because we need him and his leadership. He said a number of times during his remarks that what we need is regular order.

I guess people who might have been watching on C–SPAN are wondering what is regular order.

We have a new crop of pages here. Let me just say to our pages who are rising juniors and coming from States all over America and actually do a great job of helping make sure this place doesn't get too messed up in more ways than one, regular order is when people have a good idea, whether it is in healthcare, defense, or agriculture, and actually take their good idea and introduce legislation. I try to introduce legislation most times with bipartisan support. I have learned you get better results in the end if you do that.

The idea of regular order is introducing legislation that reflects and addresses a need or an issue. That bill is introduced here in this Chamber. It is assigned by the Parliamentarian to the committee of jurisdiction. The sponsor or sponsors of the bill go see the chair of the committee where the bill is assigned and ask for a hearing. If they convince the chair of the committee it is a good bill, with a good idea, then there is a good chance they will have a hearing. At that hearing will be witnesses—expert witnesses, stakeholders. Those witnesses will say: I like this about that bill or I see a problem with that bill, and there are changes that should be made to the bill. In some cases, we invite the Congressional Budget Office, sometimes Senators or House Members to come in and testify as well.

On an issue that is this important, we need regular order because whatever the Republican ideas are—and hopefully we will find out what their ideas are today—we need to check the tires, take the time to find out what is good about it and what is not and fix it in committee, where Democrats and Republicans can offer amendments, debate them. That would be done in the Finance Committee and also in the Health, Education, Labor, and Pensions Committee.

That is what we ought to do. If we take that approach, we will end up with a better final result; rather than being a country that looks at other countries around the world, asking: Why does Japan get better results than

we do, spending half as much money and they can cover everybody—why is that?

I am proud of much of what we do in this country with respect to healthcare; in many ways, we are on the right track, but as I said, in everything I do, I know I can do better. We can sure do a better job on healthcare.

Last thought. I see we have been joined by the Democratic leader, and I will say a few words before yielding the floor. I was fortunate enough to visit Tanzania with my wife. We met our sons over there two summers ago. After going to a seminar, we went out across the country, had a chance to just see an amazing—for those who have never been there, and I never spent much time in Africa, it was an incredible experience, all the life and animals and nature and it was beautiful and incredibly exciting. One of the many things I learned there was this proverb, and it goes something like this:

African proverb: If you want to go fast, go alone. If you want to go far, go together.

If you want to go fast, go alone. If you want to go far, go together.

We need to hit the pause button. We need to fix the exchanges in every State to stabilize the exchanges. There are three easy ways to do it: make clear that the individual mandate is going to be maintained or replaced by something that is at least as effective; a doctor reinsurance program that will help stabilize the program, much as reinsurance was used as a mechanism to stabilize and make successful the Medicare Part D Program; and, finally, we should make clear that the cost-sharing arrangements we have, the subsidies that help reduce the costs, the copays and deductibles for people getting their coverage in the exchanges, just make it clear they are not going to go away. The insurance companies tell us, if we would do those three things—secure the individual mandate or something as good as the individual mandate, reinsurance, and address the cost-sharing arrangements, that they are not going away—if we do those three things, they tell us the cost of premiums across the country would drop by as much as 25 percent to 35 percent.

Think about that. What you would have is the insurance companies not fearing they are going to lose their shirts because of not having a pool of people they can insure. They are fearful of having a pool of people to insure in the exchanges that are sick, crippled, and there are not a lot of young, healthy people who create a mix that can actually, effectively and predictably, be insured by insurance companies. The great thing about reducing premiums by 25 to 35 percent in the exchanges is this. People who get the coverage in the exchanges benefit. They save money.

Do you know who else saves money? Uncle Sam, because we are paying a significant amount of support to help make sure the exchanges envisioned all those years ago by the Heritage Foundation—to make sure they work.

That sounds like a pretty good step: hit the pause button; stabilize the exchanges; make sure we have coverage for people in every State through the exchanges in every county and bring down the premiums by 25 percent to 35 percent; provide certainty and predictability for the insurance companies. With that predictability and certainty, we have more competition. The insurance companies get into the game, and they say we are going to offer policies as well.

After we have done that, let's pivot and address, as Democrats and Republicans working together, fixing those parts of the Affordable Care Act that need to be fixed and preserve the parts that need to be preserved. Let's do that together.

With that, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

THANKING THE SENIOR SENATOR FROM DELAWARE

Mr. SCHUMER. First, let me thank my colleague, the senior Senator from Delaware, not only for his remarks but for his constant, conscientious concern about this country in just about every area. Whenever he speaks, he has a great deal of thought behind it because he is always thinking. My guess is, he is thinking while he sleeps at night. He has so many thoughts. It also comes from a good soul and a good heart because he really cares about making this country better and is working together in a bipartisan way to do that whenever he can. I thank my colleague.

Mr. President, it is likely, at some point today, we will finally see the majority leader's final healthcare bill, the bill he intends to either pass or fail. Thus far, we have been going through a pretense, defeating Republican bills that never had enough support even within their own caucus to pass. Repeal and replace has failed. Repeal without replace has failed. Now we are waiting to see what the majority leader intends for the Republican plan on healthcare. If the reports in the media are true, the majority leader will offer a skinny repeal as his final proposal.

As I mentioned last night, Democrats will offer no further motions or amendments until we see this skinny bill, but make no mistake, once we do see the bill, we will begin preparing amendments. In the event the bill fails, we can move directly to the NDAA, and out of deference to my dear friend Senator MCCAIN, we will work to move that piece of legislation quickly.

If the skinny bill passes, remember, Democrats have an unlimited right, after it passes, to offer an unlimited amount of amendments. Now, many of my colleagues have many amendments on healthcare. They have just been waiting to see the final bill Leader MCCONNELL will bring to the floor.

I want to put my colleagues on both sides of the aisle on notice, my Democratic and Republican colleagues, that they should prepare for numerous Democratic amendments if the skinny bill passes. With the skinny bill passing—I hope it doesn't, but if it does—it will not be the last vote. There will be many more after that to change it and to modify it. I want everyone to understand that.

I also want everyone in this body to understand the consequences of the skinny repeal. We Democrats asked the nonpartisan Congressional Budget Office to score the skinny repeal based on the four or five provisions of the bill that seem to be what the majority leader is considering: get rid of the individual mandate, get rid of the business mandate, get rid of the Cadillac tax, get rid of the tax on medical devices, and get rid of some of—I believe they considered getting rid of some of the essential healthcare provisions as well. Even if the bill is slightly different from the one we asked to be scored, the score will be pretty much the same.

To my colleagues on the other side of the aisle who are thinking of voting for this skinny bill, listen to what the CBO said, which is nonpartisan and headed by a Republican whom Senator MCCONNELL and Speaker RYAN agreed to appoint. The Congressional Budget Office said that a skinny repeal would cause 16 million Americans to lose insurance, and millions of Americans would pay 20 percent more for their premiums starting next year. Premiums would go up 20 percent—not 3 years from now but in January—according to the CBO.

Let me repeat that.

A skinny repeal means 16 million fewer Americans with insurance and premiums up 20 percent next year and will stay there. It is not that they go down later, as in one of these CBO estimates of one of the other Republican bills. They stay there, getting higher every year, with people paying more and more. The premiums will go up immediately, as early as January 1, as I mentioned—not 3 years forward but on January 1. One of the promises our Republican friends have made over and over is to bring down premiums, but a skinny repeal would break that promise, and the American people would see it in just 5 months.

Yesterday, a bipartisan group of Governors sent a letter that urges us away from a skinny repeal—these are the Governors, bipartisan—warning that it would ''accelerate health plans leaving the individual market, increase premiums, and result in fewer Americans having access to coverage.'' Republican Governors Sandoval and Kasich and a few other Republican Governors were on that letter.

Now, the argument from the Republican leadership is for Republicans to vote for this bill because they made a campaign promise to repeal and replace the Affordable Care Act. Yet I ask my Republican friends: Did you

promise the American people that you would raise premiums on everyone? I didn't hear that in the promises. That is what a skinny repeal does. Did you promise the American people that you would take healthcare away from tens of millions? I didn't hear that. That is what the skinny bill does.

No, the Republicans not only promised to repeal the Affordable Care Act, but they promised to replace it with something better. I do not know why, but, somehow, the first promise is more important than the second. The skinny plan manages to anger everyone—conservatives, who know it is a surrender and know it does not come close to the full repeal they promised, and moderates, who know that it will be terrible for their constituents.

Is this the one plan that finally unites the Republican Senate—a plan that angers everyone—conservatives, moderates, and, perhaps, most of all, the American people? I cannot believe that, and I hope it would not.

If the Republicans pass such a devastating plan, either one of two things could happen. The House could simply take up the skinny bill repeal, making all of those terrible possibilities a reality—premiums would go up in January, and insurance markets would collapse. In fact, if the House passed this skinny bill, our entire healthcare system could well implode. Everyone who voted for it, regardless of motivation, will regret it.

Or they could take it to conference, which is a pathway to full repeal. In conference, the Freedom Caucus will demand a full repeal—or something close to it—with all of the associated cuts to Medicaid and tax breaks for the wealthy, which so many here in the Senate have labored months to undo.

So this thing is turning into a game of hot potato. The House passed a bill that they do not like. They had to hurry it up. They had to do it twice and pass the hot potato to the Senate. Senator MCCONNELL is juggling that hot potato. He cannot get the repeal, and he cannot get repeal and replace. So he comes up with this plan that no one likes, but they say: OK, we can send the hot potato back to the House.

How many more months is this going to go on, when we could be sitting down, in a bipartisan way, as my good friend from Arizona has recommended, and work together in the committee process?

In the gym this morning, I saw LAMAR ALEXANDER, the head of the HELP Committee. We see each other just about every morning in the gym. I was wearing, I think, my Syracuse T-shirt, and he was wearing his Tennessee Volunteers T-shirt.

I said to LAMAR: If this skinny bill goes down, as it should—and I spoke to PATTY MURRAY, our ranking member—we will sit down and work in a bipartisan way to improve ObamaCare. We know that ObamaCare needs some work. We do not deny that. Let's do it in a bipartisan way instead of passing this hot potato back and forth, back and forth, back and forth, and not getting anything done.

While our leaders are passing this hot potato, insurers will be setting their rates for 2018. That means that insurers will lock in rates for the next year with this massive uncertainty hanging over their heads, leading to huge rate increases or decisions to pull out of markets. A skinny repeal as a way to get to conference is a recipe for disaster. Beyond that, it is a shameful way of legislating.

My Republican friends should listen to the wonderful speech that the man whom we admire gave—JOHN MCCAIN—when he came back. We should be working in a bipartisan way. My Republican friends, you should not be passing a bill that you do not support or believe in, that you pray will not become law. If you believe that this bill should become law, vote yes, but if you do not believe that the bill should become law, you vote no—plain and simple. Then we can resume in the Finance Committee and in the HELP Committee a bipartisan process of making the present healthcare system better, which needs to be done.

You do not vote to advance terrible legislation and hope that it will magically get better in conference. Let's not forget that, months ago, many House Republicans justified their voting for their nightmare bill because they thought that it would get better in the Senate. It has not gotten any better. In fact, it has only gotten worse, and a conference will be no different. Voting yes on a bill that you do not support just to get it to conference is an unserious way of legislating, particularly on this issue, but that is, so far, what the Republican leader is doing.

There may be no better example than the amendment offered by Senator DAINES, which favors Medicare for all. I cannot believe that this is happening, because all of the Republicans are going to vote against it. It is just pure cynicism, pure politics, and is not a serious effort to legislate and make things better when people need help. Senator DAINES does not support the bill. He just wants to get Democrats on the record. The majority leader has made pending an amendment that both he and the author of the amendment will oppose, and that is the very definition of a political game.

We Democrats are not going to go along, because this is not a game. This is not a joke. It is not hot potato. We are talking about people's lives. We do not have time for phony amendments or phony bills. You do not play games with the healthcare of the American people.

As I said, anyone who listened to the eloquent words of my dear friend from Arizona should blush at this process. His was a clarion call that both sides of the aisle can do better. He criticized his side for being partisan, and he criticized our side for being partisan. He is right on both counts. We all can do better. Let's start. The Daines amendment does not do that. That is for sure. The only answer is to start over together, to work together through regular order, and to get some legislation that we can all live with.

RUSSIA SANCTIONS

Mr. President, I have one other point, on Russia sanctions. It is apropos. I didn't know, when we read all of this stuff, that my good friend from Arizona would be here. Even as we debate other items on the floor, we should not delay this legislation on the Russia sanctions any longer.

Last night, the chairman of the Foreign Relations Committee here in the Senate said that he was ready to move the package quickly. That is what Senator CORKER said, and I am glad he did. I will work with the majority leader to send this legislation to the President's desk before the recess. We have already cleared this legislation on the Democratic side. We are prepared to move it by unanimous consent at any time.

I hope the White House signs this. This morning, the White House Communications Director said that President Trump may veto the legislation so that he could make a tougher deal with Russia than could Congress. The idea that the President would veto this legislation in order to toughen it up is laughable. I am a New Yorker, too, and I know bull when I hear it. If the President vetoes this bill, the American people will know that he is being soft on Putin, that he is giving a free pass to a foreign adversary who violated the sanctity of our democracy by meddling in our election and who seeks to undermine democracy and American life in any way he can. I hope and expect, if the President decides to use the first veto of his Presidency on this bill, that Congress will swiftly override it.

I see my friend here, the majority leader. I appreciate his work on making this Russia sanctions bill happen and being available. I hope that we will get the House bill to the President's desk, and I hope the President signs it.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SULLIVAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection to vitiating the quorum call?

Without objection, it is so ordered.

NDAA

Mr. SCHUMER. Mr. President, I will just clarify, the Republican leader and the chair of the Armed Services Committee want to discuss NDAA. They will not make any motion to move to it. I have no problem with them discussing it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, while the Democratic leader is still on the floor, I just wanted to mention that I

understand his concern about the healthcare issue and the amendments and the process for moving forward and the necessity for doing so. I made my views very clear; I won't repeat that eloquent speech I made. I would just like to say to my friend from New York that we do have a bill that passed through the committee 27 to 0—not a single person against it—after many days of debate, amendments, discussion, including a couple hundred amendments that were disposed of in the tradition of the Armed Services Committee. I believe it is in everybody's interest to go ahead and take up the Defense bill so that we can go to conference and resolve other issues, such as sequestration, et cetera.

I understand the frustration my friend from New York feels, but where I have a disagreement with my friend from New York is saying that these two issues are inseparable. I believe that our obligation to the men and women in the military is transcendent.

I understand the frustration of the Senator from New York. I was here when, with 60 votes, the bill was rammed through over Republican objections without a single amendment. I understand his frustration.

What the majority leader and I are asking for is just that tomorrow we take up the NDAA bill. We can get it done in a few hours. We can send it to conference, take care of the equipment, training, all of the things the men and women who are serving in the military need.

By the way, I understand the emotion on the other side. I felt the same emotion on this side some years ago, and I haven't forgotten it yet. So I would hope—and I know the Senator from New York has to discuss with his conference this issue of the Defense authorization bill. I would remind him and all of my colleagues that for 53 years now, we have passed and had the President of the United States sign the Defense authorization bill. That is a precedent that I really hope we do not break, because of our obligation to the men and women who are serving in the military. I know the Senator from New York feels exactly the same way.

I am not impugning the integrity of the Senator from New York. I just ask that we consider it. I know the Senator from New York has to go back to his conference. I hope they all will consider it.

Let me just finally say, I note, for example, the Senator from Virginia here on the floor, who has been a vital part of the—no, not the other one; not him. Both have been vital members of the Armed Services Committee. Yes, we have our disputes. Yes, we have our arguments. Yes, we are spirited. But we come out unanimously in favor of taking care of the men and women in the military.

I hope the Senator from New York will consider this.

Mr. SCHUMER. Will my colleague from Arizona yield so that I can answer him before the majority leader speaks?

Mr. MCCAIN. Yes.

Mr. SCHUMER. First, I wish to express our respect for the Senator from Arizona. My dear friendship—really love for the man is unbounded.

I am repeating in my head, as many of us have, the speech our friend from Arizona gave when he came back, and we were all so joyous that he did. He talked about going to regular order. He talked about working in a bipartisan way. He talked about doing this healthcare bill the right way—with hearings, with debate, with amendment. Even I accepted his chastisement that we passed a partisan bill. He knows the record shows I didn't want to do that. But we did have debate and amendments. We had a process where six people—three from each party—spent 6 months trying to come to an agreement. They did not.

But I must say the reason that we must ask unanimous consent to go to the bill is because we are in reconciliation—the very process that has prevented us from debating, from having hearings, from having some kind of bipartisan input. I would say to my colleague, if you want to get rid of this reconciliation, fine. Let's recommit the bill to committee and start on a fair process, and we can go to NDAA immediately—in an hour—if we were to do that.

The reason we can't do that is our dear friend the majority leader is insisting on the reconciliation process. And you can't say—we can't, because we feel defense is important and we feel the healthcare of tens of millions of Americans is equally important. And we can't say you can turn on and turn off the reconciliation process when you want to and when you don't. What is good for the goose is good for the gander.

If reconciliation is poor and prevents NDAA from coming up immediately, it is equally poor—maybe more so—when it comes to healthcare.

So my plea and suggestion: Let's not go forward with this bill. We don't even know what it is yet. Let's go back to committee.

I spoke to Senator ALEXANDER, I spoke to Senator MURRAY this morning. If this bill fails, they will go back and try to negotiate bipartisan improvements—just as my good friend from Arizona recommended when he came back and gave his moving speech.

But my caucus—I have spoken to a few—feel very strongly that this process on healthcare has been awful, and it is because of reconciliation, and now reconciliation has put NDAA in a bind as well. Let's get rid of reconciliation, and we can do what the Senator from Arizona wants and what I think the American people want—a fair process.

I yield the floor.

Mr. MCCAIN. Mr. President, reclaiming my time.

Mr. SCHUMER. Mr. President, I ask unanimous consent that my remarks count against leader time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I don't want to continue; our leader has important words to say. All I can say to the Senator from New York is, this is not the same. Defending the Nation is our first priority. That is what our Declaration of Independence says. That is the basis for all of our roles here. There are men and women who are in harm's way today, whose lives are in danger, who need this legislation in order to be better equipped and better able to defend themselves and this Nation.

I am asking for a few hours because, as my two colleagues over there will state, we passed this bill 27 to 0 through the Armed Services Committee. We fight. We argue. We insult. But the fact is, we come out with a product that we are proud of, and then all of us have support.

So all I am asking of the Senator from New York is if we could go off of this for a few hours, because we have basically an agreement on amendments, and get this thing to the President's desk so that he can protect and defend this Nation. That is all I am asking.

Mr. SCHUMER. Mr. President, I would simply say once more to my colleague briefly—

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. We can do both. We can do both. It is very simple. It is just what my dear friend from Arizona asked about 2 days ago: regular order on both. We can have both.

You can't ask—it is unfair, in my judgment—and I have great respect—to ask for one and then continue to tie our hands on reconciliation on healthcare.

I yield the floor.

Mr. MCCAIN. Mr. President, very quickly, that is equating these two issues at the same level of concern. I would argue that defending this Nation and the men and women who are serving it is our first priority. I don't wish to debate the Senator from New York.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, this is becoming overly complicated. The chairman of the Armed Services Committee and I are talking about what comes next after we finish the healthcare debate. As we discussed in my office a few moments ago, the chairman would like to turn to NDAA next. Healthcare, whether our friends on the other side like it or not, will come to a conclusion here at some point. The issue is what comes next.

As the chairman of the Armed Services Committee has pointed out, this is a totally separate issue and, as he pointed out, a bill that came out of his committee 27 to 0. As we all know, he is available to manage that bill this week.

What I am saying to our colleagues on both sides of the aisle is when we

finish healthcare either the way I would like to finish it or the way our Democratic friends would like to finish it, we are going to try to turn to NDAA and accommodate the chairman's schedule and give him an opportunity to finish that bill while he is here. That is the issue.

So I hope we will be able to work our way toward that when we finish healthcare. I will ask unanimous consent—not now, but I will be asking for unanimous consent to turn to the National Defense Authorization Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, last Wednesday at the White House, President Trump invited Republican Senators there, and he recommended to us that we repeal and replace ObamaCare at the same time, simultaneously. He said that before in his interview on ''60 Minutes'' in January—we should repeal and replace ObamaCare simultaneously, which means, to me, at the same time.

That is one reason I voted yes on Tuesday for us to proceed to the House of Representatives' bill, because it would replace and repeal ObamaCare at the same time. That is one reason I voted on Tuesday for the Senate healthcare bill, which would have replaced and repealed ObamaCare at the same time. I agree with the President—we should replace and repeal ObamaCare at the same time. The House voted to do that, the President recommended we do it, and I agree we should repeal and replace at the same time.

Why would I say it needs to be done at the same time? There was a time in the past where we might have just repealed it and said: In 2 years, we may come up with an answer. But we can't do that now. Conditions have changed in Tennessee. Our State insurance commissioner, Julie McPeak, says our individual insurance market is ''very near collapse.'' That means that up to 350,000 individuals in our State—songwriters, workers, farmers—who buy their insurance on the individual market are sitting there worrying in July and in August whether they will have any option to buy insurance in 2018.

So I don't think we can wait 2 years to repeal and replace ObamaCare, which is why I voted twice on Tuesday to do it now and why I voted against an amendment yesterday that said: Repeal it now and replace it in 2 years, if you can. I don't think Tennesseans would be very comfortable canceling insurance for 22 million Americans now and saying: Trust Congress to find a replacement in 2 years. Pilots like to know where they are going to land when they take off, and so should we.

We are proceeding ahead with our debate on the healthcare bill. It may be a little convoluted for people watching from the outside, but it is fairly straightforward. The House of Representatives has gone through a series of processes in committees and votes, and it passed a bill to repeal and replace ObamaCare now, to do both now. The Senate has been working for 6 months not just to repeal ObamaCare but to repeal and replace it now.

There is some urgency about this. We have millions of Americans who are worrying they may not be able to buy insurance in 2018. That is a very personal worry for millions of Americans. They want us to address it now, not 2 years from now.

How do we do that? Well, later today we will have an opportunity to vote for a bill which will take us to the place called a conference committee with the House of Representatives, where we can get a solution to our goal of repealing and replacing ObamaCare now. It is being called a skinny bill because it won't have much in it. It is not a solution to the Affordable Care Act problems, but it is a solution to how we get to a place where we can write the solution to the Affordable Care Act problems. And it is wide open. For those who want to watch late into the night or early into the morning, we are here. We will be offering amendments. People can see that. When we move to the conference committee with the House of Representatives, historically those deliberations have been open. People can watch that. They can see that. That will take place over the next several weeks.

After the conference committee agrees—if it does—on a bill to repeal and replace major parts of the Affordable Care Act now, not in 2 years, then it goes back to the House and back to the Senate for debate and approval on an up-or-down vote.

That is the process. I want to make it clear to the American people that insofar as I am concerned, I am not interested in telling you we are going to repeal something now, and trust us—trust the Congress—to come up with some answer in 2 years. I don't want to say that to the American people.

What I do want to say is, we have major problems with the Affordable Care Act. We can't repeal all of it in the budget process, but the House of Representatives showed we can make major changes and major improvements, and the Senate bill, which I voted for on Tuesday, to repeal and replace ObamaCare, shows that we can make major changes and major improvements.

I am convinced that if we can move this process to a conference committee today, between the House of Representatives and the United States Senate—which is part of our regular procedure—we will be able to agree on a way to improve the Affordable Care Act. What that means is that we will repeal major parts of it, and we will replace those parts with parts that work better, parts that give Americans more choices of insurance, that give 350,000 Tennesseans in the individual market some peace of mind to know they will actually be able to buy insurance next year, whereas if we don't act, many of them won't be able to, just like millions of Americans may not be able to.

If we do not act, there will be counties in the United States where some of the most vulnerable Americans will have zero insurance options in 2018, no support to buy insurance, and if they don't get a subsidy from the Federal Government, a hard-working American who might be earning $50,000 or $60,000 a year—no Federal subsidy—that person will have insurance so expensive, with such high deductibles, they won't be able to buy insurance either.

So I think we are on a path toward a solution, and the solution means, No. 1, that we move the debate out of the Senate this afternoon on to the conference committee and that our goal when we get there is to repeal major parts of ObamaCare, the Affordable Care Act, and replace those parts with provisions that transfer responsibilities to the States to make decisions that give consumers more choices of health insurance at lower costs. That is a noble goal, one we are pursuing, and one in which I hope we succeed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Mr. President, life is at its core a series of votes. We forget the mundane choices: what we wore to work or what we had for lunch last week. We remember the momentous choices, however: taking a new job or starting a family.

My colleagues in this Chamber on both sides of the aisle are here because they chose to answer the call of public service, and folks in our States chose us to represent them. Week in and week out, we choose how we will vote in committees, on the floor, on nominees, as well as on legislation. We choose to cooperate when we find consensus, and we choose to resist when we don't. We cast hundreds of votes every Congress, year in and year out. Some are memorable, and some are not.

One of the most memorable choices of my career in public service was voting for the Affordable Care Act—a bill that, while imperfect, I knew would literally save thousands of lives and help millions of Americans afford the health insurance they need. In the months and years since, I have heard countless stories from Michiganders whose lives were changed for the better as a result of this law.

A few weeks ago, I shared the story of a fellow Michigander named Stefanie. Stefanie is from Livonia and worked her entire adult life in the retail and restaurant industry. Stefanie had never been offered health coverage by her previous employers but was able to purchase a plan because of the Affordable Care Act.

In December 2015, Stefanie's third-floor apartment caught fire, and an unthinkable choice was forced on her: Stay and die in the fire, or leap from a third-floor window in order to save her

life. Stefanie chose to jump. She sustained serious injuries, including a broken back and a shattered foot. Her total treatment costs came close to $700,000—an amount which would surely bankrupt nearly all Americans if they did not have health insurance. Because of the Affordable Care Act, Stefanie was able to receive treatment for her injuries and have a second shot at life.

Last week, Stefanie traveled to Washington, DC, and I had the honor of meeting with her in my office. Her family, friends, and others in the community had actually pulled together funds to send her here to Washington, DC, so she could share her story with me and with others in Congress firsthand. I can't imagine how painful it is for Stefanie to relive this trauma, but she chooses to share because she wants others to have access to the same care she had.

Any mother, father, sister, son, or daughter could someday face an unexpected emergency, just like Stefanie. Nobody chooses to get sick, and nobody should be denied health insurance when they need it.

Having health coverage afforded Stefanie a new lease on life. Instead of filing for bankruptcy due to her medical bills, Stefanie now plans to go back to school and become a paralegal. Stefanie and others just like her—like you and me—deserve to know that when we get sick or when we get hurt, we still have a shot at life.

My colleagues on the other side of the aisle face a very difficult choice of their own. They can choose to do what is politically expedient by passing legislation tonight to repeal parts of the Affordable Care Act. This would cause millions more Americans to go without insurance, create chaos in our insurance markets, and risk skyrocketing premiums. But my Republican colleagues can still do the right thing: Vote no on whatever flawed bill they finally put forward tonight, start over, work across the aisle in a bipartisan manner, keep what works, and let's fix what doesn't work.

I urge my Republican colleagues to think about people like Stefanie who will be hurt by repealing the Affordable Care Act. I urge them to choose to work with us on a bipartisan healthcare plan that helps people by lowering premiums while expanding access to care. I urge my colleagues to stop this partisan process that is sure to hurt people and choose a path that improves healthcare for all Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. PETERS. Mr. President, I suggest the absence of a quorum.

Mr. President, I wish to withhold my suggestion of an absence of a quorum.

The PRESIDING OFFICER. If no one yields time, time will be charged equally to both sides.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, let me begin by taking a moment to kind of summarize for the American people where we are in this enormous discussion which is causing a great deal of anxiety all over Vermont and all over America.

Several months ago, the Republican-led House passed by, I believe, three votes legislation that would throw 23 million Americans off of the health insurance they currently have—23 million Americans, men, women, and children, people who are struggling with cancer, heart disease, diabetes, and with other life-threatening illnesses. They would simply be thrown off of the health insurance they have.

That legislation also cut Medicaid by $800 billion over a 10-year period. That means children with disabilities in Alaska or Vermont who are now on Medicaid might no longer be able to get the help they need in order to survive or to live a dignified life. At a time when Medicaid provides two-thirds of the funding for nursing homes all over this country, it means that if the Republican legislation were to succeed, we don't know, but thousands and thousands of people all over this country with Alzheimer's, with terrible illnesses, who are now in nursing homes would be thrown out of their nursing homes.

Where would they go? Nobody really knows. When you cut Medicaid by $800 billion and Medicaid funds two-thirds of nursing home care, needless to say, people in nursing homes would be forced to leave, to go—nobody knows where.

Right now in my State of Vermont and across this country, we are dealing with a massive heroin and opioid crisis. Every day, people are dying from heroin, opioid overdoses. It turns out that Medicaid is the major source of funding in terms of treating heroin and opioid addiction.

If you make massive cuts to Medicaid, the impact in States like Vermont, West Virginia, Kentucky—States that are struggling with opioid and heroin addiction—would be horrendous. People would no longer be able to get the treatment they need.

I recall, during the campaign, Donald Trump said that he was a champion of working families; he was going to stand up for workers, take on the establishment. If the Republican House bill were to be passed, older workers—people who are 60, 62 years of age—would see, in many cases, at least a doubling of the premiums they pay. In many cases, they would go from $4,000 a year today to over $8,000 a year. That is not being a champion or a friend of the working class.

My Republican friends, and you hear them even today, talk about freedom, choice. They love choice. They love freedom. People in America should have the right to get healthcare anyplace they want. It should be a right to have any insurance policy they want.

Two and a half million women have made a choice. The choice they have made is they want to get quality healthcare through Planned Parenthood. If the Republican bill in the House were to pass, those 2.5 million women would be denied their choice.

You have a Republican bill in the House that throws 23 million people off of health insurance. How many of those people will die? My Republican friends get very nervous when I raise that issue because they say—and I understand it—nobody here wants to see anyone die unnecessarily. No Republican does, no Democrat, no American does.

According to study after study, including studies done at the Harvard School of Public Health, when you throw 23 million people off of health insurance—people with cancer, people with heart disease, people with diabetes, people with life-threatening illnesses—what do you think will happen? What these studies show is that thousands and thousands of Americans every year will die unnecessarily because they will not have the treatment they need to deal with their life-threatening illnesses. That is the reality. That is not BERNIE SANDERS talking. That is study after study. PolitiFact backed that up. They looked at all of the studies. They said: Yes, thousands of people will die. That is the result.

In the House bill, after you throw 23 million people off of health insurance, raise deductibles, defund Planned Parenthood, after you make older people pay more for healthcare, $800 billion in cuts to Medicaid, what else is in the bill?

Oh, there are some people who will do well in the bill—not the children, not the elderly, not the sick, not the poor. But there are some people—and we have to acknowledge that—who would do well under the Republican bill; that is, if you are in the top 1 percent. Congratulations. Republican legislation, after throwing disabled children off of healthcare, congratulations—you are going to get a massive tax break.

Who in America believes that it makes sense to throw disabled children off of health insurance and tell people with cancer that they can't continue to get the treatment they need in order to get $300 billion in tax breaks for the top 1 percent and hundreds of billions more in tax breaks for insurance companies and drug companies?

Do you know what? My Republican colleagues may think that is a good idea. That is not what the American people believe. The latest poll that I saw, the USA Today poll, had 12 percent of the American people thinking that was a good idea. I can only believe those 12 percent had not really looked at this issue. There is massive opposition from Republicans, Democrats, and Independents to this absurd Republican proposal.

It is not just the American people who think that it is absurd to give tax breaks to the rich and throw 23 million Americans off their health insurance. It is not just the American people. It is

those people who are most engaged in healthcare in America—the people who know the most.

It is important to understand that throughout this process, whether in the House or in the Senate, virtually every major healthcare organization in America—the people who treat us every single day are opposed to this Republican legislation.

One might think that maybe my Republican colleagues would say: Well, wait a second. What is going on when those in the American Medical Association—our doctors, the people who treat us—think this legislation is a mistake? Doctors say no. The American Hospital Association says no because they understand that when you make massive cuts to Medicaid, rural hospitals in Vermont and all over this country may go under. Then what happens to a rural community that no longer has its hospital?

The American Hospital Association is opposed to this legislation. The American Cancer Society is opposed to this legislation. They know what its impact will be for folks who are struggling with cancer. The American Heart Association, the American Academy of Family Physicians, the American Academy of Pediatrics, the American Psychiatric Association, the Federation of American Hospitals, the Catholic Health Association, the American Lung Association, the Cystic Fibrosis Foundation, the March of Dimes, the National MS Society, and the American Nurses Association—one might think, when virtually every major national healthcare organization in this country is opposed to legislation, that maybe, just maybe, my Republican colleagues might think twice about going forward.

In this process, they have not had the opportunity, amazingly enough, to hear from doctors, to hear from hospital administrations, to hear from patient advocates. As you well know, despite the fact that we are dealing with an issue that impacts every single American—which is what healthcare does—an issue that impacts one-sixth of the American economy, over $3 trillion a year, there has not been one hearing, one public hearing on this bill. This bill has been written behind closed doors. Senator MCCAIN the other day made that point.

How do you deal with one-sixth of the economy and their desire to transform the American healthcare system without listening to one doctor, without listening to one hospital administration, writing a bill with a few Republican Senators behind closed doors?

This is an unprecedented and disastrous process for healthcare. On those grounds alone, what every Member of this Senate should agree to—and Senator MCCAIN made this point; this process has been awful. Kill it now. Go back to what is called regular process, regular order. Go back to the committee and start this discussion. Please do not throw 22, 23 million people off of health insurance without hearing from doctors, patient advocates, hospital administrators.

No, that is not where the Republicans are today. They want to rush this through behind closed doors and get a quick vote on it.

Interestingly enough, as I understand it, Senator DAINES of Montana today is going to introduce legislation for a Medicare-for-all healthcare system. That is very interesting. I hope this is really a breakthrough on the part of my Republican colleagues. I very much hope they finally recognize that maybe the United States of America should join every other major country on Earth in guaranteeing healthcare to all people as a right and not a privilege.

I hope that when Senator DAINES comes down here, he will say: No, it does not make sense to throw 23 million more people off of healthcare, but, in fact, we have to move forward, do what Canada does, what Germany does, what the UK does, what France does, what every major country on Earth does, and guarantee healthcare to all people as a right. I hope very much that is what Senator DAINES will be saying.

Do you know what? I kind of think that is not what he will be saying. I kind of think that in the midst of this discussion in which millions of Americans are wondering whether they are going to continue to have healthcare, what is going to happen to their kids, what is going to happen to their parents, I suspect what Senator DAINES is doing is nothing more than an old political trick: trying to embarrass Democrats. Will they support the Medicare-for-all bill introduced by Congressman JOHN CONYERS?

At a time when we are engaged in a very serious debate about the future of healthcare, I think this is not a time for political games. If Senator DAINES is serious about a Medicare-for-all proposal, let's work together, but now is not the time for political games.

Senator DAINES, as I understand it, is going to offer an amendment, but we don't know what he is amending because we don't even know what is in the legislation the Republicans will bring forward.

How do you amend something when we don't even have a base bill to amend? This is, I suspect—I hope I am wrong. I hope Senator DAINES has seen the light, but I suspect not, and I suspect it is just a political game. I do hope, by the way, at some point within this debate, if we can—if not, certainly in the near future—to, in fact, be introducing a Medicare-for-all single-payer program. It will be somewhat different than my friend JOHN CONYERS' bill in the House, but what it will do is say that in America, if you are rich or if you are poor, if you are a man, woman, and child, yes, you are entitled to healthcare as a human right and not a privilege.

As you may or may not know, our current healthcare system is the most expensive, bureaucratic, and wasteful system in the entire world. While the healthcare industry makes hundreds of billions of dollars a year in profits—and in many ways what our healthcare system is about is not providing quality care to all of us but seeing how the insurance companies and the drug companies can rip us off. The truth is, even today, we have some 28 million people who have no health insurance so our goal should be to say to those 28 million: We are going to provide health insurance to you, to all Americans, and not throw 22, 23 million more people off of health insurance.

All of us recognize that the Affordable Care Act is far from perfect. What the American people want us to do—and poll after poll suggests this—is they want us to improve the Affordable Care Act, not destroy it. The American people are paying deductibles that in many instances are far too high, keeping people from going to the doctor when they need to. Today, copayments are much too high; premiums, much too high. I do find it interesting that when Donald Trump campaigned for President, he talked about the high cost of prescription drugs. He is right. In this country—and I am going to get into that in a moment—we pay, by far, the highest prices in the world for prescription drugs. That is what the American people want us to deal with in healthcare legislation, not throw 22 million people off of healthcare. They want us to lower the cost of prescription drugs. I have not heard one word from the Republicans about the need to lower the cost of prescription drugs.

The United States spends far more per capita on healthcare than any major country on Earth. We often have worse outcomes. If we go back to regular order, if we go back to committee process—which is what we should do—the very first question a Member of the Senate should ask is, How does it happen that here in America we spend far more per capita on healthcare than do the people of any other country? Here is the chart. The United States is spending $9,990 per person on healthcare, almost $10,000 per person on healthcare. What do they spend in Germany? Well, they spend $5,300, almost half of what we spend. What about Canada? I live 50 miles away from the Canadian border. It is a really nice country. They spend $4,533. How does it happen that we are spending more than double per person compared to the Canadians and almost double what the Germans do? The French spend less than half of what we do. Australians spend less than half of what we do. The Japanese spend less than half. The UK spends about 40 percent less.

Don't you think the very first question a Member of the Senate might ask is, Why do we spend so much compared to other countries? By the way, all of these other countries guarantee healthcare to all of their people. In many instances, the outcomes, the

health outcomes in those countries, are better than our country. They live longer. The life expectancy is longer. Their infant mortality rate is lower. In some particular diseases, they do better in treating their people. Here is a simple truth. The truth is, if we took a hard look at countries around the world—all of which have one form or another of national healthcare programs, all of which said healthcare is a right, whether you are rich or you are poor—maybe we might want to learn something, but, no, we have not had one hearing in order to discuss why we spend twice as much per capita on healthcare and why we pay the highest prices in the world for prescription drugs.

You know why we haven't had any hearings on that, fellow Americans? Because it might get the insurance companies a little bit nervous. Insurance companies pour hundreds of millions of dollars in campaign contributions into the political process. The pharmaceutical industry spends a huge amount of money on campaign contributions and lobbying efforts.

I say to my colleagues in the Senate, maybe, just maybe, we might want to stand up for working people and the middle class rather than for the owners of the insurance companies and the pharmaceutical industry.

It is interesting. One never knows what to expect from the President. Every given day there is another adventure out there, but a couple of months ago, the President met with, I believe, the Australian Prime Minister. That was in May. President Trump said during that meeting: Australia has a ''better healthcare'' system than the United States. That is what Donald Trump said. To my Republican friends here who support President Trump, listen to what he said. On this one instance—he is not right very often—but I will confess on this issue, he is right. In Australia, everyone is guaranteed healthcare as a right. Australia has a universal healthcare program called, ironically, Medicare, that provides all Australians with affordable, accessible, and high-quality healthcare. While the United States has the most expensive, bureaucratic, wasteful, and ineffective healthcare system in the world, Australia, it turns out, has one of the most efficient.

President Trump was right. In 2014, Australia's healthcare system ranked sixth out of 55 countries in efficiency. The United States ranked 44. Not only does Australia guarantee universal healthcare coverage, it spends less than half what we spend on healthcare per capita. In 2015, they spent $4,500 while we spent almost $10,000. While the Australian Government spent 9 percent of its GDP on healthcare, the United States spent nearly double that, 17 percent. Further, many healthcare services are far cheaper in Australia. An MRI costs about $350 in Australia versus $1,100 in the United States. One day in a hospital costs about $1,300 in Australia versus $4,300 in the United States. An appendectomy costs about $5,200 in Australia versus roughly $14,000 in the United States, et cetera.

Not only does Australia guarantee universal healthcare, spend less on healthcare per capita, and pay less than we do for many health services, they have better health outcomes. In 2014, the average life expectancy in Australia was 82.4 years compared to 78.8 years in the United States. They live longer in Australia. For context, according to a 2014 report from the World Health Organization, Australian men have the third longest life expectancy and Australian women have the seventh longest life expectancy in the world. The United States doesn't even crack the top 10 for life expectancy, despite spending so much more than any other country on healthcare.

What all of this comes down to is the fact that America is the wealthiest country in the history of the world. The question we have to ask ourselves—and I hope Senator DAINES will address that question as he introduces his Medicare-for-all bill—is how does it happen that in Canada, every man, woman, and child is guaranteed healthcare? The same is true in the UK, in Germany, France, Australia, Japan, and every other major country on Earth. How does it happen that every industrialized country understands that healthcare is a right of all people, because all of us get sick? All of us have accidents, not just the rich. How does every major country on Earth say healthcare is a right except the United States? How is it today we have 28 million without any health insurance—more who have high deductibles and high copayments, who are underinsured—and the response of our Republican friends is to say: Twenty-eight million uninsured? That is not enough. Let's throw another 22 million people off of health insurance.

Our response should be to move forward and guarantee healthcare to all people, not throw another 22 million people off of health insurance. I don't have the time to go into great detail as to why our wasteful and bureaucratic healthcare system ends up spending almost twice as much per capita as systems around the world. That is a subject for a lot of discussion, and I intend to play an active role in that discussion, but let me just give you some examples: because we have such a bureaucratic and complicated system; because hospitals in America have to deal with this person who has a $5,000 deductible, that person who has an $8,000 deductible; this person who has this, that person has that—they have to deal with dozens and dozens of different configurations for insurance. It requires an enormous amount of time, energy, and manpower to deal with those myriad of insurance companies. The result of that is, the United States spends far more on hospital administrative costs than most other countries. These costs accounted for one-quarter of total U.S. hospital spending from 2010 to 2011, more than $200 billion—over twice what was spent in Canada and in Scotland.

What I would hope—if we don't sit around just worrying about the profits of the insurance companies—what I would hope is, all of us would agree that when we spend a dollar on healthcare, we want that dollar to go to doctors, to nurses, to medicine. We want that dollar to go to the provision of healthcare, not to advertising, not to profiteering, not to dividends, not to outlandish CEO insurance company salaries but to the actual provision of healthcare which keeps us well. Yet we do that worse than any other major country on Earth.

The large health insurance and drug companies are making hundreds of billions of dollars in profits every single year, and they are rewarding their executives with outrageous compensation packages. Once again, the function of healthcare, in my mind, is to provide quality care to all in a cost-effective way, not to make CEOs of insurance companies and drug companies even richer than they are today.

In 2015, the top 58 health insurance companies made $24 billion in profits. Should the function of healthcare in America be to allow insurance companies to make huge profits or should we make sure all of our people get quality healthcare? Not only do the insurance companies make huge profits, but their CEOs make outlandish salaries, while 28 million Americans have no health insurance at all, and others have very high deductibles. In 2015, Aetna's CEO made $17.2 million in compensation. Now, Aetna, like every other insurance company, spends half their life trying to tell people they are not covered for what they thought they were covered, but they do manage to find $17 million in salary compensation for their CEO. CIGNA's CEO made $17.3 million in compensation. UnitedHealth Group's CEO made $14.5 million in compensation. Anthem/Wellpoint's CEO made $13.6 million. Humana's CEO made $10.3 million. Is the function of healthcare in America to make CEOs of insurance companies outlandishly wealthy, or is it to provide healthcare to all people?

It is not just the insurance companies. If you ask people in my State of Vermont what their major concern is—and I think they would say the same in Iowa and probably any State in America—they would say: I am sick and tired of being ripped off by the drug companies. I go into my pharmacy, have a medicine I have been using for 10 years, and suddenly the price has doubled, tripled, for no particular reason other than the pharmaceutical industry could get away with it.

We are the only major country on Earth not to control the prices of the pharmaceutical industry. The result is—and this is an outrage, and it speaks to everything that should be discussed but which is not being discussed in the Republican bill—is that

today, one out of five patients under the age of 65 who gets a prescription from their doctor is unable to afford that prescription. How crazy is that? What kind of dysfunctional healthcare system allows somebody to go to a doctor because they are sick, the doctor writes a prescription, and one out of five Americans can't even afford to fill that prescription. What happens to that person? Well, the likelihood is they get even sicker, and then they end up in the emergency room at outrageous costs or, maybe even worse, they end up in the hospital. How crazy is that?

I have not heard one word—not one word—from our Republicans about addressing the absurdity of Americans paying by far the highest prices in the world for prescription drugs. I have a chart over here that just deals with half a dozen drugs, but we can list many, many more.

Lantus, a diabetes drug, costs $186 in the United States. Diabetes is a very serious problem. Lantus costs $186 in the United States and $47 in France. It is the same drug.

This is a healthcare reform debate. I have yet to hear one Republican raise that issue, but I think the people in Iowa and the people in Vermont want us to raise that issue.

Crestor, a popular drug for high cholesterol, costs $86 in the United States and $29 in Japan.

Advair, which is used to treat asthma—another very serious problem—costs $155 in our country and $38 in Germany.

The list goes on and on and on. That is why millions of people, by the way, are now buying their medicine in Canada and other countries, because they are sick and tired of being ripped off by the pharmaceutical industry—an industry that spends billions of dollars over a period of time on lobbyists here and campaign contributions.

You might think—just might—that when we deal with healthcare reform, one Republican—just one—might stand up and say: Well, you know, maybe we might want to stand with the elderly and the sick in this country and not just with the pharmaceutical industry. I have not heard one Republican in this debate talk about that issue.

To give an example of the greed of the pharmaceutical industry—and I can go on and on. They are the greediest, maybe with the exception of Wall Street. It is hard to determine which one of these institutions is more greedy, but the pharmaceutical industry certainly can make a claim for being the greediest industry in this country. Out in California a few months ago, there was an effort to lower the cost of prescription drugs in their State. It is called proposition 61. The big drug companies spent $131 million to defeat that ballot initiative—$131 million to defeat a ballot initiative in California that would have lowered the cost of prescription drugs. And all over this country, the American people cannot afford the medicine they need, but the drug companies had $131 million to spend just on one initiative.

Meanwhile, while the American people are getting sicker and sicker and sometimes dying because they cannot afford the medications they need, I have received—and I think every Member of the Senate has received—communications from oncologists, people who are dealing with patients who have cancer, who are saying: My patients cannot afford the high cost of cancer medicine. And it is not just cancer, of course.

While the American people are getting ripped off by the drug companies, in 2015 the five largest drug companies in America made over $50 billion in profits—five companies, $50 billion in profits. Yet one-fifth of the American people cannot afford to buy the prescriptions they need. How outrageous is that? And my Republican colleagues are telling us they are dealing with healthcare reform without mentioning one word about the high cost of prescription drugs. Give me a break. You are dealing with many things, but you are not dealing with healthcare reform.

Again, it is not just the pharmaceutical companies that are making huge profits; we are seeing executives from these large drug companies making outrageous compensation. In fact, in 2015, the top 10 pharmaceutical industry CEOs made $327 million in total compensation. Elderly people walking to the drugstore can't afford the prescription drugs they need, and yet CEOs of major drug companies are making $327 million in total compensation.

Former CEO of Gilead, John Martin, became a billionaire because his drug company charged $1,000 a pill for Sovaldi, a hepatitis C drug that costs $1 to manufacture and can be bought in India today for just $4. In this country, it sold for $1,000 a pill, and he became a billionaire as a result of it. That is a healthcare system out of control.

I know it is a radical idea here in the Senate, but maybe—just maybe—we might want to represent the American people and not the CEOs of the drug companies and the insurance companies.

Some of my Republican colleagues have been spending the last few days using words like ''freedom,'' ''choice,'' and ''opportunity'' to try to convince the American people about their abysmal healthcare legislation. This is the same language that rightwing ideologues, like the billionaire Koch brothers, use when they try to discredit government programs and move to privatize them. What the Koch brothers mean by ''freedom'' is their own freedom. And by the way, they are the second wealthiest family in America, worth some $80 billion. What they mean by ''freedom'' is their own freedom to profit off the misery of ordinary Americans who rely on a wide variety of government programs that make life bearable and, in some cases, even possible.

I want to say a word about freedom. This is a 203-foot yacht. This is a yacht owned by a billionaire that costs about $90 million to purchase. Like everybody else, I think, in this Chamber, I think the American people—every American should have the freedom to purchase this $90 million yacht, and I would urge all Americans to go on the internet, find out where the yacht stores are—wherever they sell yachts—and go out there and say: Hey, I got the freedom to buy this $90 million yacht. We all believe in that. You got the money; you buy it.

Here is a picture of a home, and this home is worth tens and tens of millions of dollars. It looks to me like it has 30 or 40 or 50 rooms, probably 5, 10 bathrooms. It is a very nice house, and it is owned by a billionaire.

You know, I think every American who wants to own a home worth tens and tens of millions of dollars, go to your local Realtor. You go out and you buy that home.

What we are talking about today in terms of freedom is not freedom to buy a yacht or freedom to buy a mansion; we are talking about the freedom to stay alive, the freedom to be able to go to the doctor when you are sick, the freedom not to go bankrupt if you end up in the hospital with a serious disease.

So when my Republican friends talk about freedom of choice, fine, we all agree: You got the money, you go out and buy any big house you want or buy any big yacht you want. But where there is a serious disagreement is, we say that the children of this country who have serious illnesses have the freedom to stay alive even if their parents do not have a lot of money; that older people who are now in nursing homes should have the freedom to get dignified care in a nursing home even if they have Alzheimer's and even if they don't have a lot of money. Healthcare is not another commodity. Healthcare is not a mansion. Healthcare is not a yacht. Healthcare is whether we stay alive or whether we don't, whether we ease our suffering or whether we don't. And I believe—unlike, unfortunately, many of my Republicans—that right to get healthcare when you need it is something every American should be able to get.

Here in the Senate, we have good health insurance. Over the last 10 years, a number of Senators have had serious illnesses, and they have gotten some of the best care in the world. If it is good for the Senate, it is good for every American. Healthcare must be a right of all people, not a privilege. Quality care must be available to all, not just the wealthy.

Senator DAINES is going to come down here in a while to offer a Medicare-for-all proposal. Again, I hope this is a breakthrough. I hope our Republican colleagues understand that we have to join the rest of the industrialized world. And if Senator DAINES comes down here and is prepared to

vote for that legislation, prepared to get his other Republican Senators prepared to vote for that legislation, my God, we can win this vote overwhelmingly and move this country in a very different direction.

But I have a feeling that is not what Senator DAINES has in mind. I think this is another joke, another game, another sham as part of a horrendous overall process. So I will not be supporting that amendment, unless Senator DAINES and Republicans vote for it as well. But this I will do: Whether in this debate—and I hope I have the opportunity—or in the very near future, I will offer a Medicare-for-all, single-payer program which finally has the United States doing what every other major country on Earth does—guarantee healthcare to every man, woman, and child in a cost-effective way. And when we do that and when we eliminate the need for families to spend $15 or $20,000 a year for health insurance, we will save the average middle-class family substantial sums of money.

I yield the floor.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from Kansas.

Mr. MORAN. Madam President, I come to speak about healthcare, and I begin by paying tribute to our colleague from Arizona, Senator MCCAIN, on his return earlier this week. I wish him the very best as he begins a process of cure, treatment, and a bright future in his life. I appreciate the remarks he indicated that were so heartfelt to his colleagues here in the Senate. We welcome him back and thank him for his service to the Senate, to the people of Arizona, to the people of America, but I also thank him most especially for his service in the U.S. military.

Another great hero in my life and in our country's history is my predecessor in the Senate, Senator Bob Dole, who earlier this week celebrated his 94th birthday. Service to Kansans and all Americans exemplify Bob Dole's life. While I admire him for his time in the Senate, I respect him even more so for his service to our country during World War II and for his efforts ever since then to care for those who have come into harm's way as a result of their service. I often see him at the World War II Memorial when there is an Honor Flight from Kansas or across the country, and he is such a role model for so many people.

Again, I admire him for his commitment to other veterans and to making certain that veterans receive the care and the gratitude that they deserve.

Madam President, one of the most important ways we can demonstrate that we honor those who served our country is by making certain that we live up to our commitment—the commitment that was made to them—to provide the benefits that they deserve, including access to timely and quality healthcare. Unfortunately, today, we find ourselves in another crisis moment in regard to veterans' healthcare and, in particular, the Veterans Choice Program, which was designated to provide access to veterans who were in danger of an inability to access that care because the VA did not provide the service, could not provide it in a timely manner, or the service was so far from where the veteran lived that he was unable to obtain that service because of distance.

So, in 2014, this Congress passed and the President then signed what has been labeled the Choice Act. It came about in the wake of a scandal, particularly in Phoenix but across the country, in which we saw fake waiting lists and the belief that there were veterans who died as a result of not obtaining the care that they were entitled to in the VA system.

The Choice Program has helped thousands of veterans across the country, especially those in rural communities, where distance remains a problem. I have heard from many veterans in my State as to how important the Choice Program is to them. Instead of driving for 4 hours to see a physician at the VA, they can drive 4 minutes to see a physician in their hometowns.

This Choice Program is set to expire on August 7 of this year. Just a few days from now, it is scheduled to come to an end. At the start of 2017, the VA estimated that there would be more than $1 billion remaining in the Choice account that the VA told us would last until January 2018. Rather than letting those funds expire, I joined Senator MCCAIN, Senator ISAKSON, Senator TESTER, and others in a Choice extension bill to remove that August 7 deadline and sunset the program until the funds expired, which, as I said, was believed to be in January of 2018.

The President signed that bill on April 19, but less than 6 weeks later, we learned from the VA that the VA had made unfortunate miscalculations. As a result of poor budgeting and finance, the dollars for the Choice Program are not going to last until January and are soon to expire, just within the next few days. Demand for the Choice Program is up 30 or 40 percent, and it is clear by that increase in demand that veterans need Choice, that they like Choice, that it is working for them, and we now owe it to those veterans to make certain that the Choice Program continues and that the funds are available to accomplish that goal.

With Choice, the funds that they had anticipated would last until January now will run out sometime in August—we think in the next couple of weeks. Those depleted funds will mean that Kansas veterans and veterans across the country who have been using the Choice Program will no longer be able to, and it means that those who could use the Choice Program into the future will be without that option. We run the real risk—the likelihood is almost a certainty—that the Choice Program will be discontinued in a matter of days.

I chair the Appropriations Subcommittee that funds the Department of Veterans Affairs, and when I learned of the budget miscalculations, we immediately contacted the Secretary of the Department to get his understanding of the circumstance that we were in. We only learned of the shortfall after we learned that veterans at home were being denied access to the Choice Program. The Secretary had made a decision to reduce those veterans who are eligible. We asked him to withdraw that guidance to his regional officers across the country, and he did. However, when the Secretary then testified before our subcommittee, the subcommittee on Military Construction, Veterans Affairs, and Related Agencies, we learned that new guidance had been issued because of the fear of depleting those dollars. It again limited the access of veterans to the Choice Program.

We now hear of veterans who are forced to drive hours to get appointments at VA facilities when, just 2 weeks ago, they were receiving that care in their hometowns and in their neighborhoods—nearby opportunities that no longer exist.

Dr. Shulkin of the VA recognized that their projections and budgeting were off and must be fixed. I hope that turns out to be the result and that we have a better ability at the Department of Veterans Affairs to make the calculations necessary for Congress and the Department to make wise decisions. The system has to be fixed, and it has to be fixed quickly. There is an immediate crisis.

One of the things that now happens as a result of reduced use of Choice is that the networks that were created to support Choice—the third-party administrators of the Choice Program—because of a lack of volume, are no longer financially viable to stay in the business of being the network to connect the VA, the private sector, and the veterans in a way that cares for those veterans, gets them their appointments, and establishes the payment process by which the provider—the physician or the hospital—is paid.

This is not just a circumstance in which the third-party administrators can leave the business and return if we get our work done here and the VA Choice Program is defunded. Those networks will disappear, and we will not be able to easily restart the Choice Program, so if we do not make a fix shortly—today, tomorrow, by the weekend—and pass legislation in a timely fashion, it is not as if we can come back in September and say: OK. Let's appropriate the money now, and Choice can restart.

It will not happen. Choice will be gone.

There are big consequences at play for the future of community care. The funding crisis and the inability to sustain Choice risk shutting down—shuttering—the entire networks, and it will diminish the faith that veterans and our providers were slowly beginning to have in the Choice Program.

Early in the Choice Program, many veterans were discouraged because of the bureaucracy and paperwork associated with Choice. Providers then were not often paid in a timely fashion, and they became discouraged by the program. In recent months, that confidence in the program had returned as veterans were beginning to get their care at home, and providers were being paid for the services that they provided veterans. Now, if the third-party administrators—the network—go away, we will send one more message to veterans and to those who wish to serve them—the healthcare community—that the program is not a viable or a valuable one.

Fortunately, both the House and Senate have been working to fix this situation. Since June, my colleagues on the Senate Veterans' Affairs Committee have joined me in working to find a solution that protects access to community care for veterans. The Choice Program is funded by mandatory spending. We have also been working with the House as they have tried to develop a solution that maintains Choice and that is fiscally responsible.

There has been a lot of back and forth, a lot of conversation, a lot of talk, and a lot of negotiations going on, and I support the efforts of our chairmen and ranking members of the Veterans' Affairs Committees, both in the House and Senate, who are trying to work on an agreement to come together for our Nation's veterans. I would hope and I expect that a bill will come from the House yet this week.

My point to my colleagues here today is that we do not have the luxury of then trying to figure out something different to do than what the House sends us. We need to have our plan in place, and we need to have something that can pass both the House and Senate in the next 2 days. I want to motivate my colleagues to do what is right for veterans and set aside the differences that have prevented the necessary cooperation to see that we have one bill that can pass both the House and Senate and save Choice.

I stood here in 2014 to implore my colleagues to support the passage of the Choice Act in the first place, and I stand here again today to implore my colleagues to come together and support the passage of this critical funding for the continuation of the Choice Program and community care for veterans. I am here to make certain that we end the delays and find a way to understand the differences and accept that we must act quickly on behalf of veterans. It has to happen immediately. We owe our veterans better than what we have been providing them.

I am, once again, partnering with the Senator whom I honored in my opening comments—Senator MCCAIN—and others to introduce legislation that will put funds back into the Choice Program and make sure that our veterans do not experience a lapse of care at home or a termination of the program.

We are working hard with our colleagues across the aisle and in the House to determine the future of this program and what community care will look like. While we work to create that system that will serve future generations of veterans for years to come—how we make Choice better—we cannot allow the program to expire at this critical point in time. Taking care of veterans must be a priority above any one specific ''ask'' or ''must have'' in the funding. Not acting is not an option.

Upon his return to the Senate, Senator MCCAIN's words remind us of the importance of this task and many others before us. I am honored to work with him on this effort to save Choice and to serve our veterans. I ask my colleagues to help us save this important program that benefits rural and urban veterans, that makes care more timely, that provides care in the circumstances in which the VA does not have the capabilities, either in a timely or a quality fashion, to provide the services to veterans.

This does not diminish the role or necessity of the Department of Veterans Affairs or their hospitals and clinics across the country. Veterans continue to use VA hospitals, and they continue to use our outpatient clinics, but we ought not allow for the elimination of the third opportunity for veterans' care—the Choice Program—that serves so many veterans in so many communities.

Again, I thank Senator MCCAIN for his leadership and his bipartisan work that originally created this program—this opportunity—with Senator SANDERS.

We seek bipartisanship to put veterans first and to put their healthcare access above everything else. I am urging my colleagues today to know that this issue exists, not to walk away from it, to make certain that we accomplish our goals, and that this critical funding be provided before we depart for the weekend.

Preserving this important benefit honors our heroes—Senator Dole, Senator MCCAIN, and the thousands of Americans who did not ask about whether it was Republicans who served the country or Democrats who served the country. They are those who believe that having served their country is what motivated them to see that their families were safe and secure and to see that America had a bright future. We ought not deny them that kind of service today.

Madam President, I thank you for the opportunity to address the Senate.

The PRESIDING OFFICER. The Senator from Arizona.

WOUNDED OFFICERS RECOVERY ACT OF 2017

Mr. FLAKE. Madam President, I come to the floor to pass the Wounded Officers Recovery Act. This legislation comes after last month's terrible shooting at the Republican practice for the annual Congressional Baseball Game.

As many of you already know, U.S. Capitol Police DPD Special Agents Crystal Griner and David Bailey were both wounded in the line of duty as they successfully fought off and subdued the gunman. I witnessed firsthand the unbelievable bravery and heroism of the Capitol Police on that morning. It is not at all an exaggeration to say that, if not for their actions, I probably would not be here today.

I and my colleagues certainly have a special place in our hearts for them and an appreciation for what they did on that fateful morning. It is a privilege to be able to help them out now. They had our backs, and now we need to have theirs.

This bill amends the policies of the United States Capitol Police Memorial Fund to expand eligibility to include any U.S. Capitol Police employee who has been injured in the line of duty. This will enable Special Agents Griner and Bailey to access funds raised for victims of the congressional baseball practice shooting.

Previously, the fund only allowed donated funds to be given to the families of officers killed in the line of duty. I am hopeful all of my colleagues will agree that this issue should rise above any partisan wrangling.

Special Agents Crystal Griner and David Bailey have our gratitude, and we ought to be able to help them. I am grateful for their sacrifice. I hope we can speak with one voice in support of the brave men and women of the Capitol Police and pass this bill without delay.

I wish to thank the cosponsors here in the Senate, including Senator PAUL, Senator DONNELLY, Senator MURPHY, and all of those who played in the congressional baseball game, also, in the House, the managers of the Republican and the Democratic teams respectively, Joe Martin and MIKE DOYLE.

The congressional baseball game is one of the best institutions in Congress, one of the most bipartisan institutions. We are able to raise a lot of money for needy causes as well as the Capitol Police. We want to make sure a lot of the money that was raised this year—a portion of that money—can go to these deserving individuals who helped us out in a very real way and saved our lives.

Madam President, I ask unanimous consent that the Committee on Rules be discharged from further consideration of H.R. 3298 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 3298) to authorize the Capitol Police Board to make payments from the United States Capitol Police Memorial Fund to employees of the United States Capitol Police who have sustained serious line-of-duty injuries, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FLAKE. Madam President, I ask unanimous consent that the Flake amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 409) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Wounded Officers Recovery Act of 2017''.

SEC. 2. PAYMENTS FROM UNITED STATES CAPITOL POLICE MEMORIAL FUND FOR EMPLOYEES KILLED IN THE LINE OF DUTY OR SUSTAINING SERIOUS LINE-OF-DUTY INJURIES.

(a) AUTHORIZING PAYMENTS FROM FUND.—Section 2 of Public Law 105–223 (2 U.S.C. 1952) is amended—

(1) in the section heading, by inserting ''AND CERTAIN OTHER UNITED STATES CAPITOL POLICE EMPLOYEES'' before the period at the end;

(2) by striking ''Subject to the regulations'' and inserting ''(a) IN GENERAL.—Except to the extent used or reserved for use under subsection (b) and subject to the regulations''; and

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

''(b) PAYMENTS FOR EMPLOYEES KILLED IN THE LINE OF DUTY OR SUSTAINING SERIOUS LINE-OF-DUTY INJURIES.—In addition to the amounts paid under subsection (a), and in accordance with the regulations issued under section 4(b), amounts in the Fund may be paid to—

''(1) families of employees of the United States Capitol Police who were killed in the line of duty; or

''(2) employees of the United States Capitol Police who have sustained serious line-of-duty injuries.''.

(b) REGULATIONS OF CAPITOL POLICE BOARD.—Section 4 of Public Law 105–223 (2 U.S.C. 1954) is amended—

(1) by striking ''The Capitol Police Board'' and inserting ''(a) IN GENERAL.—The Capitol Police Board''; and

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

''(b) REGULATIONS GOVERNING PAYMENTS FOR EMPLOYEES KILLED IN THE LINE OF DUTY OR SUSTAINING SERIOUS LINE-OF-DUTY INJURIES.—In carrying out subsection (a), the Capitol Police Board shall issue specific regulations governing the use of the Fund for making payments to families of employees of the United States Capitol Police who were killed in the line of duty and employees of the United States Capitol Police who have sustained serious line-of-duty injuries (as authorized under section 2(b)), including regulations—

''(1) establishing the conditions under which the family of an employee or an employee is eligible to receive such a payment;

''(2) providing for the amount, timing, and manner of such payments; and

''(3) ensuring that any such payment is in addition to, and does not otherwise affect, any other form of compensation payable to the family of an employee or the employee, including benefits for workers' compensation under chapter 81 of title 5, United States Code.''.

(c) TREATMENT OF AMOUNTS RECEIVED IN RESPONSE TO INCIDENT OF JUNE 14, 2017.—The second sentence of section 1 of Public Law 105–223 (2 U.S.C. 1951) is amended by striking ''deposit into the Fund'' and inserting ''deposit into the Fund, including amounts received in response to the shooting incident at the practice for the Congressional Baseball Game for Charity on June 14, 2017,''.

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

The bill was read the third time.

The bill (H.R. 3298), as amended, was passed.

AMERICAN HEALTH CARE ACT OF 2017—Continued

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I want all my colleagues and everyone listening right now to be very clear about what Republican leadership is planning for today. Faced with defeat after defeat on their plans to rip apart our healthcare system—''no'' on a bill that would spike families' premiums, gut Medicaid, and deny 22 million people healthcare; ''no'' on a bill that would cause chaos and healthcare costs to skyrocket and deny 32 million people healthcare—it appears the Republican leader has a last-ditch plan waiting in the wings.

As soon as they have an official score from the CBO—which could be hours from now—in the dead of night, Senator MCCONNELL will bring forward legislation that Democrats, patients, families, and even many Senate Republicans have not seen, and try to pass it before anyone can so much as blink.

Now, we have heard rumors about what could be in this bill, and based on what we know, Democrats took it upon ourselves to do the best we could to figure out what its impact will be. The CBO scored our best guess at what Republicans are talking about doing, and here is what they found: Sixteen million people will lose their healthcare coverage in the next 10 years under this bill; premiums will increase by 20 percent every single year for the next 10 years; your premiums will increase 20 percent every single year in the next 10 years, all while special interests in the healthcare industry are going to get a massive tax break.

Republicans could still play games with the language as they negotiate in secret somewhere to try to get a bit ''better'' than this, but no matter what they do here, if they jam it through, they will be held accountable for the millions of people who lose care and the millions and millions more who will see their premiums go up.

I hope, when my Senate Republican colleagues began their process, they were not planning to pass a bill in the dark of night to deny millions of people healthcare and hand special interests billions in tax breaks, but, right now, that is the path they are careening down—even as more and more people are speaking up about what the impact of this legislation would have.

In fact, just yesterday, a bipartisan group of 10 Governors wrote a letter urging Senate Republicans to reject this secret bill, saying it would—I am quoting 10 bipartisan Governors—''accelerate health plans leaving the individual market, increase premiums, and result in fewer Americans having access to coverage.''

I hope every single Senate Republican read that letter.

I also hope they understand that if they pass this bill tonight, it will only get worse from here. If this secret bill—the lowest common denominator—goes through and a conference starts with the House, then every Senate Republican who voted for it has just bought TrumpCare a trip to the White House. The Senate Republicans who so loudly made clear they hated the TrumpCare bill when it passed the House could now very well find themselves being held responsible for sending that same bill straight to President Trump's desk because, let's be honest, extreme conservatives aren't going to rest until they have a bill on the way to the White House that would spike premiums and out-of-pocket costs, gut protections for preexisting conditions, end Medicaid as we know it, defund Planned Parenthood, and kick tens of millions of people off their coverage—a bill that would, in other words, shatter the promises of more responsible Republicans who I know are deeply concerned about ways these outcomes would impact the people they serve.

So, to put it simply, a bill in conference is no excuse to kick people off coverage, spike premiums by 20 percent for everyone, and give a massive tax break to the wealthy, especially because it will simply be an opportunity to hand the keys over to the House Freedom Caucus.

I want to remind any Senate Republican who doesn't want to have TrumpCare on their hands—who truly does want to make our healthcare system work better for patients and families—there is a better path. As Senator MCCAIN said so powerfully earlier this week, we shouldn't let the ''bombastic loudmouths'' drive our work. We should get back to regular order, and we still can.

I am saying to every Senate Republican every chance I get: Drop this partisan, sham floor process. Drop it. Start over with an open, transparent process in which both sides, patients, and families across the country have a voice.

I hope that as big as our differences are, many of my Republican colleagues would prefer that bipartisan voice and route. They have said as much. Their votes to reject the partisan TrumpCare and full repeal bills this week made it even clearer.

So let's have hearings like Chairman ALEXANDER has proposed to do in our HELP Committee. Let's have a public

debate. Let's focus on policies that lower costs, that expand coverage, and improve quality.

Democrats are ready. We are at the table. I hope Senate Republicans who are ready to work on real solutions will join us, but, first, for that to happen, Senate Republicans need to step away from this sham process we are on today. Say no. Vote no. Return us to a process we are all involved in.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

SEPARATION OF POWERS

Mr. SASSE. Madam President, in the fall of 2015, when I first spoke on the Senate floor, I gave Nebraskans and every Member of this body my word that I would speak up when a Republican President exceeded his or her powers. At that moment, the Democratic President had taken to himself powers the Constitution had not given him. My opposition was not that President Obama was a Democrat but rather that our brilliant Constitution intentionally separates executive and legislative powers.

I gave my promise then because, despite the lazy, partisan rhetoric of this city, not everything is actually a blood feud between Republicans and Democrats. That is because American politics at its best is acutely aware of the difference between justice and strength. That is because when our body is working well in the Senate, we take seriously our history, our duties, and our unique place in the Constitution's architecture of separate powers, both vertically and horizontally.

In 2014, the U.S. Supreme Court ruled that the Obama administration had made unconstitutional appointments when it declared this body to be in recess when the U.S. Senate was not, in fact, in recess, and it functionally claimed power—that is, the administration functionally claimed power—that belonged to the Senate under our Constitution.

So today I have come to the floor to keep my promise and to offer a word of humble advice to the President. If you are thinking of making a recess appointment to push out the Attorney General, forget about it. The Presidency isn't a bull and this country isn't a china shop. Mr. President, you are a public servant, in a system of limited government, with a duty to uphold and to defend and to teach to our kids the Constitution's system of checks and balances. This—this is the world's greatest experiment in self-government. It works only if all of us—Presidents, Senators, Republicans, Democrats, Independents, and judges—if we all keep our faith to the American institutions and to the rule of law.

Our oath is not to popularity, it is not to polls, and it is not to political parties. Our oath is to the Constitution and to the rule of law. Our duty is to the American people—the men and women who elected us, the men and women who came before us, and especially the men and women who will come after us in this greatest of experiments in self-government.

Madam President, with respect to the healthcare debate that we are having in this body, while I obviously look forward to taking seriously and considering any and all amendments offered by my colleagues, both Republicans and Democrats, the basic trajectory of where we are in healthcare has not changed. We should all be disappointed by where we are.

Here is what I mean. It is very likely that in the coming decade, basic math is going to force Americans and those who will serve them in this and other institutions of government—they are going to be forced to choose between two paths. This isn't that hard to see. We are ultimately going to choose between single-payer, socialized medicine—something I think is terrible policy, but it is intellectually coherent—or we are going to actively build the innovative, disruptive system of consumer-based health insurance that actually goes with consumers and patients and Americans and taxpayers across job and geographic change. We are ultimately going to make a choice.

Sadly, this has been a missed opportunity. We are not making the big choice now. We are making a choice between a couple of small options. We have forks in front of us that are, I think, dissatisfying to everyone. I have one constituent at home, who also happens to be my wife, who when she checks in on the processes of Washington, she regularly says: Both of your political parties are so gross. She is dissatisfied, like so many of the constituents who call us and come to our offices, with the fact that we are not debating the real stuff around here. We are making a choice between two small, pretty crappy options, when really the big choice that is in front of us—when we have health entitlements which dwarf everything else on the Federal budget—the two choices before us aren't really that hard to see. We are ultimately going to migrate toward a European-style single-payer system, where government will be more effective at controlling costs, but it will do it by crowding out lots and lots of the private sector. We are either going to have single-payer healthcare or eventually we will create a system where you have portable, affordable insurance.

We have none of those things today. We have no portability today. You can't take your insurance policy with you across job and geographic change. When I change jobs, I don't lose my life insurance. I don't have to cancel my car insurance because I changed jobs. But we are still living on a system that launders our insurance, which is really mostly the collectivized prepayment of mostly predictable medical expenses. We launder it through a tax accident from the 1940s. So you have to do that through your large employer group. You can't do it in the small market or as an individual. So we don't have portability, and we all know we need portability.

We did this 30 years ago in pensions. We used to also launder through a tax accident where, when people were presumed to work at one firm through their whole career, they had a defined benefit pension plan. It worked when you worked at the same place from high school graduation to retirement. It doesn't work when the average duration at a job for Americans is now under 4 years. So we did the hard work of reforming a pension system from a defined benefit to a defined contribution, tax-protected, portable 401(k) plan.

Obviously, we all know that if we are not going to end up in socialized medicine, we should have portability in our health insurance benefits. We should have farmers and ranchers in the Presiding Officer's State or in my State able to keep their insurance that they usually have to buy through the individual market, or we need the gig economy mobile workers who are going to change jobs even faster than every 4 years to not become uninsured for 4 to 6 months every fourth year when they change jobs. That is actually the No. 1 driver of uninsurance in America today.

To listen to pundits screaming on TV, you would think that somehow there are so many sicker or so many poorer Americans and that is why we have had arcing uninsurance since 1990. But that is not true. We don't have more poor people and we don't have more sick people. Uninsurance went up from 1990 to 2009 because people change jobs more rapidly, and every 4 years when they change jobs, if they have a 4- to 6-month period of uninsurance, that is when they get the breast cancer diagnosis, or probabilistically that might be when they get in the car accident, and now they become the preexisting condition population of 5 and 10 and 15 years from today.

This isn't rocket science. Uninsurance has grown in America over the last 25 years because we change jobs more and we have a stupid, clunky system from 60 years ago that we still launder through a tax accident. We should have portability. We should have affordability. We should have a real debate in this body about why so many—and by the way, I have been critical of my party for not having a good plan for replace. But I will say to those on the other side of the aisle, the ''Affordable Care Act'' is an absurdly Orwellian name for a piece of legislation that those who were in this body and voted for 7 years ago told the American people—you all did a press conference at the White House, and you said premiums would fall $2,500 per family of four. They have risen $3,200 on average per family of four. So your plus or minus sign was off to the tune of $5,700 per American family.

In my State and in the Presiding Officer's State, we now have a lot of

farming families in counties where there is only one insurer, where premiums are now north of $20,000 a year for the insurance market.

Stop pretending this is in any way affordable.

What we have is a system where the assumption is that because the system is so broken, the only way anybody could ever get health financing—and supposedly, health financing is the means to getting access to the health delivery system—is that everybody needs to be on welfare. That doesn't work.

We should have a robust social welfare safety net for the poorest and sickest among us, and we all in this body should be accountable for passing a piece of legislation that delivers a system where lower middle-class and middle-class and upper middle-class Americans can afford their own health insurance. Not everybody in America needs to be on welfare, and not everybody in America wants to be on welfare.

So our system is not affordable, it is not portable, and fundamentally it is not really insurance.

We have a system that is mostly about the collectivized prepayment of all medical expenses. We don't do this in any other sector of the economy. Think how absurd it would be for us to pass a law in this body mandating that Allstate and State Farm have to buy all your gas and schedule all your Jiffy Lube appointments. That is what we are trying to do in healthcare. Guess what. We can guess what it would look like. Jiffy Lube would be open at the wrong hours; it would be at the wrong locations; we wouldn't know what services they deliver; there wouldn't be quality metrics on any of it; and it would probably grow at 2 to 2½ times inflationary or GDP growth—just like healthcare.

We are trying to hyper-regulate and micromanage all of the largest sector of the U.S. economy from here by pretending we are talking about insurance, when we are not. What this body and what the Congress and what Washington, DC, have wanted to do for years is run every decision in healthcare but not tell the American people the truth—that it turns out it is really expensive.

Nobody comes to the floor and advocates—maybe BERNIE does. Maybe Senator SANDERS comes to the floor and actually honestly advocates for raising taxes to the level of all the micromanagement of the health sector that people in this body want to do. But what most people want to do—and it isn't just your side of the aisle; it turns out it might be a lot of people on my side of the aisle as well—they would like to have so much control over the healthcare sector but not admit how expensive it is, that we will do it by regulations on the financing model so you can hide it under the word ''insurance.'' Most of what is happening in American healthcare isn't insurance. Insurance is insulating people from catastrophic loss from non-behaviorally-driven, unpredictable events.

Everybody in this body wants every American to have health insurance, and everybody in this body should also want a health delivery system where the average American family living on middle-class wages could afford to buy their healthcare without potentially going broke or needing to become a ward of the State in the form of welfare. We should be having that debate. We should have a debate about portable insurance, about affordable insurance, versus socialized medicine. I am against socialized medicine, but people who want to advocate for it have an intellectually coherent position. That is the debate we should be having. Instead, we are going to kick the can down the road and have another small-ball debate. This is a lost opportunity for the American people, and it kind of makes a sham of the joke that this is the greatest deliberative body on the face of the Earth.

I live in a little farm town in Nebraska. There are 10 not-for-profit boards in my town that deliberate a heck of a lot better than we deliberate in this body. We can and should do better.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, the first three words of our Constitution are ''We the People.'' Indeed, our entire system was set up to be a government which produces results of, by, and for the people, but certainly right now, that is not what we are getting.

We are getting a secret plan which has not yet been put on this floor, with a promise that there will be a debate in the middle of the night—no chance for committee hearings on it, no chance to consult with experts, no chance for us to go home and talk to our constituents. This is about as far away from a deliberative democratic republic as you can possibly get.

It makes us think of 1787, when Ben Franklin came out of the Constitutional Convention and was stopped by someone in the crowd and asked: What do we have—a monarchy or a republic?

He answered: A republic, if you can keep it.

Well, we are not keeping it right now through this secret, middle-of-the-night, non-consultative process. We are disgracing the notion that our Founders fought for the ''we the people'' Republic.

This is something which touches so many Americans. We are not talking about the weight limit on a highway. We are not talking about what kinds of signs to post. We are talking about fundamental access to healthcare.

If the rumors are right, my colleagues plan to bring forward a bill that will blow up insurance on the exchange for millions of Americans.

An insurance pool is a little bit like a swimming pool. You tear a hole in the side of a swimming pool, the water drains out and there are only a few inches left, and the only people who would bother to go into that depleted swimming pool would be those who really, really want to swim. It is the same with the healthcare pool. The bill coming out tonight, we are told, will rip a big hole in the side of the insurance pool, and it will do so in a fashion that only those who have preexisting conditions, only those who are sick, only those who are old, will truly try to get that insurance. This means the price will be driven up, and many of them can't afford it, so they will drop out. So it means the pool will have even more people who are sick and older. This is the death spiral.

My colleagues today are planning to put forward a bill tonight, we are told, that creates a death spiral insurance. Who pays the price? Who pays the price? Our Nation pays the price with an estimated 16 million people who would lose insurance. We are talking about those who have every desire to have the peace of mind that if their loved one gets sick, they will get the care they need. We are talking about Americans who have every desire to know that if their loved one gets injured, they won't end up bankrupt. But all of that is at risk tonight.

A few moments ago, my colleague from Nebraska came to the floor, and he started out by saying we need to ensure that the President doesn't overstep his powers. Let's talk, too, about this Senate not destroying its procedures designed to ensure a ''we the people'' republic, which means we should all vote to send whatever bill comes out tonight to committee, where it can be duly considered in a bipartisan fashion, with experts, with consultation. In fact, my colleague from Arizona, who came back and gave a dramatic and beautiful speech just 2 days ago, said it should be considered by committee.

Let's work together to take whatever plan comes out tonight and put it where it needs to be—in committee for due deliberation. This issue touches too many lives. It is too core to the quality of life of our fellow Americans. Let's not allow any bill to pass out of this Chamber that would do so much destruction.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SASSE). The Senator from New Mexico.

Mr. UDALL. Mr. President, the Senate is now in its third day of voting on major healthcare legislation, and we still have no idea exactly what the Republican leadership wants or what bill they are going to put on the floor. The Republican leadership tosses out options, bills that would affect the lives of millions of Americans and one-sixth of our economy. Not even Republicans know what proposal is coming next, and the American public certainly doesn't know what is coming, and they are very interested because they have healthcare and they want to know if it is going to be taken away from them.

It is as if the Republicans are playing healthcare roulette. The leader spins

the roulette wheel, the ball lands arbitrarily on some version of the ACA repeal, and the leader quickly calls a quick vote on that random version of ACA repeal.

Soon we are going to vote on a cynical amendment from the Republicans offering Medicare for all. My understanding is the Senator offering this isn't even going to support his own amendment. If you were in a State legislature, you would be prohibited from offering an amendment like that. They oppose this Medicare-for-all amendment. They oppose Medicare for all. So why are they seeking a vote? To distract from their own dangerous bills and reckless process. It is a desperate ploy, and everyone sees through it. I support healthcare for all. It should be a right in this Nation. But this is a phony and insincere amendment.

All the while, the President stands to the side, not caring one whit what the bill looks like or how many people will be hurt in the rush to get a bill out the Senate door.

On Tuesday, we voted on the leadership's Better Care Reconciliation Act 2.0. That would cut 22 million Americans off healthcare. It also has been rejected overwhelmingly by Americans.

Yesterday, we voted on straight ACA repeal, not replacement. That bill would throw 32 million Americans off of healthcare. That idea is no more popular than the other bills.

Today, maybe we will vote on a last-ditch version which would repeal parts of ObamaCare, the so-called skinny repeal option. That bill is no better. It would mean 16 million Americans get thrown off healthcare, and the other very important part of this is that it would raise premiums 20 percent. We have heard our friend from Nebraska come down here on the floor and talk about their concern about healthcare and concern about the cost of premiums. They ought to know that this proposal is going to raise premiums 20 percent.

This bill is the Republicans' last hope. It takes away the individual mandate to get health insurance and the employer mandate to provide health insurance to employees. Like the other schemes the Republicans have tried, it would hike premiums for the elderly and for the sick.

Blue Cross Blue Shield is opposed to this proposal. They say ''strong incentives for people to obtain health insurance and keep it year round''—that is what they are looking for, that is what is in current law, and we have the Republicans wanting to take it out.

There must be Affordable Care Act cost-sharing provisions for consumers. Otherwise, there will be—and this is Blue Cross Blue Shield again—''steep premium increases and diminished choices that would make coverage unaffordable and inaccessible.''

Like the other schemes, this won't ensure that more Americans will have healthcare; it means many fewer will. It doesn't decrease healthcare costs; it increases healthcare costs. Even worse, there have been no committee hearings, no public input on this or any of the other versions of ACA repeal the Republican roulette ball has landed on.

To give you a sample of the public feeling on this issue—I am seeing it across New Mexico—my office has received 14,500 calls, emails, and letters rejecting the Republican plans. It is an unprecedented number from the small State of New Mexico.

I agree with Senator MCCAIN. We must go back to regular order. We must stop this gamesmanship. We need to work together on a solution to improve the Affordable Care Act by bringing down costs, making it easier for small businesses to provide healthcare, and especially making prescription drugs more affordable—but not by denying New Mexico families and millions more access to quality healthcare.

The Republicans are playing with people's lives. Making sure severely disabled children have healthcare through Medicaid is not a game; neither is kicking elderly grandparents out of their Medicaid-funded nursing homes or enabling women to get breast and cervical cancer screenings from Planned Parenthood.

It is hard to keep up with the Republican versions 2.0, 3.0, 4.5, 5.0 of the Affordable Care Act repeal. Every bill is consistent in cutting care for millions of Americans.

The Republicans keep proposing so-called healthcare bills that are not actual healthcare bills. The real healthcare bill would protect gains made, cover more people, and make health insurance more affordable. The Republican bills do none of these things. Their bills reverse the gains, cover millions fewer people, and make health insurance less affordable, especially for those most vulnerable.

The American people want everyone to have affordable healthcare. That must be our goal. Republicans and Democrats should be working hard right now to get us to that national goal.

I have shared the stories of New Mexicans who have lives that have been changed, and even saved, because of the Affordable Care Act—New Mexicans like Mike, from Placitas. Mike had an aggressive cancer but was diagnosed early, thanks to the Affordable Care Act, and doctors saved his life. Alexis, from Albuquerque, had a stroke and brain surgeries when she was 28. She had affordable health insurance under the ACA, and those subsidies helped her keep health insurance and get healthcare coverage. Elena was able to afford a lifesaving mastectomy because of Medicaid expansion. These are real people who are now jeopardized by the Republican bills and Republican proposals.

There are thousands more across New Mexico and millions across the country who are crying out for the Republican majority to change this reckless and dangerous scheme.

I yield the floor.

My colleague from New Mexico, Senator HEINRICH, is here. He has been a real champion in terms of fighting for working families and for their healthcare.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. HEINRICH. Mr. President, I ask unanimous consent to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINRICH. Mr. President, for over 7 years, Republicans in Washington have cheered shortcomings in our healthcare system and blamed the Affordable Care Act for every problem under the premise that they would do so much better if just put in charge.

Repealing the law made for great bumper stickers and great campaign promises, but the trouble is that their opposition to the ACA has always been more about politics than it ever was about actual policy or, for that matter, plans to do better for the American people.

The shockingly rushed and secretive effort on display this week in the Senate is only further evidence that President Trump and Republicans in Congress don't have any real solutions to improve our Nation's healthcare system. After months of negotiations behind closed doors, when Senate Republicans released their secret TrumpCare bill, its contents proved too harmful for passage, even among themselves. Stuck without a path forward, their latest idea is to pass a small backroom deal before sundown today—which no one has seen yet—and then go to conference with the tea party and the Freedom Caucus in the House of Representatives.

While we still don't know what we will be voting on, we know that the so-called skinny repeal bill would mean higher premiums and millions of Americans losing their healthcare coverage, not to mention deep cuts that would dismantle the Medicaid Program as it currently exists and throw millions of Americans off their healthcare coverage and put our entire healthcare system into chaos—all to give a massive tax break to the wealthiest among us. That is awful policy any way you look at it.

Since January, I have heard from literally thousands of New Mexicans who have told me how important their healthcare coverage is to them and their families. What answers do President Trump and Republicans in Congress have for the grandmother in Santa Fe who wonders where she will go when her nursing home closes because of Medicaid cuts or the woman in Albuquerque who wrote to me about how scared she is about losing access to mental healthcare for her depression and anxiety? What are they going to tell the single mother in Rio Rancho who relies on Medicaid to cover her children's medical costs or the young man in Espanola who needs treatment

to get clean from opioid addiction? These New Mexicans and millions of other Americans will be harmed if this bill becomes law.

I am not outraged about all of this because I am a Democrat or because of what I think of President Trump. I am outraged about this bill because of what it will do to my constituents in New Mexico. I will do everything I can to oppose this appalling legislation and this appalling process and fight to keep quality healthcare accessible and affordable for New Mexicans.

If we can halt this mad rush, we can all work—Republicans and Democrats—to get to the things that we agree need fixing in our system. There is much work to be done there, no doubt about it.

As Senator MCCAIN told us all Tuesday: ''We have been spinning our wheels on too many important issues because we keep trying to find a way to win without help from across the aisle.''

There is a better way forward. We can come together and work on the things that we know need to be fixed in the ACA. People's lives hang in the balance. There are real bipartisan solutions if we can get back to regular order.

I want to thank my colleague from New Mexico for his incredible leadership in this debate and say how hard we are going to work to make sure that we keep fighting for our constituents in New Mexico on this healthcare legislation.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I am aware that the time is at an end. I ask unanimous consent for 7 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNET. Mr. President, I thank my colleagues from New Mexico, my neighbors, for being here.

I thank the Presiding Officer for his statement. As usual, he is pointing the Senate in a direction that we should be headed.

Whether people in my State support the Affordable Care Act or whether they don't, they are dissatisfied with the way our healthcare system works. The Affordable Care Act—or ObamaCare or whatever you want to call it—is just part of our healthcare system. We have Medicare. We have Medicaid. We have hospitals. We have doctors. We have nurses. It all adds up, in America in the 21st century, to a system that is really hard on people and makes it very hard for them to predict their future. It creates situations where they have to make choices that no other people in the industrialized world have to make, about raising their family, about staying in a job—as the Presiding Officer was talking about—that they might not want to stay in for fear they would lose their health insurance.

I thought the Presiding Officer made an excellent point when he said that you don't lose your car insurance when you leave your place of business for another job. Why should you lose your health insurance? Why should you? Why should you have to put up with things in this country that nobody else in the industrialized world has to put up with?

It may be that the debate we are going to have is as binary as the Presiding Officer was saying. Maybe it is a debate about single payer versus what he described as more consumer based. Maybe there is something in between. America has a way of trying to figure those kinds of things out—or at least we have historically.

My colleague from Oregon earlier quoted the famous line, which somebody yelled out to Ben Franklin: What kind of government are you creating, a monarchy or republic? That was the question.

His answer was, as the Senator of Oregon said: ''A republic, if you can keep it''—if you can keep it.

The Founders had extraordinary vision, and they were creating something that had never existed before in the history of humankind—never existed. You could make an argument about a couple of small principalities or places in Switzerland, and there would be some argument about ancient Rome, but, really, this exercise in self-government had sprung from their imagination and their desire as human beings to govern themselves, to slough off the monarchy that ruled them and ruled others in Europe.

What Ben Franklin said was so important and so wise because he didn't say: ''A republic.'' He said: ''A republic, if you can keep it.''

When they wrote the Constitution, they were creating a mechanism for the American people to resolve their disputes. They were not creating a republic where they believed that everyone would agree with each other. They had vast disagreements. They had disagreements far greater than the ones we have. They had geographic disagreements. They had disagreements about big States and little States. They had disagreements about slavery.

They were able to come together and create a mechanism to resolve our differences. They didn't believe, as some people seem to on talk radio every day, that if you don't agree with the other person that you must be a Communist or you must be some rightwinger. That is not what they believed.

They believed there was a public purpose, that there was public virtue that underlay the work they were trying to do and that we would be able to persist in this Republic only if we kept it—if we kept it.

That is how self-government works. It is not a king telling you what to do. It is not the generation of the Founders telling you what to do. It is doing what you need to do, as the Presiding Officer said, for the sake of people who did their jobs before us but, more importantly, as he said, for the people who are coming after us. Seeing from this perspective, this process is a disgrace. This is why we have a 9-percent approval rating in the U.S. Senate—what has been referred to in past generations as the greatest deliberative body in the world. Those words are spoken mockingly today.

The people I represent, and the people the Presiding Officer represents, are paying a price for this. It has been a long time since I have been in the majority—I am sad to say, but it is true—but there was a time when I would preside, as the Presiding Officer is doing today. A reporter asked me once: What do you think about when you are up there? As JOHN MCCAIN said the other day: We aren't doing anything here. He is right. We are not.

So the reporter said: What are you thinking about?

Do you know what I told him? I said: What I think about is, What is China doing right now, while Democrats and Republicans here had their fight that has nothing to do with the people whom we represent?

We know what China is doing right now. While we don't even have the decency to maintain the assets and infrastructure, the roads and bridges that our parents and grandparents had the decency to build for us—starting on this floor—they are building trains, not just in China but all over Asia, to bind them together in an economic union to come after the United States. What is China doing?

What I deeply regret about this debate is that the end product, whether we pass this bill or if we don't, is not going to improve healthcare for the people I represent. Again, my starting point is that there are people who like the Affordable Care Act and there are people who don't like the Affordable Care Act, but everybody is deeply dissatisfied, as they should be, with the way our healthcare system works. What we should do is abandon this process and, instead, go to committee. Chairman ALEXANDER—he is a Republican—is perfectly capable of running a bipartisan process that could lead us to a place where we actually are making things better for people who live on the Eastern Plains of Colorado, on the Front Range of Colorado, or on the Western Slope of Colorado, who may be Republicans and Democrats, but for whom healthcare is not political. It is about their family and about their future. That is what we should be keeping in mind, instead of just the next election around here. Everybody has lamented that.

I am running out of time, but I remember when the majority leader was not the majority leader. He is a smart person. He came here and said: ''Major legislation is now routinely drafted, not in committee, but in the Majority Leader's conference room and then dropped on the floor with little or no opportunity for members to participate in the amendment process, virtually guaranteeing a fight.''

That is what he said. I am telling those of you with whom I was in townhall meetings 7 years ago, when people were saying: Read the bill, read the bill. The tea party was at the height, bringing pocket Constitutions to my meetings, telling me to be faithful to that process. I say that we should be saying that right now: Be faithful to that constitutional process.

He knew the process wasn't working as it should. What he said was this:

When Democrats couldn't convince any of us—

That is, Republicans—

that [the Affordable Care Act] was worth supporting as written, they decided to do it on their own and pass it on a party line vote.

He continued:

It may very well have been the case that on ObamaCare, the will of the country was not to pass the bill at all. That's what I would have concluded if Republicans couldn't get a single Democrat vote for legislation of this magnitude, I'd have thought, maybe this isn't a great idea.

So I say to the Republicans and Democrats who are here today, maybe it isn't a great idea because they can't even get the Republican votes. They haven't gotten one Democratic vote. They haven't gotten the Republican votes to repeal and replace, even though they have run on this for 8 years. They had to bring the Vice President here to cast the deciding vote because we were tied. What a shame for the Senate not to do its work and to rely on the executive branch to come here and supply that vote.

Every single person in this body knows the President of the United States has no idea or interest in what is in this legislation. Every single person here knows that. So why are we doing it? We are doing it, I guess, to fulfill a campaign promise to repeal ObamaCare. I can understand why there is pressure for people to do that, because they said that over and over, even though I disagree with their characterization of the bill.

I disagree with the facts they presented. I understand that impulse, but I don't understand the impulse of writing a bill in secret—listen to this folks—not having a single committee hearing—not one committee hearing in the Senate. Talk about ''read the bill.'' How about having a bill that is written down on paper so we can read it? Where are my brethren in the tea party who wanted to read the other bill? There was a bill then. There had been a bill for a year and a half.

There is no bill. There is no bill because what they are trying to do is to figure out what they can eke out across the line here. They are calling it a skinny repeal. I don't even know how that satisfies the laugh test, when it comes to the campaign promises that were made around here, but that is not my issue. But we should just stop. We are at 9 percent. This bill, I think, the last time I checked, had a 15-percent approval rating or a 20-percent approval rating. Don't pass that. We have wasted 6 months—not of our time but of the American people's time. I have people all over the State of Colorado who would love to come here and testify at a committee hearing about how healthcare is intersecting with their lives and making their lives difficult or how they are benefiting from certain things. I would love for them to have a chance to come here and testify, but we haven't set up that process. We should. We should stop this.

The American people would be relieved if we would stop this partisanship to get together and work on the committee as we should do and pass something on the floor. What we have forgotten about the Affordable Care Act—even though it didn't have Republican votes, and it should have—is that it had almost 200 Republican amendments adopted as part of the process. I agree with what the majority leader said then. If the process is lousy, the outcome of the bill is likely to be lousy. An important point he made is that it is unlikely to reflect the will of the American people, and when it doesn't, what it is going to mean is that we are just going to continue to seesaw from one election to the next election and we are not going to get a result.

I am willing to settle for 80 percent of what I want, or 70 percent of what I want—I am. I don't think that is an unvirtuous position to have. All these people here are talking all the time about the principle they are standing on. When you scratch at that and look for the content of the idea underneath that principle, there is very seldom anything there. They are often repeating something they heard last night on FOX or MSNBC, but it wouldn't be recognizable to the Founders as a principle. For them, a fundamental principle was that you had to unleash the imagination of people with different sets of experiences and different sets of opinions and from different geographic places in order to do the right thing for this country. That is what we should do today.

I realize the indulgence of the Presiding Officer. I thank him for his kindness.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I wanted to weigh in on a debate that took place on the floor a couple of hours ago—actually, when I was presiding in the chair—between the majority leader and the minority leader on what we are going to be doing here in the next couple of days on the Senate floor.

So right now we are having a healthcare debate. We are finally having a healthcare debate. Many Members on both sides of the aisle—I say to the Presiding Officer, I saw your speech a few hours ago—are talking about the importance of healthcare for our country, the importance of, from our perspective, repealing, replacing, repairing a healthcare system that is not working. It is certainly not working the way in which it was promised to Americans. I will not repeat all the promises made by the former President and many Senators, but we know those haven't come to pass.

As a matter of fact, a number of us—I certainly believe in my State, the State of Alaska, the so-called Affordable Care Act has done a lot more damage than good. Here are just a few statistics in Alaska: Premiums in the individual market went up over 200 percent since the enactment of the Affordable Care Act—200 percent. Alaskans in that market—individual Alaskans, for one health insurance plan for one individual, pay almost $1,100 a month in premiums for healthcare. That is not affordable.

So we are debating it. It is important. There is an open amendment process. We are probably going to be debating all night, and that is what we should be doing—the world's greatest deliberative body debating a very important topic, but healthcare is not the only issue the Senate is focused on.

NDAA

As a matter of fact, a number of us on the Armed Services Committee, over the last several weeks, have been working on and debating and bringing amendments to the National Defense Authorization Act, the yearly act that authorizes funding and training and equipment and policy for our military and young men and women who serve in our military. It is one of the most important things we do in the Senate, by far. So we have been doing that as well as healthcare, which is also extremely important.

Three weeks ago, after a lot of debate in committee, after a lot of hard work, debate between Republicans and Democrats, the draft NDAA of 2017, the National Defense Authorization Act—focused on our national security, focused on our troops—passed out of the Armed Services Committee 27 to 0, a very bipartisan bill, a very important bill, and a very important bill for the country to move on after the healthcare debate.

So the majority leader and the chairman of the Armed Services Committee had a very simple request of the minority leader this morning when I was in the chair presiding, and the request was: Once we are done for now—because it is going to continue with the healthcare debate, we will not be done for a long time—once we complete the business we are undertaking for the next several hours on the healthcare debate, that we move forward to debate and pass the NDAA of 2017. It is a pretty simple request, a very reasonable request.

This bill, like healthcare, is extremely important for the Nation, for our troops, for national security. On a personal note, it is particularly important for one of our Members, the chairman of the Senate Armed Services Committee, Senator MCCAIN of Arizona. We all know him. Americans

know him. He has been a mentor to many of us, a leader, certainly an American hero who has sacrificed immeasurably for our country. In another of a series of heroic acts by the Senator from Arizona, he returned to the Senate this week after announcing that he is fighting brain cancer. Now, Senator MCCAIN is a fighter. He is going to win this fight, but he is going back to Arizona very soon for treatment.

So many of us—but especially the chairman of the Senate Armed Services Committee who did more than anyone to move that bill forward in such a bipartisan way—want to take up the NDAA after the healthcare debate. It is pretty simple, pretty reasonable, and really good for the country: finish the healthcare debate for now with this open amendment process that we are beginning already on the floor, then turn to the NDAA after and debate that. It is good for our troops, good for our national security, and it would show a lot of respect to the chairman of the committee who has done more for his country and more to advance this important bill than anyone else.

I hope all of my colleagues—this shouldn't be a partisan issue—can agree to this, but unfortunately we are hearing rumors that the other side is saying: Unless we vote against any healthcare bill to continue to move forward, unless we vote against it to move forward, then they are not going to take up the NDAA. Now, does that make any sense? We are going to debate healthcare. That is really important, but now we are hearing the other side saying: If they don't get their way in the debate, then forget about it. We are not going to take up the bill that authorizes the training and equipping and the policies of the U.S. military. Does that make any sense?

The answer to everybody—everybody in the Senate Chamber, anyone watching on TV—it makes no sense. These are not connected. These are not connected issues.

Is playing politics with our troops, tying it to another bill, any way to advance the national security and the welfare of the men and women serving in our military? The answer is no.

Unfortunately, we have seen this movie before. Some might remember last summer, right around this time, we were working hard on appropriations bills. The Appropriations Committee voted different appropriations bills out of committee, as they are supposed to do, and they voted the Defense appropriations bill out of committee with an overwhelming bipartisan vote.

So what did we do? We brought it to the floor to debate it and try to pass it—funding for the troops. That bill was filibustered six times by my colleagues on the other side of the aisle, six times. Go home and explain that vote, why you filibustered spending for our troops—when they are in combat, by the way—six different times. I came down to this floor numerous times asking somebody, anybody on the other side to come down to the floor and explain why they were filibustering spending for our troops on a bill that passed out of the Appropriations Committee with overwhelming bipartisan support.

I am going to ask the same question. The NDAA came out of the Armed Services Committee 27 to 0. If the minority leader is going to filibuster that, he should come down and explain it. If he is really saying we will only take up the NDAA if we get our way on the healthcare debate we are having right now, he should come down and explain that because it makes no sense. It makes no sense, particularly because we all know that right now we are seeing very significant national security threats to our country. Pick up the paper—Iran, Russia, China, and in particular North Korea.

There was a report in the paper just the other day—yesterday, front page of the Washington Post—saying it is now estimated that North Korea is going to have an intercontinental ballistic nuclear missile likely by next year that could range not only my great State of Alaska but the rest of the continental United States. These are serious national security threats. One of the provisions in the NDAA that had bipartisan support was to significantly enhance our country's missile defense. Is that important? Given the North Korean threats that are at our doorstep, do you think the American people care about that? It is important. It is important, as are the hundreds of other bipartisan provisions in the NDAA that will enhance our national security, authorize funding for our military forces, increase the numbers in our military end strength—and again very bipartisan.

Mr. President, you and I have the honor of serving on the Armed Services Committee. It is a great committee. It is very bipartisan. We get a lot of work done, led again by a great U.S. Senator, JOHN MCCAIN. It is an honor to serve there.

I believe right now the Senate is trying to reach a unanimous consent agreement that as soon as we are done with healthcare, we will then take up this critically important bill. As the chairman wants, as he has requested, and as our military needs, we should do that. This is not a hard decision by Democrats or Republicans. I hope we can do that.

I encourage all my colleagues on both sides of the aisle, whatever your plans are in the next couple of days, we will get through this healthcare debate—very important for the country—and then let's get through the NDAA debate and pass that bill as well. What we shouldn't be doing is playing politics with our military or somehow tying moving forward on an important piece of legislation for them to another issue that has nothing whatsoever to do with it. We shouldn't be doing that, and if we are, shame on those who are.

So let's move forward, let's have this healthcare debate, and when it is completed, let's immediately move to the NDAA and pass that. It is a bipartisan bill. It is going to help our Nation, help our troops, enhance our national security in dangerous times. There is no reason anyone should block moving forward on that important piece of legislation as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Montana.

AMENDMENT NO. 340, AS MODIFIED

Mr. DAINES. Mr. President, I have listened to some of my colleagues from across the aisle decry our desire to repeal and replace ObamaCare. Yes, I do want to repeal and replace ObamaCare.

Why? Why are we doing this?

Repealing and replacing ObamaCare is a means to an end. This is what I have heard from so many Montanans. Here is the end, and I will sum it up into three items: No. 1, to lower costs; No. 2, to ensure that we save Medicaid—protect Medicaid—for the most vulnerable in our society; and, No. 3, to ensure that we protect those with preexisting conditions.

Some of my friends across the aisle want to see more government control of families' healthcare decisions—in fact, a complete government takeover. I believe that we need less government control, not more government control. Their gold standard for healthcare reform is really socialized medicine. It is called various things. Some call it government-run healthcare. Some call it single-payer healthcare. Some call it Medicare for all. But, in essence, it is socialized medicine.

The amendment that I am putting forward today is cut-and-pasted text. It is the exact, precise language. It is a carbon copy—down to every last comma and period—of Representative JOHN CONYERS' bill, who is the Representative from Michigan, which has 115 Democratic cosponsors as I speak. It is an impressive 60 percent of the Democratic caucus in the U.S. House that supports and, in fact, has cosponsored this very bill—this very amendment—that I am putting on the floor here today.

In addition to the 115 House Members, who on the Senate side supports this bill? Well, moveon.org has circulated a petition in support of the Conyers' bill, and the bill has been endorsed by hundreds and hundreds of labor groups, medical groups, political groups, and civic organizations.

Let me be clear. I believe that socialized medicine would be a disaster for the American people. Last November, the American people voted to make America great again, not to make America like England again. Yet I believe that Montanans and the American people deserve to see us debate different ideas right here on the Senate floor. This is referred to as the greatest deliberative body in the world. Well, let's deliberate, including the leading idea coming from the other side of the aisle, which is why I have offered this amendment.

Mr. ROBERTS. Will the Senator yield for a question?

Mr. DAINES. Yes, Mr. Chairman.

Mr. ROBERTS. Mr. President, I am sorry that I did not catch all of the Senator's remarks, but I think he said that this is a vote on a bill that was introduced in the House.

How many cosponsors are on this bill? Is this a legitimate effort here?

Mr. DAINES. For those who are watching and observing, it is H.R. 676. There are 115 Democratic cosponsors on that bill as we speak.

Mr. ROBERTS. So this is a legitimate bill that is up. Well, it is not up for consideration now in the House.

Is this the Conyers' bill?

Mr. DAINES. It is the Conyers' bill. I did not write this amendment—this bill—that I am offering. We cut and pasted the precise text and are bringing it over here and offering it today.

Mr. ROBERTS. Is there at least a preamble to this bill or just an opening of a couple of paragraphs or something? Would the Senator describe it?

Mr. DAINES. Mr. Chairman, in preparing this and in reading this bill, for those who want to see the heart and soul—the vision—of the Democrats, they can be found in this first paragraph of the bill. In fact, I will read it. ''The bill establishes the Medicare-for-all program to provide all individuals residing in the United States free healthcare.''

It goes on to say a couple of paragraphs later: ''Health insurers may not sell health insurance that duplicates the benefits provided under this bill.''

If that is not a complete takeover of the healthcare system from the government, then you tell me what is.

Mr. ROBERTS. And that is in the bill?

Mr. DAINES. It is in the opening paragraphs of the bill, the preamble part.

Mr. ROBERTS. Well, I think we have a very honest choice. There has been a lot of talk about single payer. There was a lot of talk about it early on in the debate about ObamaCare. I recall in observations made by President Obama that this was the first step toward single payer. I understand that—well, I know that the former Secretary of Health and Human Services, Kathleen Sebelius, had the same plan, that ObamaCare was the first step toward single payer. All you are doing is just saying, OK, if that is the goal, bring it to a vote.

Mr. DAINES. Thank you, Mr. Chairman. I agree with you. That is what I am planning to do today.

I ask unanimous consent for an additional 6 minutes of debate equally divided between the managers or their designees.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DAINES. As the chairman, the Senator from Kansas, just mentioned, I believe that Montanans and the American people deserve to see us debate different ideas. That is why I brought this amendment to the floor today.

Earlier today, a couple of hours ago, my colleague from Vermont, Senator BERNIE SANDERS, was on the Senate floor suggesting that my amendment is intended to embarrass Democrats.

Senator SANDERS, my amendment shouldn't embarrass anyone. I am trying to show the American people—bring it out here in full light—who is supportive of socialized medicine and who is not. If you are supportive of that, why be embarrassed?

The Senator from Vermont announced that he wouldn't support the amendment unless I voted for the amendment myself. But let me be clear. I don't support socialized medicine. Senator SANDERS does. It is time to fish or to cut bait. Why are Senators on the other side of the aisle running for the hills when they now have the chance to vote on the gold standard bill their party supports?

Senator SANDERS and the Democrats who support Representative CONYERS' bill shouldn't be dependent on my support. Senator SANDERS said he would vote for it if I voted for it. Guess what. Tell the American people what you think. I think we should vote no on this. What say you?

The PRESIDING OFFICER. Who yields time?

If no one yields time, the time will be equally divided.

Mr. DAINES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, this is an exciting day. After years and years, some of my Republican colleagues have begun to understand that we cannot continue a dysfunctional healthcare system which allows 28 million Americans to have no health insurance, which forces us to pay the highest prices in the world, by far, for healthcare and even higher prices—outrageously high prices—for prescription drugs.

I understand that Senator DAINES has offered a Medicare-for-all, single-payer system, and I congratulate him. It sounds to me as though the Republicans are beginning to catch on about the need to transform our healthcare system and join the rest of the industrialized world.

So I say to Senator DAINES, if he is prepared to vote for this legislation and if he can get maybe five, six more Republicans to vote for this legislation, I think we can win it, and I think the United States can join the rest of the industrialized world and finally guarantee healthcare to all people.

So if Senator DAINES and five or six other Republicans vote for this, count me in. And we are going to work together, finally, to provide healthcare to all people. But if Senator DAINES is just playing a political trick—I ask unanimous consent for 30 more seconds.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SANDERS. Mr. President, if Senator DAINES is just playing a political trick and does not intend to vote for this legislation or have any other Republican vote for it, I would suggest that every Member in the Senate vote present on this bill.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 340, as modified.

Mr. THUNE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Ms. BALDWIN (when her name was called). Present.

Mr. BENNET (when his name was called). Present.

Mr. BLUMENTHAL (when his name was called). Present.

Mr. BOOKER (when his name was called). Present.

Mr. BROWN (when his name was called). Present.

Ms. CANTWELL (when her name was called). Present.

Mr. CARDIN (when his name was called). Present.

Mr. CARPER (when his name was called). Present.

Mr. CASEY (when his name was called). Present.

Mr. COONS (when his name was called). Present.

Ms. CORTEZ MASTO (when her name was called). Present.

Ms. DUCKWORTH (when her name was called). Present.

Mr. DURBIN (when his name was called). Present.

Mrs. FEINSTEIN (when her name was called). Present.

Mr. FRANKEN (when his name was called). Present.

Mrs. GILLIBRAND (when her name was called). Present.

Ms. HARRIS (when her name was called). Present.

Ms. HASSAN (when her name was called). Present.

Mr. HEINRICH (when his name was called). Present.

Ms. HIRONO (when her name was called). Present.

Mr. KAINE (when his name was called). Present.

Ms. KLOBUCHAR (when her name was called). Present.

Mr. LEAHY (when his name was called). Present.

Mr. MARKEY (when his name was called). Present.

Mrs. MCCASKILL (when her name was called). Present.

Mr. MENENDEZ (when his name was called). Present.
Mr. MERKLEY (when his name was called). Present.
Mr. MURPHY (when his name was called). Present.
Mrs. MURRAY (when her name was called). Present.
Mr. NELSON (when his name was called). Present.
Mr. PETERS (when his name was called). Present.
Mr. REED (when his name was called). Present.
Mr. SANDERS (when his name was called). Present.
Mr. SCHATZ (when his name was called). Present.
Mr. SCHUMER (when his name was called). Present.
Mrs. SHAHEEN (when her name was called). Present.
Ms. STABENOW (when her name was called). Present.
Mr. UDALL (when his name was called). Present.
Mr. VAN HOLLEN (when his name was called). Present.
Mr. WARNER (when his name was called). Present.
Ms. WARREN (when her name was called). Present.
Mr. WHITEHOUSE (when his name was called). Present.
Mr. WYDEN (when his name was called). Present.

The PRESIDING OFFICER (Mr. CASSIDY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 0, nays 57, as follows:

[Rollcall Vote No. 173 Leg.]

NAYS—57

Alexander	Flake	Murkowski
Barrasso	Gardner	Paul
Blunt	Graham	Perdue
Boozman	Grassley	Portman
Burr	Hatch	Risch
Capito	Heitkamp	Roberts
Cassidy	Heller	Rounds
Cochran	Hoeven	Rubio
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Strange
Crapo	King	Sullivan
Cruz	Lankford	Tester
Daines	Lee	Thune
Donnelly	Manchin	Tillis
Enzi	McCain	Toomey
Ernst	McConnell	Wicker
Fischer	Moran	Young

ANSWERED ''PRESENT''—43

Baldwin	Gillibrand	Peters
Bennet	Harris	Reed
Blumenthal	Hassan	Sanders
Booker	Heinrich	Schatz
Brown	Hirono	Schumer
Cantwell	Kaine	Shaheen
Cardin	Klobuchar	Stabenow
Carper	Leahy	Udall
Casey	Markey	Van Hollen
Coons	McCaskill	Warner
Cortez Masto	Menendez	Warren
Duckworth	Merkley	Whitehouse
Durbin	Murphy	Wyden
Feinstein	Murray	
Franken	Nelson	

The amendment (No. 340), as modified, was rejected.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 389 TO AMENDMENT NO. 267

(Purpose: To provide for premium assistance for low-income individuals.)

Mr. ENZI. Mr. President, I call up amendment No. 389.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for Mr. STRANGE, proposes an amendment numbered 389 to amendment No. 267.

Mr. ENZI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of July 26, 2017, under ''Text of Amendments.'')

The PRESIDING OFFICER. Who yields time?

If no one yields time, time will be charged equally to both sides.

The majority whip.

Mr. CORNYN. Mr. President, this week we are about the business of keeping our promises. For 7 years, we have promised to help the millions of Americans who have been let down, not to mention deceived, by the promises of ObamaCare. It is absolutely critical that we fulfill our commitments.

This is not just about moving past the failures of ObamaCare but laying the groundwork for providing Americans access to better care. We said all along that we have four principles:

One is to help stabilize the insurance markets so people living in Iowa, for example, would make sure they have a place where they can actually buy health insurance.

It is about getting premiums lower by eliminating the mandates and making it possible for people to choose alternatives that happen to suit their needs at a price they can afford.

Third, we said we are going to continue to do everything in our power to protect people with preexisting conditions so they are not afraid about changing jobs and being excluded from their new employer's insurance coverage because of something we have done here. We protect people against the preexisting conditions exclusion.

Fourth, what we said we want to do is to take Medicaid, an essential safety net healthcare program, and make sure we put it on a sustainable path. I know there are some in Washington, DC, who think we can just continue to spend borrowed money endlessly. Well, we can't. It really jeopardizes the very viability of some of our most essential safety net programs like Social Security, Medicare, and, yes, Medicaid in this instance.

What we have done, and what we intend to do, working with our colleagues in the House, is to put Medicaid on a sustainable path while we grow the expenditures to Medicaid each year, over a 10-year period, by $71 billion.

So those who say we are somehow gutting Medicaid or we are cutting Medicaid, I think, they simply have to deal with those facts. I haven't heard a satisfactory explanation for how you can conclude that somehow we are gutting Medicaid or cutting it when we are actually making it sustainable in the long run.

Throughout this process, what I have learned is, Senators have a lot of different ideas. Everybody has come to the table to try to help make this better. I would say, unfortunately, our Democratic colleagues have chosen not to participate in the process. This would be a lot easier—and the product we come up with would be a lot more durable over the long haul—if, in fact, Democrats would work with us.

The fact is, in this amendment process we are engaged in, and will be engaged in this evening, any Senator, Democrat or Republican, majority, minority party Member, can offer an amendment and get a vote on it. So I don't really understand why our Democratic colleagues are sitting on their hands and will not participate in the process.

I fear what they want is to change nothing about the structure of ObamaCare, notwithstanding the failed experiment of the last 7 years. Then what they want to do is come back and throw money at the insurance companies under these cost-sharing risk pools. We are willing to do what we need to do to stabilize the insurance market, but I am not going to vote for an insurance company bailout without reform.

Leader MCCONNELL reiterated yesterday that our constituents are counting on us. I can tell you, the 28 million Texans I have the great privilege of representing are counting on me and Senator CRUZ to do our part to come up with a solution. The Texan whose premiums have tripled and lost his doctor is counting on us. The ER employee who witnessed the emergency room busting at the seams with Medicaid patients—people who ostensibly have coverage under Medicaid but who can't find a doctor who will accept a new Medicaid patient so they end up going to the emergency room—is counting on us. The small business owner who was forced to fire employees to avoid a $100,000 fine, that person is counting on us too. The young woman coming out of nursing school who was forced to change her plan three times, only to end up with a plan with coverage options she didn't want, at a price she could barely afford, she is counting on us too.

My constituents in Texas and Americans across the country are counting on us. They are sick and tired of the bickering and the lack of productivity here in Washington, DC, and I don't blame them one bit. They are counting on us to free them from some of ObamaCare's mandates that force them to make very tough economic decisions, like the 28 million people under ObamaCare who either pay a fine—about 6.5 million of them—or, the rest,

who claim hardship exemptions so they don't have to buy insurance. But in Texas alone, there are more than 400,000 Texans who earn less than $25,000 a year who can't afford to buy the insurance. So they pay the fine to the government. So their government fines them for not buying a product they can't afford.

So now is the time to deliver some relief to our constituents. They are counting on us to keep the deeply personal choice of healthcare plans and doctors in their hands and not the Federal Government's. So it is time to deliver, and my goal is to make sure we find a solution and get it to the President's desk.

One of the most offensive parts of the Affordable Care Act—or we should have called it the un-Affordable Care Act, since premiums have gone up 105 percent since 2013 alone—is that people who were told a family of four would see a reduction of $2,500 a year in their premiums have seen their premiums go up by more than $3,000. There are a lot of stories—I am sure even here in this room, in this Chamber—where people simply have seen their premiums go up, up, and up along with their deductibles, basically denying them the benefit of their insurance. But the individual mandate is a prime example of government getting in the way of individual freedom and the right to choose.

The so-called individual mandate—we really should call this the penalty that government imposes on its citizens for failing to purchase a product they don't want and, in some cases, don't even need—forces them to do so at a cost that was crippling and continues to be crippling for many individuals and families.

Here is a shocking statistic. An estimated 8 million Americans pay the fine associated with this mandate each year. Eight million Americans are penalized by their own government, forced to pay a fine that could be used on coverage that might actually suit their needs. If ObamaCare would make it possible that the market could prosper and insurance companies offered a variety of products at different prices that people could choose from, maybe some of these folks could take the money they are paying their own government as a penalty and actually buy insurance coverage.

Then there is the employer mandate. This is one of the most pernicious of the mandates. I remember sitting with a friend of mine, who happens to own a small architectural firm in San Antonio, back when ObamaCare passed, and I explained to him: If you have more than 50 employees, then you are going to have to buy or provide ObamaCare-compliant healthcare for your employees.

He said: Well, I may have to lay off some people because we have 54 employees. So I am going to have to fire at least four of them to get below that 50-person threshold so I can avoid the fine and the insurance that I can't afford to provide for my employees.

So this has literally been a job-killing employer mandate. This is not some benign or innocuous requirement. This has been one of the reasons why the economy has been so anemic even since the great recession of 2008, and this is the reason why so many people feel like the economy has not really recovered, because it hasn't provided them job opportunities and larger wages. So this mandate has stifled business growth, to be sure, especially among small businesses, which are the primary job engine of our economy. Oftentimes jobs were cut in order to avoid bankrupting the business through ObamaCare fines.

So Americans have been forced by their own government, no less—government is supposed to serve the people, not the other way around—to live under mandates, taxes, broken promises, and collapsing markets for too long. So this week is about keeping our promises, demonstrating that we can govern, even, unfortunately, without the assistance of our Democratic colleagues, and paving the way to tackle other important issues, like tax reform, infrastructure construction—things we need to do to keep the economy growing and moving forward.

So we will be hearing more about a possible solution and a way forward, something I call ''the freedom to choose'' plan, where we free the American people from the destructive impact of this so-called individual mandate, where we free small employers from the employer mandate, letting them hire the employees they need and not having to choose between that and bankruptcy.

And, yes, we are going to push more power out of Washington, DC, and back to the States. I know, based on the public opinion polling I have seen, that people sure trust their States a lot more than they trust Washington, DC, when it comes to healthcare. So we are going to provide the flexibility and tools that the States, the Governors, and the legislators need, as well as the insurance commissioners, to come up with a viable market using resources we are going to provide to them.

It would be better if we could all come together to find a solution to engage in debate—Republicans and Democrats alike—and pass a final product and get it to the President's desk. That is, actually, how the legislature is supposed to function. But unfortunately we are in unusual times, when almost half of the Senate refuses to participate. Actually, they will be actively trying to undermine our efforts to come to the rescue of the people that are hurting as a result of the deception and the failures of ObamaCare. I don't know how you explain that. You certainly can't explain it to constituents like I have. I bet you a dollar that every single one of the Senators here who is trying to blow up this process and undermine the progress we are making has constituents back home who are suffering the same way my constituents are, but they are turning a deaf ear to them and saying: You know what, politics and party and ideology are more important to me than actually addressing the needs of my constituents. That is what their actions are effectively saying, and it is a shame.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. KENNEDY. Mr. President, I wish I could stand here today and tell you that the Affordable Care Act, or so-called ObamaCare, had worked. I wish I could sit here and tell you today that the American people were better off as a result of the Affordable Care Act, but I can't do that, and it gives me no joy in having to make that statement.

Now, as you know, Mr. President, not a single Republican voted for the Affordable Care Act. The Affordable Care Act was passed at President Obama's suggestion by the Democratic Members of the House and the Senate. They had a majority, and in this body the majority rules. I don't want to ascribe to the President or to our Democratic friends any ill motives whatsoever. They wanted what was best for the American people. It wasn't a question of bad motives. It was just a bad idea. It didn't work.

Let me say this another way. I believe that President Obama and our colleagues on the Democratic side of the aisle in the Senate and in the House of Representatives passed ObamaCare with the best of intentions. But, you know what, Mr. President—I know you also happen to be a physician—150 years ago, doctors used to bleed their patients with the best of intentions, and they stopped doing that. They did it. They didn't have any bad motives in doing it. They did it because they thought it would help the patient. It killed many of them. So they stopped doing it.

You know we were told when the Affordable Care Act, so-called ObamaCare—I don't mean any disrespect in calling it ObamaCare. President Obama himself refers to it as ObamaCare. When the Democrats in the Congress passed ObamaCare, I remember well what we were told because I wanted to believe it. The President said: If you like your insurance plan, you can keep your insurance plan. I think he meant that at the time. It wasn't true. It turned out not to be true.

The President said: If you like your doctor, you can keep your doctor. I think that is what he wanted, but you couldn't.

He said the Affordable Care Act would ''cover every American and cut the cost of a typical family's premium by up to $2,500 a year.'' It is not even close.

President Obama said ObamaCare would ''bend the cost curve for healthcare'' without adding ''one dime

to the deficit.'' None of that was true. I think the President meant it at the time. I think he wanted it at the time. I know I did. I know you did, Mr. President. But it just turned out not to be true.

Now, the simple fact of the matter is—and I think every reasonable person has to conclude—that the Affordable Care Act has not worked for the American people.

Let's talk about the exchanges. As you know, Mr. President, there are two parts of the Affordable Care Act. There are the exchanges through which people go and buy insurance directly from an insurance company, and then there is the Medicaid expansion. I want to talk about the exchanges for a moment.

In 2016, under ObamaCare, we started out with 281 insurance companies offering insurance to the American people. That is a good start. The problem is that now we have 141, and they are dropping like flies. In my State of Louisiana we are down to three. A third of all of the counties in America have only one choice—one insurance company that will still write insurance—and many of our counties have zero, none, nada, zilch. They can't get insurance at all. They have been given a bus ticket, but there is no bus.

As for Louisiana, let me talk just for a moment about my State—our State—Mr. President. In Louisiana, premiums have gone up 123 percent on the exchanges since 2013. That is an average of a $3,600 increase per plan. Nationwide, the average ObamaCare plan now costs 105 percent more than when it started. That is $3,000 per person. What is particularly incredible to me, Mr. President—you know these statistics better than I do—in Louisiana we have 136,000 people who, rather than buying insurance off the exchanges, have chosen to pay the fine. Let me say that again: 136,000 people in my State have looked at the insurance offered to them, with the subsidies, and have said: We would rather pay the fine. Of that 136,000 who said they would pick the fine instead of the insurance, 84 percent of them make $50,000 or less, 48 percent of them, or half, make $25,000 or less. Now, do you know what that tells me? That tells me that 136,000 people in my State, most of whom are too poor to be sick, looked at the Affordable Care Act plan and said: We can't afford it. We would rather pay the fine. We are better off paying the fine. So they are out of pocket the money for the fine, and they still don't have insurance. No reasonable person would call that a success.

Let me give a couple more examples because we talk around here in concepts, and we all know what we are talking about, but average Americans who get up every day and go to work, who obey the law and pay their taxes, who try to do the right things for their kids and try to save money for retirement do not have time to deal in concepts. They are too busy earning a living. They just want to know: What kind of health insurance do I have, and what is it going to cost? So let me give some examples right now from Louisiana. This is brought to you by the Affordable Care Act.

Let's suppose that I am a 60-year-old, nonsmoking male who is living in Baton Rouge, LA. I am making $50,000 a year. According to healthcare.gov—I did not make this up—the cheapest and most basic plan available to me would cost me $689.14 a month, with a $4,500 deductible, for a grand total of $9,000 a year—deductibles, my out-of-pocket, plus my premiums. Now, I am 60 years old. I am living in Baton Rouge, LA, where the cost of living is not that high, and I am making $50,000. The Federal Government has said: We have a great deal for you. Give us $9,000, and then we might be able to give you some healthcare.

For that $9,000, what do I get?

Suppose I say: OK. Here is my $9,000.

I don't know where I am going to find it, as I am only making $50,000 a year, and, of course, the government is taking some of that for taxes, but I find $9,000 a year. Do you know what I get? I get four doctor visits, I get two lab tests, and I get nine prescription drugs and additional medical costs for a grand total of $100. That is not insurance; that is giving somebody a bus ticket without a bus.

All right. Let's suppose that I am a 50-year-old female. I don't smoke. I am living in Lafayette, LA, which is to the west of Baton Rouge. I am making $50,000 over in Lafayette. The most basic plan in Lafayette—once again, I am 50 years old. So I am not 60 now; I am 50 years old, a female, and I don't smoke. The most basic plan, the cheapest plan I could get would cost me $450 a month in premiums, with a $4,800 deductible, for a grand total of $6,550. So I have to go into my pocket for $6,550 before I can get any kind of health insurance. That is not health insurance.

I would remind the Presiding Officer, as he is a physician who has been on the frontlines in caring for people in our charity hospital system in Louisiana—and God bless him for that—that the options I describe are the cheap ones. They are the most affordable ones. That is the best-case scenario.

Nobody wanted this. I know President Obama did not want it to turn out this way. I know our friends on the Democratic side did not. They wanted what was best for America. It was not a bad motive; it was just a bad idea.

What do we need? Everybody has his own opinion of that. That is what we are going to try to convince each other of over the next few days as we vote. I will tell you what I think we need. I think that in the healthcare delivery system, we do not need more government.

I know that some of my friends on the Democratic side think they have the solution, and I respect them for all of the time and care they have put into this. Some of my friends on the Democratic side say they have the solution. Government has failed, they will admit. They do not say it very loudly, but they will privately say: We realize the government has failed with ObamaCare. Our prescription to fix it is more government, so let's go to a single-payer system. Let's have the Federal Government be in charge of everybody's healthcare, and let's let the Federal Government regulate our doctors and our nurses and our hospitals and our health insurance companies and our patients and our lab techs like they were utilities.

I have lived under a system like that. England has a system like that. You can not name me a single G20 country—not one—that has a single-payer system that is working. It is not the answer.

Quickly, because I am running out of time, here is what we need.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I will conclude then, Mr. President. I thank him for his time and attention.

America needs a healthcare delivery system and deserves it like somebody designed the dadgum thing on purpose.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, there has been a lot of talk here on the Senate floor about this so-called skinny health package, and if you believe the reports, the skinny health package was going to be written today at the Senate Republican lunch. On the day that the Senate is supposed to vote, the future of American healthcare may have gotten an overhaul between the salad course and the entree.

I would like to talk a little about where things are and really contrast these reports about the skinny health package with the process that brought together the Affordable Care Act.

Our colleague, the Presiding Officer, now serves on the Finance Committee. There were dozens of hearings in the Finance Committee about the Affordable Care Act, and there were dozens of hearings in the HELP Committee. Both committees had markups that lasted longer than a week and incorporated ideas from both sides. I was a pretty junior member of the Finance Committee at that time, and I remember a flock of Republican amendments being added, in the Finance Committee, to the Affordable Care Act. When the bill came to the floor, the Senate debated it for 25 legislative days. It was the second-longest consecutive debate in history.

We are not seeing anything that resembles that today. You have a rush job. So I am going to try to spend a few minutes talking about what comes out when you have a rush job and about some of the red flags that I think my colleagues might want to think about, particularly some on the other side of the aisle who are thinking about voting for this skinny package.

Any Senator who believes that Medicaid makes it out of the skinny package without taking a hit ought to take a look again. Senator MURRAY and I spent a long time in working with the Congressional Budget Office to, in effect, get them to do some analysis of some of the ideas that are part of a CBO package. What the Congressional Budget Office said—and it is the impartial, nonpartisan umpire—is that under this skinny package that is not supposed to do any harm to Medicaid—and it is on the first page of the CBO report—Medicaid gets hit with a $220 billion reduction for over a decade under this so-called skinny proposal.

So if you are one of our colleagues on the other side of the aisle who say they really feel strongly about Medicaid and about seniors—Medicaid, we all know, picks up the cost of two out of three nursing home beds, and it covers a wide variety of community-based services.

I have loved to watch the development of those community-based services. We started them in Oregon back in the days when I was the director of the Gray Panthers.

In this so-called skinny budget, according to the Congressional Budget Office, Medicaid would get hit with a $220 billion reduction. I think my colleagues on the other side of the aisle who are saying ''Hey, the skinny package isn't going to have any implications for Medicaid'' would want to take a look at it because I think the Congressional Budget Office is saying there really are implications for vulnerable seniors, for kids with special needs, for the disabled, and for all of those Americans who are walking on an economic tightrope every single month in balancing their food costs against their fuel costs and their fuel costs against their health bills.

The numbers on skinny repeal show that 16 million Americans will lose coverage and that premiums are going to jump by 20 percent immediately if it becomes law. Industry experts are saying there is not any way this can work. It just causes too much bedlam and uncertainty. It is like pouring still more gasoline onto the fires of uncertainty in the marketplace. Republican and Democratic Governors have come out against the skinny bill.

By the way, as the ranking Democrat on the Senate Finance Committee—I guess we have 100 percent of the Senators who are here who serve on the Finance Committee. I do not even see Republican Senators making much of an attempt to defend the skinny bill on its merits. In fact, in the halls, many of them seem to be telling folks, including some folks, I believe, in the press, that they are kind of worried about its becoming law.

There are a few directions for this process to take. It is possible that, if you pass it, the House could just take up the skinny repeal and then they could pass it. My guess is that when people around here think about what that means and what those CBO numbers mean, the premium hikes and the implications for Medicaid, they will look at those CBO numbers and probably get a little heartburn—my Republican colleagues in this Chamber who are thinking about being for this.

The other possibility is that passing the skinny repeal bill leads to a conference. I am telling you that if it heads to conference, a skinny repeal is sort of a gateway drug to TrumpCare. The fact that a conference is going to fix every problem and solve every disagreement is just fantasy. If this gets to conference and if suddenly there is a new Republican replacement plan that everybody likes—that is about as likely to happen as my joining the NBA for the upcoming season.

Let's take an honest look at how the debate has unfolded.

Republicans have had 7 years to come up with a replacement to the Affordable Care Act that they can all agree to. Obviously, that has not worked out. In the Senate, the process flatlined until the majority leader began the shell game that has culminated in today's vote. There were not 50 votes for TrumpCare here in the Senate. There were not 50 votes for repeal. That is why a skinny repeal is the only proposal left on the table. As I indicated, who knows what was done at the Republican lunch today at noon between the salad course and the entree?

Yet let's be clear about what is likely to happen when the House gets involved. The guarantees that Members of this body will get to protect their constituents are out the window—kids with disabilities and older people—say, a baby boomer. My colleague in the chair, who is a skilled physician, understands this. You have a baby boomer who has had a stroke, who is in his late fifties, early sixties, and he is in a nursing home. He is going to really face some challenges in terms of how to be able to afford that care with the kinds of cuts that, on page 1 of the report to Senator MURRAY and me, the CBO has said it believes will take place in Medicaid.

We know these rural hospitals are the economic engine of communities. I have made eight stops on a rural healthcare listening tour in my home State, and what we see is, without rural healthcare, you aren't going to have rural life. It is going to be particularly important because other efforts could conceivably result in seniors between 55 and 64 paying five times as much as younger people and getting fewer tax credits. Nobody can honestly say that the millions of Americans with preexisting conditions will be shielded from discrimination, and what a step backward that would be.

Before the Presiding Officer was here in this body, 14 Senators—7 Democrats and 7 Republicans—joined me in the 2008, 2009 period. Many of them are still here on both sides of the aisle. Republicans were a part of the effort and Democrats were a part of the effort. We wrote a bipartisan bill that had airtight, loophole-free protection for those who have preexisting conditions. We got it in the Affordable Care Act. All of the Senators who joined on that bill ought to feel pretty good about taking a big step to move America away from healthcare that is just for the healthy and wealthy. Now we are talking about the prospect of policies that will walk that back.

It is my view that the clear choice for my colleagues who don't like the risks in skinny repeal and don't like TrumpCare is to reject the process. It seems to me the surest way to prevent a bill you don't like from becoming law is to vote against it. Quaint idea: Just vote against it.

I want to turn, as well, to another bit of breaking news, which comes from our Parliamentarians who do so much good work, and they have an extraordinarily stressful job. Another key part of the Republican plan has been deemed ineligible in the last few hours to move forward via the partisan approach—reconciliation. The decision pertains to a proposal that lets States undo the consumer protections built into insurance marketplaces under the Affordable Care Act. That proposal will not get fast-track privileges or a 50-vote threshold under reconciliation here on the Senate floor.

Here is what that section of the bill was all about. I wrote a provision—and, again, our group of 14 bipartisan Senators, seven Democrats and seven Republicans, can take credit for this as well—about an issue that the Presiding Officer and I have talked about a number of times: letting the States be the laboratories of democracy, taking the lead on creative health solutions.

So out of our bipartisan bill—14 Senators—we said that we are going to give the States the chance to do better. The States would have the chance to do better. When we did it, we got some flak from all over the political spectrum. But we pushed very hard, and we got it in to the final legislation. It was about providing flexibility to States because so many on both sides of the aisle—my guess is our friend from Pennsylvania, and anyone who is on the Finance Committee, has heard again and again that State officials, business leaders, and others have said: If you just give us the freedom, we can do better. They don't say: Give us the freedom to let us do worse. They say: Give us the freedom to let us do better.

That is what section 1332 was all about. It said that States could chart their own course on healthcare as long as they were going to do better—better for coverage, better for affordability. They made it clear that if you feel you can do better—if the Louisiana Legislature says: We have ideas for what works for Louisiana, which may not necessarily work for Oregon; give us the freedom to go do our thing—that is in the Affordable Care Act, the freedom to do better.

I would be the last person to tell my friend from Louisiana, a skilled physician who has a great interest in health policy—I would be the last person to say: Hey, I am going to dictate to Louisiana what an approach involving a waiver should be all about. It is quite the opposite. I am prepared to say to Louisiana, to Pennsylvania, to all of our colleagues, if you have ideas that are going to do better by people—better coverage, more affordable—God bless you and your constituents. That is what 1332 is all about.

We said that all we are going to say is we have to have some basic consumer protection here. You can't just get a waiver and go off and do nothing or just spend the money on some pork kind of project; you have to do better by people—better coverage, more affordable coverage, having basic consumer protections. The Senate TrumpCare bill tried to basically throw those consumer protections out the window. States would be able to get waivers to opt out of basic consumer protections—basic, plain, vanilla consumer protection for coverage and affordability. My view was that kind of stuff is a backdoor way to set up junk insurance—junk insurance that wouldn't cover much more than gauze bandages and aromatherapy.

Some people may wonder why this is important today, since the Senate resoundingly voted down the Better Care Reconciliation Act earlier this week.

The answer is that my colleagues on the other side still seem to be trying to shoehorn this scheme for worse coverage—not better coverage—under a waiver into the skinny repeal proposal the Senate is going to vote on in a matter of hours. But the decision has come down. The decision has come down from the Parliamentarian that regulatory changes that gut consumer protection, that was right at the heart of that waiver in the Affordable Care Act, isn't going to fly. And, frankly, I think it calls into question what the Parliamentarian said—it calls into question whether any of these big anti-consumer schemes are going to get 50 votes.

So this is yet more uncertainty ahead if Senate Republicans pass this skinny repeal bill and the debate drags on.

Now, at the risk of boring our wonderful pages and the staff who have heard me on the floor saying this before, there is a bipartisan approach. I think I have shown my bona fides over the years with respect to bipartisanship. I mentioned our universal coverage bill—the first time Republicans, Democrats came together and said that this is something where there is common ground because it is common sense. I have worked with colleagues who are perhaps some of the most conservative Members of the Congress on initiatives to move healthcare forward. That is what I have wanted to dedicate my entire professional service to—bipartisanship in health. Ever since those days with the Oregon Gray Panthers, that is what I always thought was the most important thing because if Senator TOOMEY, the Presiding Officer, all of our colleagues—all the people here—if you don't have your health, then pretty much everything else is uphill. So healthcare has always been the most important issue—an important issue we have to deal with in a bipartisan way.

I have said—which is why I wanted to alert the pages and the professional staff about the prospect of true boredom and just nodding off through the afternoon—that there is an alternative. If Republicans drop the reconciliation, the our-way-or-the-highway approach, colleagues on this side have said that they want to work on a bipartisan basis. It doesn't take rocket science to figure out what that needs to be.

The first thing that Democrats and Republicans would do is stabilize the private insurance market—the first thing. Everyone over here has said that the Affordable Care Act is far from perfect. We have colleagues here, including Senator KAINE with his reinsurance proposal, Senator SHAHEEN with her cost-sharing effort, Senator MCCASKILL to try to help areas where there is little or no coverage, and I am certain there are Republicans who have ideas that would be part of a good bipartisan package if we drop this our-way-or-the-highway partisan approach.

We ought to be working together to bring down prescription drugs prices. I have spoken on a number of occasions with the Presiding Officer about the fact that literally out of nowhere over the last few years we saw a whole industry develop around prescription drugs, where a bunch of middlemen are supposed to be getting the consumer a good deal on medicine, but nobody knows what they put in their pocket and what they put in the consumers' pocket. They are called pharmaceutical benefit managers. So I said: How about a little sunlight on that? How about a little sunshine, the best disinfectant?

I sure think people ought to be able to work together on those kinds of things. That, colleagues, is not what is on offer right now.

I urge my colleagues to say: We are getting out of this shell game. Nobody has to accept the skinny repeal option or the dictates of the other body. If you are unhappy with the option on the table—and I hope more people will be unhappy now that I have outlined what some of the key considerations are in this Budget Office report Senator MURRAY and I worked hard to get—I hope some people are going to think again, especially on the other side of the aisle, about voting it down. Twenty percent premium hikes—those go into effect on January 1 of 2018. And I expect we will have more information on it, but I think there are going to be 20-percent hikes after that. That is real. That is not what some interest group made up or some liberal partisan or anybody else who has an ax to grind. That is what our impartial umpire found.

So if you are unhappy with a proposal with those kinds of options, you ought to vote it down.

I want to close by way of echoing a point that so many colleagues on this side have said. This is not about saying: Look, we are just against what you want to do. Quite the opposite. For all my time in public service, I have said what I want to do is try to find common ground with people with common sense.

Let us defeat this skinny, sham, shell game kind of process that looks like what we are going to be voting on tonight and then get serious about doing what legislators do, which is not take each other's crummy ideas, but take good ideas and work on them in a bipartisan way.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, on Tuesday, the Vice President cast a tie-breaking vote to move to debate on a healthcare reconciliation bill, the contents of which even now remain a mystery to most of us.

This vote to proceed without a transparent path forward underscores a process that has, from the beginning, been politics and policymaking at their worst. You would think that, after 7 years of campaigning to repeal the Affordable Care Act, the majority would have a plan in place to do just that. Instead, a dozen or so male, Republican lawmakers met behind closed doors, shielded from public view, to negotiate a grand plan to repeal the Affordable Care Act and make devastating cuts to the Medicaid Program—no hearings, no debate, no process. This is not the path taken when we considered, debated, and approved the Affordable Care Act. This is not the way the Senate, the greatest deliberative body in the world, should conduct such far-reaching and impactful business. This is not the Senate that I know and respect.

In spite of multiple drafts and a go-it-alone, hyperpartisan philosophy, the majority leader was still unable to garner enough support within his own Caucus to pass a sweeping healthcare bill. I joined with many Democrats to offer motions to get the Senate back to regular order and have the appropriate committees study the effects of these policies on Medicaid beneficiaries and those with disabilities, on women and children, on seniors and the most vulnerable, but Republicans voted down those efforts and plowed ahead. During this debate, the Senate has also considered multiple amendments to rewrite the Affordable Care Act. Each of these amendments would have caused tens of millions of Americans to lose insurance and would have made it harder for those with preexisting conditions to obtain coverage. When those amendments failed, the Republican leadership attempted to fully repeal the Affordable Care Act. That did not work either.

The collapse of these ideas should have resulted in a renewed spirit of bipartisanship, where we could work together to stabilize and improve the health insurance markets. Instead, the Republican majority is so intent on voting on anything, that we are considering voting to repeal two or three policies from the Affordable Care Act solely in order to get something through the Senate and into conference with the House. This is nothing more than legislative malpractice. We are presumably considering a bill that will devastate our health insurance markets, and the best reason the Republicans can come up with for supporting final passage is ''because we said we would.''

The notion that this majority would reduce themselves—and the Senate—to finding the lowest common denominator in order to move ahead with a policy of this magnitude is not only absurd, it is dangerous. While all the versions of the Republican plans we have seen differ slightly, they all have the same, basic structure. Let's call these plans what they are: a massive tax cut for the wealthy on the backs of pregnant women, children, and the disabled who depend upon Medicaid for their health coverage. It is a tax plan in the guise of a health plan. We are considering massive entitlement reform bills that the Republican majority is trying to sell as fixes to the Affordable Care Act, but we know that these bills would fix nothing and would instead create tremendous new challenges.

According to the nonpartisan Congressional Budget Office, CBO, each of the various Republican proposals would cause at least 22 million people to lose their health insurance. For instance, the CBO projected that the Senate Republican's first proposal would result in marketplace enrollees paying on average 74 percent more towards their premiums for a plan in 2020 than under current law. Another proposal offered by the majority would result in higher deductibles, rising from $3,600 under current law to $6,000. Under this one proposal, Americans would be expected to pay more money for less care. And as if the Medicaid cuts in the House bill were not deep enough—which caused the President to call the bill ''mean''—another Senate Republican proposal would double down and even deepen Medicaid cuts beginning in 2025. The Senate's proposals have certainly not been less ''mean'' than the House bill. If anything, the Senate's bills are meaner.

In Vermont, the effects of any of these bills would be disastrous. Since the passage of the Affordable Care Act, Vermont has made exceptional progress to cut the rate of uninsured Vermonters by half. The number of uninsured Vermonters is now less than 4 percent. Because of the Medicaid Program and the Children's Health Insurance Program, known as Dr. Dynasaur in Vermont, 99 percent of children have health insurance in our State. TrumpCare, in any version, places Vermont's progress at risk.

Vermont has also worked on new and innovative ways of delivering healthcare, which has brought down costs and increased coordination of care. One of the most significant ways Vermont has done this is through existing flexibility in Medicaid. It is through the Medicaid Program that Vermont has offered comprehensive treatment and counseling services for those suffering with opioid addition. In Vermont, 68 percent of those receiving medication-assisted treatment for opioid addiction are Medicaid recipients. If hundreds of billions of dollars are cut from the Medicaid Program, States will be forced to limit coverage, jeopardizing Vermont's ability to overcome this crisis. Provisions that cap Medicaid spending do not create ''flexibility'' in Medicaid. This policy would instead force States to ration care.

This spring, I met a Vermont mother who has two young daughters. Both of her daughters suffer from cystic fibrosis. Luckily, they have the disease mutation that allows them to benefit from new drug therapies, but it is because of Medicaid that they have the resources necessary to afford the $20,000 per month that it costs to provide medication for each of her children. How can we tell this mother that her daughters might no longer be able to take this medication because of fiscal constraints in Medicaid? How can we tell future children who should have access to Medicaid that it was more important to give the wealthiest Americans a tax cut?

I heard from another woman in Norwich who shared this story with me: ''Five years ago, both on the same day, my husband and I were diagnosed with cancer. The fact that we are both alive today is entirely thanks to President Obama. My treatment alone involved two hospital admissions, four months of chemotherapy, and fourteen surgeries. I still take drugs every day. There is no way we could have afforded any of this without Obamacare. Before the ACA, our health insurance costs—both premiums and deductibles—were sky high. My husband and I used to avoid going to the doctor, reserving that luxury for our three children. Without Obamacare, it's entirely possible that we wouldn't have had the check-ups that led to our diagnoses.''

These TrumpCare proposals are not healthcare bills. A true healthcare bill would not kick millions of Americans off health insurance. A true healthcare bill would not allow insurance companies to charge people more for less coverage. A true healthcare bill would not move us backwards to a time when healthcare was unaffordable.

Instead, we should be working on proposals that improve our existing system. Where there are deficiencies, let's fix them. Where we can find common ground, let's act. One of the first things we should do is stabilize the insurance market by making cost-sharing payments permanent. We should also be working to reduce the cost of prescription drugs, which is why I have introduced a bill, along with Senator Grassley, that would help reduce drug costs by helping generic alternatives come to market faster. The American people expect us to work on real solutions. We should not be voting on a cobbled together plan where the primary goal seems to be to get to 50 votes, rather than actually improving our health insurance system. Importantly, no Member should vote on a proposal unveiled at the eleventh hour, with no debate—a proposal that will impact such a large component of our economy and tens of millions of Americans.

Was the Affordable Care Act absolutely perfect when it was passed? No, and we acknowledged the need for continual improvement as the ACA would be implemented. Unlike other important social programs that have been created over the years—such as Social Security and Medicare—Republicans have not allowed us the opportunity to improve, strengthen, and perfect it over time. Those programs were also not perfect, but instead of playing partisan games, Republicans and Democrats came together to get something done, time and time again. We did not vote to repeal the Social Security Act. No, we came together and we discussed what needed to be done to better help the American people, not unravel their safety net.

I hope that we can end this dangerous exercise and move forward in a responsible way. Let us act on the best interests of our constituents and not resort to cynical, bumper-sticker politicking. At its best, the Senate has been able to act as the conscience of the Nation. I hope now is such a time and that the Senate will rise to the occasion to defeat this harmful bill.

Mr. BLUMENTHAL. Mr. President, I had previously submitted to the RECORD my intention to submit a motion to H.R. 1628 regarding the Prevention and Public Health Fund. That motion was also supported by Senator NELSON.

Mr. FRANKEN. Mr. President, I intend to offer the following motion to H.R. 1628, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Franken moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions that would repeal the medical loss ratio and allow insurers to spend less of their revenue from premiums on providing high quality medical care and more on corporate profits and administrative overhead.

Ms. HIRONO. Mr. President, I intend to offer the following motions to H.R. 1628, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Ms. Hirono moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) ensure that the bill will not result in the loss of health care coverage, increased out-of-pocket health care costs, or increased taxes for any individual in the State of Hawaii, with such changes maintaining the deficit neutrality of the bill over the 10-year budget window.

MOTION TO COMMIT WITH INSTRUCTIONS

Ms. Hirono moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) provide that, for each calendar year that begins after the date of enactment, each State shall provide medical assistance through the State Medicaid program to any individual residing in the State who is between 50 and 64 years of age and who demonstrates that the least expensive private health insurance coverage available to such individual would require the individual to pay premiums that would exceed 9.5 percent of such individual's income.

MOTION TO COMMIT WITH INSTRUCTIONS

Ms. Hirono moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) provide that, for each calendar year that begins after the date of enactment—

(A) each State shall provide medical assistance through the State Medicaid program to any individual residing in the State who is between 50 and 64 years of age and who demonstrates that the least expensive private health insurance coverage available to such individual would require the individual to pay premiums that would exceed 9.5 percent of such individual's income; and

(B) The Federal medical assistance percentage applicable to medical assistance provided by a State under the State Medicaid program to individuals described in paragraph (1) shall be equal to 100 percent.

MOTION TO COMMIT WITH INSTRUCTIONS

Ms. Hirono moves to commit the bill H.R. 1628 to the Committee on Finance of the Senate with instructions to report the same back to the Senate within 3 days, not counting any day on which the Senate is not in session, with changes that would prohibit tax credits from being used for a qualified health plan which has an annual or lifetime cap on benefits, or any plan which does not cover all necessary treatment for a condition until cured (including rehabilitation or reconstruction procedures).

Ms. HIRONO. Mr. President, I intend to offer the following motion to H.R. 1628, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Ms. Hirono moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) ensure that any child who is enrolled in a State Medicaid program shall not be disenrolled from such program without proof that the child has alternative insurance coverage that is equally affordable and that provides at least the same level of coverage.

Ms. DUCKWORTH. Mr. President, I ask unanimous consent that the text of these motions to commit be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Ms. Duckworth moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) ensure the reduction of infant mortality.

MOTION TO COMMIT WITH INSTRUCTIONS

Ms. Duckworth moves to commit the bill H.R. 1628 to the Committee on Health, Education, Labor, and Pensions with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) ensure that the bill will not reduce funding for, or otherwise harm, rural telehealth programs.

MOTION TO COMMIT WITH INSTRUCTIONS

Ms. Duckworth moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) strike any provision in the bill that results in decreased access to preventive or primary care services for low-income children.

MOTION TO COMMIT WITH INSTRUCTIONS

Ms. Duckworth moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) strike any provision in the bill that results in decreased access to habilitative or rehabilitative services for children with disabilities or children with medically complex needs.

Mr. BROWN. Mr. President, I intend to offer the following motion to H.R. 1628, and I ask unanimous consent that it be printed in the RECORD.

This motion would commit the bill to the Finance Committee with instructions to eliminate all provisions that would increase healthcare costs for the middle class and those struggling to get into the middle class.

I am offering this motion because healthcare costs are already too high for hard-working Ohioans, and this bill would make them even higher. We ought to be working to bring down costs; yet as my colleague Senator HELLER said, there is nothing in this bill that would lower premiums.

The first test of a bill should be, do no harm so I would hope all my colleagues will join me in ensuring that any bill that comes out of this body doesn't saddle working families with higher healthcare bills.

My motion is supported by the following Senators: BALDWIN, BLUMENTHAL, WHITEHOUSE, HIRONO, FEINSTEIN, LEAHY, VAN HOLLEN, HARRIS, FRANKEN, CARPER, UDALL, COONS, MENENDEZ, DUCKWORTH, DURBIN, REED, STABENOW, WARREN, BOOKER, NELSON, and KLOBUCHAR.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Brown moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) eliminate provisions that will increase health costs for the middle class and those struggling to get into the middle class.

Mr. CARPER. Mr. President, I intend to offer a motion to commit the reconciliation bill to the Health, Education, Labor and Pensions, HELP, Committee with instructions to ensure the bill does not harm or reduce the size of the individual health insurance market risk pool in any State.

I am offering this motion to ensure that the healthcare bill does no harm to the States' individual and small business health insurance markets by fracturing or reducing insurance market risk pools in ways that would drive up health insurance premiums and deductibles for older Americans or Americans with preexisting conditions.

The following Senators support my motion to commit: Senators COONS and SHAHEEN.

I ask unanimous consent that the full text of my motion to commit be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Carper moves to commit the bill H.R. 1628 to the Committee on Health, Education, Labor, and Pensions with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) ensure that the bill does not weaken or reduce the size of the individual market risk pool in any State.

Mr. CARPER. Mr. President, I intend to offer a motion to commit the reconciliation bill to the Finance Committee with instructions to ensure the bill includes reforms to our healthcare system that lower healthcare costs and improve health outcomes.

I am offering this motion because the healthcare bills before us make devastating changes to our country's healthcare system that endanger Americans' access to healthcare and raise healthcare costs for all Americans, but contains no commonsense reforms to our healthcare system that drive down underlying healthcare costs and improves health outcomes. Millions of Americans wrestle with unaffordable healthcare costs and our fee-for-service healthcare system remains inefficient and wasteful. Instead of passing the buck to States and reducing access to healthcare for low- and middle-income Americans, we should be focusing on reforms that can improve the healthcare system and lower healthcare costs for all Americans.

The following Senators support my motion to commit: Senators COONS and SHAHEEN. I ask unanimous consent that the full text of my motion to commit be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Carper moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) ensure that the bill improves health outcomes and lowers health care costs.

Mr. MARKEY. Mr. President, I intend to offer the following motion to H.R. 1628, and I ask unanimous consent that it be printed in the RECORD. The motion is supported by Senators LEAHY, SHAHEEN, VAN HOLLEN, and WARREN.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Markey moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) eliminate provisions that would reduce the Federal Government's financial commitment to currently active and successful Medicaid waivers under section 1115 of the Social Security Act that are promoting the objectives of title XIX of such Act.

Mr. COONS. Mr. President, I intend to offer the following motion to H.R. 1628 and I ask unanimous consent that it be printed in the RECORD. The motion is supported by Senator BLUMENTHAL.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Coons moves to commit the bill H.R. 1628 to the Committee on Health, Education, Labor, and Pensions with instructions to report the same back to the Senate within 3 days, not counting any day on which the Senate is not in session, with changes to prohibit a State through a waiver from allowing annual and lifetime limits to be applied by a health insurance issuer with respect to any essential health benefit defined by the Secretary of Health and Human Services under section 1302(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(b)).

Mr. COONS. Mr. President, I intend to offer the following motion to H.R. 1628, and I ask unanimous consent that it be printed in the RECORD. The motion is supported by Senator BLUMENTHAL.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Coons moves to commit the bill H.R. 1628 to the Committee on Health, Education, Labor, and Pensions with instructions to report the same back to the Senate within 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) require the President to notify in writing any individual who receives a cut in health care benefits, lower quality health insurance, or loses health insurance altogether that these changes are the result of H.R. 1628, the Trumpcare bill.

Mr. COONS. Mr. President, I intend to offer the following motion to H.R. 1628, and I ask unanimous consent that it be printed in the RECORD. The motion is supported by Senators DURBIN, BLUMENTHAL, BALDWIN, and BROWN.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Coons moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such Committee; and

(2) ensure that States that elect to waive essential health benefits under section 1332 of the Patient Protection and Affordable Care Act provide for new essential health benefits that provide at least a level of coverage that is equal to the essential health benefits coverage of Members of Congress.

Mr. COONS. Mr. President, I intend to offer the following motion to H.R. 1628, and I ask unanimous consent that it be printed in the RECORD. The motion is supported by Senators VAN HOLLEN, BALDWIN, BROWN, LEAHY, HARRIS, FRANKEN, STABENOW, CARPER, UDALL, HIRONO, MENENDEZ, REED, DURBIN, WARREN, BLUMENTHAL, DUCKWORTH, MARKEY, FEINSTEIN, KLOBUCHAR, and SHAHEEN.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Coons moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) ensure that the bill increases the number of Americans with health coverage rather than stripping millions of coverage.

Mr. COONS. Mr. President, I intend to offer the following motion to H.R. 1628, and I ask unanimous consent that it be printed in the RECORD. The motion is supported by Senators BLUMENTHAL and MENENDEZ.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Coons moves to commit the bill H.R. 1628 to the Committee on Finance of the Senate with instructions to report the same back to the Senate within 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) expand the credit for employee health insurance expenses of small employers to include employers with a greater number of employees, to extend the credit period, and to increase other limitations under the credit.

Mr. MURPHY. Mr. President, I intend to offer the following motions to H.R. 1628, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Murphy moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) eliminate provisions that would lead to increased premiums and out-of-pocket costs for individuals with rare diseases.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Murphy moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) eliminate provisions that would destabilize health insurance markets.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Murphy moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) eliminate provisions that would lead to increased premiums and out of pocket costs for Americans.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Murphy moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) eliminate provisions that would lead to increased premiums and out of pocket costs for Americans with Alzheimer's disease.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Murphy moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the

Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) eliminate provisions that would lead to increased premiums and out-of-pocket costs for pediatric cancer patients.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Murphy moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) eliminate provisions that would lead to increased premiums and out of pocket costs for Americans older than 55 years.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Murphy moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) eliminate provisions that would lead to increased premiums and out-of-pocket costs for disabled veterans.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Murphy moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) eliminate provisions that would lead to increased premiums and out-of-pocket costs for individuals with mental health or substance use disorders.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Murphy moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) eliminate provisions that would lead to increased premiums and out-of-pocket costs for individuals with breast cancer.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. MURPHY moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) eliminate provisions that would lead to increased premiums and out-of-pocket costs for domestic violence victims.

Mr. SANDERS. Mr. President, I ask unanimous consent that a motion to commit be printed in the RECORD to instruct the Committee on Health, Education, Labor, and Pensions to report back with changes that ensure the bill includes a provision establishing a robust public health insurance option that is affordable and high quality, that provides comprehensive benefits, and that may be offered on the Federal and State exchanges.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Sanders moves to commit the bill H.R. 1628 to the Committee on Health, Education, Labor, and Pensions with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) ensure that the bill includes a provision establishing a robust public health insurance option that is affordable and high-quality, that provides comprehensive benefits, and that may be offered on the Federal and State Exchanges.

Mr. SANDERS. Mr. President, I ask unanimous consent that a motion to commit be printed in the RECORD to instruct the Committee on Finance to report back with changes that ensure that no provision in the bill will reduce or eliminate the amount of Medicaid funding provided to schools under current law.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Sanders moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) ensure that no provision in the bill will reduce or eliminate the amount of Medicaid funding provided to schools under current law.

Mr. SANDERS. Mr. President, I ask unanimous consent that a motion to commit be printed in the RECORD to instruct the Committee on Finance to report back with changes that ensure the bill includes a provision to lower the eligibility age for Medicare benefits to age 55.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Sanders moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) ensure that the bill includes a provision to lower the eligibility age for Medicare benefits under title XVIII of the Social Security Act to 55 years of age.

Ms. HEITKAMP. Mr. President, I intend to offer the following motion to H.R. 1628. I ask unanimous consent that it be printed in the RECORD and that the RECORD acknowledge the support of this motion by Senators UDALL, CANTWELL, CORTEZ MASTO, HEINRICH, FRANKEN, MURRAY, MERKLEY, SCHATZ, STABENOW, and TESTER.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Ms. Heitkamp moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee;

(2) provide that any reduction or limitation of Federal payments to help cover the cost of private health insurance not apply with respect to private health insurance purchased by American Indians or Alaska Natives; and

(3) provide that any reduction or limitation of Federal payments for spending under the Medicaid program shall not apply with respect to services provided by the Indian Health Service, an Indian Health Program, an Urban Indian Organization, or Indian tribes or other tribal organizations, or with respect to services provided to individuals who are American Indians or Alaska Natives.

Mr. SANDERS. Mr. President, I ask unanimous consent that a motion to commit be printed in the RECORD to instruct the Committee on Health, Education, Labor and Pensions to report back with changes that are based on hearings held by the committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Sanders moves to commit the bill H.R. 1628 to the Committee on Health, Education, Labor, and Pensions with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee based on hearings held by the Committee.

Mr. MARKEY. Mr. President, I intend to offer the following motion to H.R. 1628, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Markey moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with the following amendment (inserted at the appropriate place):

SEC. ___. REGULAR ORDER.

Notwithstanding any other provision of law, nothing in this Act, including the amendments made by this Act, shall take effect until the both the Senate and the House of Representatives pass this Act through regular order.

Mr. MARKEY. Mr. President, I intend to offer the following motion to H.R. 1628, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Markey moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with the following amendment (inserted at the appropriate place):

SEC. ___. REQUIREMENT TO HOLD CONFERENCE.

Notwithstanding any other provision of law, no provision of this Act, including any amendment made by this Act, shall take effect until a bipartisan conference has been convened and produced a conference report with respect to this Act, and such conference report has passed the Senate and the House

of Representatives. The conference committee shall hold multiple public meetings and consider the input of stakeholders.

Ms. HIRONO. Mr. President, I intend to offer the following motion to H.R. 1628, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Ms. Hirono moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) would strike any provisions that restrict or prohibit Federal funding to Planned Parenthood health centers or other high quality family planning providers, or discriminate against providers based on the provision of constitutionally protected reproductive health care.

Mr. MERKLEY. Mr. President, I intend to offer the following motions to H.R. 1628, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with HIV.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with Autism.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with Asthma.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with breast cancer.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with pancreatic cancer.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for children with cancer.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for individuals with pre-existing conditions.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for infants.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for Veterans.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for pregnant women.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with Diabetes.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for children ages 3–10.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for parents of infants.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for Vietnam War Veterans.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for Veterans of the Wars in Afghanistan.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for Veterans of the Wars in Iraq.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for World War II Veterans.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for Social Security recipients.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for Medicare beneficiaries.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with cancer.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with brain cancer.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in

the loss of health insurance coverage for people with Leukemia.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with cervical cancer.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with colorectal cancer.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with Lymphoma.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with Lung cancer.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with Melanoma.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with ovarian cancer.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with prostate cancer.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with Alzheimer's Disease.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with Cerebral Palsy.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with Cystic Fibrosis.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with Crohn's Disease.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with ulcerative colitis.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with Lupus.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with Rheumatoid arthritis.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with AIDS.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with multiple sclerosis.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with Muscular Dystrophy.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with Parkinson's.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for people with Lou Gehrig's Disease (ALS).

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Merkley moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days with changes that are within the jurisdiction of such Committee to strike provisions in the Better Care Reconciliation Act of 2017 that could result in the loss of health insurance coverage for Korean War Veterans.

Mr. CARDIN. Mr. President, I intend to offer a motion to commit the reconciliation bill to the Finance Committee with instructions to report the bill back to the Senate within 3 days, not counting any day on which the Senate is not in session, with changes that would strike any provision that would eliminate, limit access to, or reduce the affordability of pediatric dental services by repeal all or part of the Patient Protection and Affordable Care Act, ACA, or otherwise negatively impact children's access to coverage or such services.

I am offering this motion because the Finance Committee should review the implications of depriving millions of children of access to dental care. An estimated one of five children aged 5 to 11 years and one of seven adolescents aged 12 to 19 years in the U.S. have at least one untreated decayed tooth. Consequently, tooth decay has led to 51 million school hours lost annually, and related dental disease can cost billions to our healthcare infrastructure. Early childhood cavities and related oral health complications also disproportionately affect low-income families and minority communities.

The ACA has expanded access to dental services nationwide by designating pediatric dental services as one of the essential health benefits. Expanding access to affordable dental benefits is essential to securing the health and well-being of our children. Many have heard me speak before about the tragic loss of Deamonte Driver, a 12-year-old Prince George's County resident, in 2007. Deamonte's death was particularly heartbreaking because it was entirely preventable. What started out as a toothache turned into a severe brain infection that could have been prevented by an $80 extraction.

We cannot let what happen to Deamonte happen again.

I ask unanimous consent that the full text of my motion to commit be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Cardin moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) would strike any provision that would—

(A) eliminate, limit access to, or reduce the affordability of pediatric dental services by repealing all or part of the Patient Protection and Affordable Care Act, or

(B) otherwise negatively impact children's access to coverage of such services.

Mr. CARDIN. Mr. President, I intend to offer a motion to commit the reconciliation bill to the Finance Committee with instructions to report the bill back to the Senate within 3 days, not counting any day on which the Senate is not in session, with changes that would eliminate or reduce access to affordable preventive services that are currently offered without copayment or cost-sharing under the Patient Protection and Affordable Care Act, ACA, including blood pressure screening, colorectal screening, breast cancer screening, cervical cancer screening and domestic and interpersonal violence screening and counseling.

I am offering this motion because the Finance Committee should review the implications of reducing access to affordable preventative services to millions of Americans. A key provision of the ACA is the requirement that private insurance plans cover recommended preventive services without any patient cost-sharing. Chronic diseases, such as heart disease, cancer, and diabetes, are responsible for 7 of every 10 deaths among Americans each year and account for 75 percent of the Nation's health spending. Research has shown that evidence-based preventive services can save lives and improve health by identifying illnesses earlier, managing them more effectively, and treating them before they develop into more complicated, debilitating conditions.

I ask unanimous consent that the full text of my motion to commit be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Cardin moves to commit the bill H.R. 1628 to the Committee on Health, Education, Labor, and Pensions with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) would strike any provisions that would eliminate or reduce access to affordable preventive services that are currently offered without copayment or cost-sharing under the Patient Protection and Affordable Care Act, including blood pressure screening, colorectal screening, breast cancer screening, cervical cancer screening and domestic and interpersonal violence screening and counseling.

Mr. CARDIN. Mr. President, I intend to offer a motion to commit the reconciliation bill to the Finance Committee with instructions to report the bill back to the Senate within 3 days, not counting any day on which the Senate is not in session, with changes that would strike any provision that would eliminate, limit access to, or reduce the affordability of health services for homeless individuals.

I am offering this motion because the Finance Committee should review the implications of depriving millions of children of access to dental care. On any single night, over 500,000 people experience homelessness. On any single night over 50,000 of these individuals are homeless veterans. Many individuals experiencing homelessness have significant healthcare needs and may suffer from mental health conditions, substance use disorders, and chronic diseases like diabetes, asthma, and hypertension. Without access to health services, individuals tend to use hospitals and emergency departments at high rates, driving up overall healthcare costs. The Patient Protection and Affordable Care Act, ACA, has greatly decreased the uninsured rate among homeless individuals, leading to better health outcomes, and creating stability in the individual's life. Health centers that treat the poor and homeless in States that expanded Medicaid report that 80 or 90 percent of their patients are now covered by insurance.

I ask unanimous consent that the full text of my motion to commit be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Cardin moves to commit the bill H.R. 1628 to the Committee on Health, Education, Labor, and Pensions with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) would strike any provisions that would eliminate or reduce access to health services for homeless individuals.

Mr. CARDIN. Mr. President, I intend to offer a motion to commit the reconciliation bill to the Finance Committee with instructions to report the bill back to the Senate within 3 days, not counting any day on which the Senate is not in session, with changes that would strike any provisions that would eliminate or reduce access to mental health services and substance abuse treatments.

I am offering this motion because the Finance Committee should review the implications of reducing access to mental health services and substance use treatment to millions of Americans. An estimated 43.6 million Americans ages 18 and up experience some form of mental health condition, and over 20 million adults have a substance use disorder. Of these, over 8 million have both a mental health condition and a substance use disorder. That Patient Protection and Affordable Care Act, ACA, has been vital to giving these individuals access to affordable treatment options where they had none before.

I ask unanimous consent that the full text of my motion to commit be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. Cardin moves to commit the bill H.R. 1628 to the Committee on Health, Education, Labor, and Pensions with instructions to report the same back to the Senate in 3 days, not counting any day on which the Senate is not in session, with changes that—

(1) are within the jurisdiction of such committee; and

(2) would strike any provisions that would eliminate or reduce access to mental health services and substance abuse treatments.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I ask unanimous consent to speak on the healthcare topic for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOOMEY. Mr. President, I am going to speak mostly about some Medicaid reforms that were proposed in the BCRA, but in the course of the discussion, I am going to touch on some of the issues that our colleague who just finished raised.

As we know, the BCRA bill is not going to be the vehicle we will take to a conference committee with the House, but I hope we will get to a conference committee with the House, and I hope the result of that, among other things, is that we will address the need to make important reforms to Medicaid because they are long overdue.

I will start with a chart which illustrates our Federal deficits and what exactly is driving our Federal deficits. The fact is—I think we all know here—we have two big categories of Federal spending. One is the discretionary spending which Congress approves at Congress's discretion every year. The other category is the programs on autopilot—programs where spending is driven by a person's eligibility for the program without Congress acting in any way.

That latter category we call mandatory spending. In 1980, that was only 50 percent of the Federal budget. By 1995, it was 64 percent. Last year, it was 70 percent of our entire budget, and we are on a path to have these mandatory spending—the blue line. We can see the growth in mandatory spending. We can see the relative lack of growth in the other categories of spending, be it defense or nondefense discretionary spending.

The budgetary problem we have is mandatory spending. This is not breaking news. This is nothing that is controversial. Anybody who has taken an honest look at the numbers can come to no other conclusion. The discretionary portion of the budget, which used to be the lion's share of the budget, has been relatively flat. Actually, it has even declined in recent years. The mandatory spending has been going through the roof.

Of course, there are multiple problems with this, not the least of which is—at this kind of growth in mandatory spending—the first thing it does is it squeezes out all other categories of spending. We are already living through that, as the discretionary spending—including on our Nation's defense—has been declining because you can't do so much of both, but in time you could zero out all the discretionary spending, and there still will not be enough for all the mandatory spending which is coming our way if we stay on the path we are on.

Where is all this mandatory spending coming from? The next chart shows that pretty clearly. The bulk of mandatory spending, especially in recent years, is from Medicaid. The reason I say that is, Social Security is a big program, but Social Security has a dedicated revenue stream. The payroll tax historically used to cover all of it. For a while there, it covered more than the ongoing payments for Social Security. While that fluctuated when we suspended the payroll tax, by and large, the payroll tax pays most of the Social Security costs that we have day-to-day.

Medicare also has a revenue stream that is dedicated from payroll taxes, but it doesn't cover nearly as large a percentage of the Medicare costs as Social Security so we see the green line generally is higher than the blue line.

The line which is higher than all by far is the Medicaid line because there is no dedicated revenue stream to Medicaid, and the net expense, therefore, is by far the biggest of all our entitlement programs.

Medicaid has been growing at a really shocking rate for years. In 1980, Medicaid spending was only 2.4 percent of our budget, a half a percent of our economy; by 1995, it was almost 6 percent of our budget; and today it is 10 percent of our whole budget, 17 percent of all healthcare spending. So this is happening because Medicaid is growing much faster than our economy is growing.

The fact is, no Federal program can grow faster than the economy indefinitely because the economy has to fund the entire Federal Government. Hopefully, funding the government is only a portion of what our economy is doing. The main purpose of our economy is to provide a livelihood for the people who create it, but Medicaid, as we can see, is growing at a staggering rate compared to our economy as measured by GDP.

This picture right here summarizes, really, for me the very definition of an unsustainable Federal program because as it continues to grow at a rate that is much greater than our economy, it necessarily is consuming an ever greater percentage, an ever greater portion of our economy and our Federal budget. Nothing can grow faster than our economy indefinitely. It is just arithmetic. Eventually, it would become bigger than the economy, which is obviously an impossibility, and long before that happened, it would cause a fiscal crisis. This is the very essence of what is unsustainable.

You don't have to take my word for it, and I am certainly not the first person to observe this. We could take the words of Democratic President Bill Clinton, who told us this very thing. Back in 1995, President William Jefferson Clinton said:

> We all now, looking ahead, know that our number one entitlement problem is Medicare and Medicaid. They are growing much more rapidly than the rate of inflation plus population.

Now, President Bill Clinton wasn't making this point because he is some kind of ideologue who wants to get rid of Medicaid. I don't think he has ever been accused of that. It is not because he has some passionate ideological commitment to reducing the size of government. I don't think he has ever been accused of that. I think Bill Clinton was making this point because he knew this program was unsustainable, and he wanted to reform it so it would be sustainable, so our Federal budget would be sustainable, so Medicaid would be there for the next generation. I think that was Bill Clinton's motivation at the time.

So what was his solution? What was it that Bill Clinton thought we ought to do about this program that was unsustainable?

President Bill Clinton suggested the Federal Government put caps on the amount of money it would contribute to the States based on the number of individuals enrolled. In other words, it was a per beneficiary limit on the Federal contribution. That was what Bill Clinton proposed in 1995. He wanted to maintain the eligibility of individuals to participate in the program, but he wanted to put limits on what the Federal Government's share would be. He wanted to have it grow at about the rate the economy would grow so you wouldn't continue to have this wildly accelerating line relative to this modest growth line but that the two lines would converge, because then, as Bill Clinton knew, the program would be sustainable over time. We would be able to afford it.

One might wonder, what did Congress think of this idea at the time. This is 1995. Bill Clinton came along and said: Let's establish per beneficiary caps on Medicaid expenditures by the Federal Government, and let's limit the growth of those caps to about the growth of the economy. That was Bill Clinton's idea.

Helpfully, the Democrats, who controlled the Senate, decided to weigh in on the matter, and on December 13, 1995, Senator PATTY MURRAY—who serves with us today—submitted a letter to the CONGRESSIONAL RECORD. I am going to read a very brief comment she made when she submitted this for the RECORD. The senior Senator from Washington, PATTY MURRAY, said:

> Mr. President, I hold in my hand today a letter to President Clinton that is signed by all 46 members of the Democratic Caucus. This letter urges him to hold firm to our commitment to basic health care for children, pregnant women, the elderly, and the disabled in this country. This letter supports a per capita cap approach to finding savings in the Medicaid program.

It was signed by every single Democratic Senator. They expressed their strong support for the Medicaid per capita cap structure.

I want to be very specific about this because as they developed the particulars, they decided the cap should not grow at an index that was tied to healthcare spending. They wanted it to be tied to an index which would grow at the rate of the economy overall, and they proposed it would go into effect the very next year. They didn't want to wait. They didn't want to have a transition. They didn't want it to be gradual. They wanted it to go into effect the next year. They proposed implementing the changes for the very next fiscal year.

So you can imagine that some of us are a little bit surprised by the shrill, over-the-top attacks we have been hearing from the other side. We Republicans have been accused of launching a war on Medicaid. We have been accused of draconian cuts. We have been accused of wanting to decimate healthcare for the most vulnerable. We could go on. As you and I both know, all across this country, on this floor, in every form imaginable, our Democratic colleagues have attacked Republicans for the proposal in the BCRA bill we have been considering.

What is really so outrageous about this is, we proposed the Democratic solution. What we proposed was Bill Clinton's idea, as ratified by every single Democrat serving in the Senate at the time, including several who are still with us today. We proposed that we take Medicaid and restructure it the way the Federal Government reimburses States for their expenses so that we would put caps on the amount the Federal Government would contribute per beneficiary. We would allow the caps to grow, but just as President Clinton and all the Democrats in the Senate suggested, we would make sure that growth eventually converged to the growth of our economy so we would have a sustainable program.

There are two big differences between what the Democrats proposed in the mid-1990s and what many of us have proposed these last few weeks:

One, we proposed that the change occur more gradually. We suggested that we would implement these

changes, but we do it over time, not suddenly, the way they had proposed it.

The other big difference, I would suggest, is they proposed this structural change to Medicaid before ObamaCare came along and made an unsustainable program worse. We are proposing it in the aftermath of that huge problem.

I get our Democratic colleagues have done a 180 reversal. I get they no longer acknowledge that this is unsustainable. I get that they don't want to do anything about entitlements. I understand all that. You are entitled to change your opinion, you are entitled to decide you want to ignore this issue, but it is a little bit over the top to attack our motives, our integrity, when we are proposing exactly what they themselves proposed just a few years ago under President Clinton.

I wish we could have a substantive discussion about the policy without the character attacks.

Let me get into a little bit more about these changes to Medicaid.

As the Presiding Officer very well knows, traditionally, Medicaid was available, from the time the program was launched, to four categories of Americans—four categories of people who were of very low income and were deemed to be unable to purchase healthcare for themselves. Those are the elderly poor, disabled, blind and disabled children, and adults with dependents. So the program set up a partnership with the States—a generous partnership. The Federal Government has always paid a majority of the costs, ranging anywhere in some States as high as 75 percent of the costs and no State less than 50 percent—on average, 57 percent.

ObamaCare came along and created a new category of eligibility. Under President Obama, for the first time—under ObamaCare—a new category was created; that is, adults, working-aged, able-bodied people with no dependents, would now be eligible for Medicaid if their income was below 138 percent of the poverty line. The Federal Government would pay all of the costs initially, and then after a short period of time, it would go to 90 percent. Then the Federal Government would pay 90 percent in perpetuity.

Well, there are a few problems with this design. The most fundamental and obvious is the Federal Government couldn't afford this. We were not on a sustainable path before, and now we have created this whole new liability which can only make it worse and bring a fiscal crisis closer to the present.

The second thing is, when States have no skin in the game, we find out they behave as though they have no skin in the game. When States have to contribute only 10 percent of the cost—think about it. Every dollar a State spends in this category gets matched with nine Federal dollars, nine free dollars. That is a huge incentive to spend a lot, and guess what. That is exactly what they have done. Medicaid spending in this category has ended up being over 50 percent more than what was expected.

So what did the Senate propose in our legislation? We proposed not that we would disallow this coverage, not that we would eliminate this category of eligibility, not that we would throw a single person off Medicaid—we have said, in fact, we will codify the expansion. We will make it permanent. No one loses eligibility, no one gets thrown off.

What we will do is gradually, over 7 years, we will ask States to pay their fair share for this new category—this expansion category, the able-bodied adults with no dependents. We will ask the States to pay the same amount for these folks that they pay for the traditional four categories of eligibility. That is the first category.

The second reform we proposed is what I alluded to earlier, the Bill Clinton-Democratic Senate proposal of establishing per beneficiary caps. That was in our legislation. What the underlying Senate bill did was allow the spending to grow very rapidly on those caps. Only in the eighth year did we ask that the growth rate slow down slightly so we would have a reasonable chance so the growth in the program would be about the same as the economy. That is what we proposed. That is what was in the bill. That is what we have been hearing about—all of these draconian cuts.

Let's get to the discussion about these cuts. We have another chart that illustrates this because it has been a favorite theme for some of my colleagues on the other side to talk about all of these cuts.

If you look at the CBO score—again, this is the Senate BCRA, the legislation on which we didn't get enough votes this week to pass, but I hope we will revisit it—the largest of the so-called cuts in Medicaid spending comes from CBO's assumption that if you repeal the individual mandate—the statute that says you must buy insurance, you must have insurance—millions of people on Medicaid, millions of people who did get free health insurance, will decide: Oh, I don't want free health insurance anymore. If I am not being forced to buy it, I am not going to take free healthcare. Why would I do that?

I don't know about you, but that is a little counterintuitive to me. To my friend from Oregon who is attacking the so-called skinny bill, 100 percent of the so-called Medicaid cuts in that bill come from exactly this source. The assumption is that, if people are not forced by the government to have insurance, they will not want Medicaid. You can decide how much credibility you want to put in that assumption. It strikes me as ridiculous, but that is the truth. That is the reality of the so-called CBO cuts in Medicaid.

In the BCRA, that was only the lion's share of the so-called cuts. Another category of so-called cuts to Medicaid in the CBO analysis of the BCRA are their assumptions about expansion. They decide that under current law, if nothing else happens, a whole lot of States will choose to become Medicaid expansion States.

They haven't made that choice yet. They can't point to which ones. It is a political decision in the various States. They don't know who is going to be leading those States. They have no idea about how that would happen, but yet they predict States that have chosen thus far not to be Medicaid expansion States would adopt the expansion under current law. If we passed the law that was proposed earlier, those States would not make that decision. Furthermore, some States that have expanded will rescind the decision to expand.

Any honest person, including the folks at the CBO, have to acknowledge that this is entirely speculative. They can't name a single State that will expand under the current law but hasn't yet. They can't name a single State that would rescind its expansion having already done so. They are just speculating that could happen.

That, my friends, is the lion's share of the CBO's headline numbers about all these cuts in Medicaid.

Let me go to chart 5. Despite that, even if you accept the CBO's unbelievable assumptions that people only participate in Medicaid if they are forced to and that these mysterious States will expand and others will not—these are the draconian cuts—each and every year, under the BCRA, Federal spending on Medicaid grows. It grows every year—every single year. It is only in Washington that spending can increase every year, and it is a draconian cut.

No, the truth of the matter is that what we do under that legislation is that we slow down the rate of growth. We slow the rate at which the program grows to a rate that is sustainable, so that this program is viable, so that we are diminishing the certainty of a fiscal crisis. That is what we do.

If somebody has a better idea for how we put Medicaid on a sustainable path, I am all ears. I would love to hear it. In the 1990s, our Democratic colleagues proposed exactly what we are proposing now. That was a very constructive idea. Unfortunately, there wasn't a consensus to do it, and that is a shame.

I urge my Democratic colleagues to go back to their notes, to go back to the discussion, to go back to the arguments they were making together with President Bill Clinton on the floor of this Senate and around the country about Medicaid, because we are making those arguments now. You would think we might be able to find some common ground.

The fact is that Medicaid is a very, very important program. The most vulnerable Americans depend on Medicaid to a very significant degree. The fact is that, in its current form, it is unsustainable. Our Democratic colleagues in the past used to recognize

this. They used to acknowledge this, and they used to want to do something about it. I urge them to return to that attitude so that we can work together and get something done.

The sooner we act on this, the sooner we can have gradual, sensible, thoughtful reforms that make the program sustainable and allow our States to plan for these changes and allow for a transition. If we wait too long, the fiscal crisis that will hit us will force sudden and draconian changes.

We are not going to vote on this provision today. This was embedded in the BCRA. That is behind us this week, but it is my hope that we will pass a version of ObamaCare repeal that will enable to us to go to conference and that we will be able to begin to repair the enormous damage to the individual markets that ObamaCare has done, that we will be able to stabilize them, that we will be able to move in the direction of consumers actually having control of their own healthcare once again, and that we will put Medicaid on a sustainable path, because the time is overdue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. WYDEN. Mr. President, I will be very brief.

To respond to my friend from Pennsylvania, No. 1, none of what he has discussed has come up in the Senate Finance Committee. What I can tell you about past debates is that our side was always interested in reform-minded ideas, for example, bringing the private sector into the delivery system of Medicaid. That is No. 1. No. 2, we still have not seen the skinny bill.

I said earlier: Who knows what happened at the Republican Senate lunch between one course and another. We would like to see the skinny bill. I think, once again, we have heard from the other side that they disagree with the umpire. They disagree with the impartial CBO, and I think that is unfortunate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 17 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. It is my understanding that if the managers need time to break into my speech, I will be glad to accommodate that.

I rise today to inject a dose of badly needed reality into this very important debate. Healthcare is a profoundly personal issue that matters to every single American. In fact, every single Senator in this body ought to agree on this point. Healthcare hits home for each and every constituent we represent from our home States. From standard wellness checks to lifesaving cancer treatments, each of us wants the best, most effective and affordable medical care for the people we love and for ourselves.

As policymakers, it is our job to solve problems. It goes without saying that we are facing a big problem right now. Access to affordable healthcare is out of touch for millions of Americans. That is despite the promises made over and over. Remember that ObamaCare was rammed through on a last-ditch Christmas Eve party-line vote.

Look at what that got us. Health insurance markets are collapsing around the country. Since 2013, the average premium increase on the individual market has jumped 105 percent.

Remember when President Obama promised affordable healthcare for all? He promised we could keep our doctor. He promised that Americans could keep their healthcare plan, and he promised all Americans that their premiums would go down by $2,500.

We all know ObamaCare did not uphold these promises. Instead, we got higher taxes, costly penalties, double-digit premium increases, unaffordable copays, job-crushing and wage-crushing employer mandates, and thickets of Federal regulations.

Now ObamaCare is collapsing. No one on the other side of the aisle has made an attempt to legislate remedies to the law despite its grave condition.

At this very moment, 72,000 Iowans in my home State are gripped with uncertainty. Two insurance carriers have dropped out of the exchanges, leaving only one to offer individual plans starting in January. The policies offered by that insurance company will go up over 40 percent next year, on top of huge increases this year, making it still unaffordable.

ObamaCare is unsustainable, unaffordable, and unacceptable. This brings me to the reality check that I mentioned when I started. As I listen to some of my colleagues on the other side of the aisle, I am, frankly, astounded that they can deliver their talking points with a straight face.

They would like the American people to believe that Republicans are dead set on ripping healthcare away from children, the elderly, and the disabled. Despite their red hot rhetoric, we have neither horns nor tails, but we are dead set on working out the devilish details to get to yes.

Democrats' hyperbole and fearmongering are standing in the way of getting the job done for the American people. Fear is easy to achieve. Legislating in good faith is hard work. ObamaCare defenders would rather disparage than engage. They would rather obstruct a path forward than to construct a path forward. They are standing in the way of solving problems.

In the process, they are scaring the living daylights out of hard-working Americans who aren't able to stretch their paychecks to afford health insurance for their families. If there is one job the defenders of the big government have mastered, it is the role of Chicken Little. They squawk, cluck, and crow at every opportunity to grow the size, scope, and reach of government into our daily lives. To their way of thinking, ObamaCare was a step toward single payer.

They will say and do whatever it takes to secure sweeping, universal government control of the healthcare system, no matter how much it costs the taxpaying public, the toll it takes on the U.S. economy, or the loss of personal freedom.

Their message is dead wrong. Our reform efforts are not making the sky fall. The Democrats' rhetoric reminds me of a similar situation. The debate 20-some years ago was to reform welfare by reining in runaway Federal spending and increasing the independence of individuals. Just like now, that debate was full of dire predictions.

Some of my colleagues will remember the late Daniel Patrick Moynihan of New York, then-chairman of the Senate Finance Committee. He strongly opposed efforts to reform the welfare system. He predicted that the bipartisan proposals would result in an apocalypse and said:

> If, in 10 years' time, we find children sleeping on grates, picked up in the morning frozen, and ask, why are they here, scavenging, awful to themselves, awful to one another, will anyone remember how it began? It will have begun on the House floor this spring and the Senate chamber this autumn.

That is the end of the quote from Senator Moynihan 20 years ago. The facts will show that welfare reform was, in fact, not ''legislative child abuse,'' as the former Senator of Massachusetts Ted Kennedy predicted. Quite the contrary.

In the two decades since historic, bipartisan welfare reform was enacted, reality shatters this doomsday prophesy of 20 years ago. The reality is that the number of African-American children living in poverty has fallen to the lowest level in history. The problem still exists and deserves our attention, of course, but 1.5 million fewer children are in poverty today, and 3.4 million more families are independent from assistance.

At the time of welfare reform, the Chicken Littles forecasted homelessness, poverty, and despair. Senator Moynihan also said that requiring welfare recipients to work and limiting the length of time that they could collect benefits added up to ''the most brutal act of social policy since Reconstruction. Those involved will take this disgrace to their graves.''

With all due respect to the memories of my former colleagues, their rhetoric simply does not square with reality. The 1996 welfare reform law lifted millions out of generational poverty, replacing lifelong impoverishment and lifestyles of dependency with livelihoods restored with hope and opportunity. These facts separate Democratic rhetoric from reality.

In the absence of a credible reason to continue with ObamaCare's failure, the only defense tactic left to the Democrats is fear. In a vein similar to that of her predecessor from New York, former Senator and Democratic Presidential nominee Hillary Clinton said: ''If Republicans pass this bill, they're the death party.''

In another vein similar to her predecessor, another Senator from Massachusetts said that ''I've read the Republican 'health care' bill. This is blood money. They're paying for tax cuts with American lives.''

They are not alone in their obstructionism. The minority leader has said that Republican-led efforts to reform ObamaCare are ''heartless. It is a wolf in sheep's clothing. It brings shame on the body of the Senate.''

Another Democrat chimed in that the Senate bill is ''downright diabolical'' and would be ''one of the blackest marks on our national history.''

Still another Democrat said his constituents are ''scared for their children, they are scared for their spouses, they are scared for their aging parents. . . . And . . . scared . . . for their own health and well-being.''

Another one chimed in that ''our emergency rooms would be overwhelmed. They would be unable to deal with the scope of that kind of humanitarian need.''

Not surprisingly, the law's champion-in-chief, President Obama, has fueled the fear factor, saying that the Republican efforts to reform the healthcare law would put pregnant mothers, addicts, children with disabilities, and poor adults in harm's way.

Such overheated rhetoric shows Democrats have abandoned rhyme, reason, and reality. Too often, the arguments from the other side are based on what Medicare was supposed to do, not what it actually did, which fell far short of projections from the experts. Defenders of ObamaCare are relying on a phantom rather than the reality of the law.

Democrats are refusing to work with us toward a better solution that truly works. After years of neglecting consequential problems with a partisan-passed law now on the books, they say that they have a better deal. Let me tell you, thousands of Iowa families and small business owners have contacted me with their personal stories of hardships. To them, ObamaCare has been nothing but a raw deal, rather than a better deal. What good is having insurance, they say, if it is too expensive to use?

After more than 7 years of ObamaCare, the chickens have come home to roost. And in less than 10 years, look what happens when government gets in the way of the free market and consumer choice. Well, it is obvious: higher premiums, bigger copays, fewer choices, less freedom. Health insurance that costs too much to use is just not working for hard-working American families.

I will end my speech today with an appeal from an Iowan from Avoca, IA. She has contacted me many times about the hardships her family has experienced since ObamaCare was enacted. She pays more than $25,000 a year to insure her family on the individual market. If that sounds like chicken feed to some of ObamaCare's defenders, I urge you with all sincerity to get your heads out of the clouds and join us to fix this flawed law. Republicans and Democrats can work together for the greater good of the country.

It is said that when there is a will, there is a way. Many of us recognize that ObamaCare isn't working as promised. Half of us voted this week to move ahead to fix this problem. The other half is blocking any effort put forward to reform the broken law. They are digging in their heels and pulling out all stops of any solution and stopping it dead in its tracks. Again, it reminds me of those who fought tooth and nail to stop welfare reform 20 years ago. I quoted those people from 20 years ago. At the time, they predicted the most dire consequences would befall our most vulnerable citizens. Thank goodness, the pessimists back then did not prevail in their obstruction against welfare reform. While welfare reform has not been perfect, it has restored hope and opportunity to millions of Americans.

We can't afford to let the pessimists and obstructionists prevail today against healthcare reform, and they seem to be acting like the very same people that opposed welfare reform 20 years ago. The American people deserve high-quality, affordable healthcare. ObamaCare has not lived up to its promises, so it is time for elected leaders to live up to the promise we made to the American people. Let's worry less about who wins and worry more about who will lose when Congress fails to restore the collapsing Federal law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that the time until 5 p.m. be equally divided between the managers or their designees; that at 5 p.m., the Senate vote in relation to the Strange amendment No. 389; further, that following disposition of the Strange amendment, the Senate proceed to the consideration of H.R. 3364, which was received from the House; that there be 20 minutes of debate, equally divided between the leaders or their designees; that following the use or yielding back of that time, the bill be read a third time and the Senate vote on passage of H.R. 3364; finally, that following disposition of H.R. 3364, the Senate resume consideration of H.R. 1628.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time? If no one yields time, time will be charged equally to both sides.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield myself such time as I need, up to the limit that we have. This week, we have been debating why it is so urgent for Congress to act on rescuing Americans from the collapsing ObamaCare healthcare law.

We have heard from our colleagues across the aisle, questioning our motives and our actions. Congress literally has millions upon millions of reasons to replace and repeal this law. Hard-working American families are begging us to provide them with some relief. These are families who are forced to purchase high-deductible coverage insurance and are facing thousands of dollars of out-of-pocket costs before their coverage even begins. For them, the status quo—doing nothing—is not an option.

For Senate Republicans, rescuing the American people from this law is our only option. But the defenders of this law don't seem to grasp—or are unwilling to admit—that ObamaCare is not affordable insurance and has been a crisis-inducing failure. This is why Republicans are working to fix the damage. Insurance markets are collapsing, premiums are soaring, and healthcare choices are disappearing.

Americans expect the Congress and the President to address the problem. With ObamaCare getting worse by the day, the time to act is now. Just look at my home State of Wyoming, which is down to one insurer in the individual market, both on and off the exchange. This should be treated as the national scandal it is.

Some on the other side of the aisle like to focus on how many people are insured under the law, but let's look at how many are not insured. Almost 28 million Americans remain without insurance under ObamaCare because they cannot afford insurance or no longer have access to it due to ObamaCare's collapsing markets in their State or county. But coverage numbers can be misleading because, even with insurance, many hard-working families still cannot afford the care due to surging deductibles. Insurance with sky-high deductibles is coverage in name only.

When it comes to Medicaid coverage, what most news stories will not tell you is that the newly insured gained coverage only through a flawed Medicaid Program that is providing inferior quality and threatening to bankrupt States across the Nation.

The Democratic leader, NANCY PELOSI, famously said that Congress would have to pass the bill to find out what's in it. Well, Americans soon discovered that President Obama and congressional Democrats focused almost exclusively on coverage numbers boosted by government mandates handed down from Washington, instead of true healthcare reforms that might have actually provided better care, provided affordable care. Obama's alleged coverage numbers are only on paper. Coverage was their sacred cow, worshipped

above all others, because for President Obama, NANCY PELOSI, and Harry Reid, coverage equaled healthcare.

Large coverage numbers touted by the Obama administration and congressional Democrats have proved to have the healthcare utility of a pet rock. Do you remember the pet rock? Millions of people purchased a rock. It was very nicely packaged in a box. They would bring it home and open it up and find a rock. Pet or not, it served no purpose other than its name: a pet rock.

This is essentially how ObamaCare has worked, except people were forced to purchase this marketing gimmick. Americans have purchased insurance through ObamaCare exchanges with the promise of accessible coverage. What they actually received, however, is coverage in name only. It serves no healthcare purpose, and it doesn't work—merely packaging a pet rock, if you will—and millions of Americans soon found out. The high cost of insurance plans they forced people to buy made it nearly impossible for them to pay for the coverage they signed up for, or if they could afford coverage, they realized the care they were paying for came with sky-high deductibles.

Congressional Democrats and President Obama focused almost exclusively on the numbers of people now enrolled in ObamaCare and relentlessly highlighted this information, which showed this law was used mainly for public relations purposes at a large cost, as opposed to an actual policy accomplishment. Instead, the reality is that Americans who were able to get insurance were often plagued with inadequate coverage, joined with enormous out-of-pocket costs. Senators from across the country this week have been sharing stories about families in their States who have had to forgo medical care, not because they don't have insurance but because it was simply too expensive to go to the doctor under the ObamaCare health plan.

For years, Republicans have pledged to repeal this disastrous law, and this week we are working to address the broken promises of ObamaCare to help ensure better care for each and every American. We are doing this by working to stabilize collapsing insurance markets that have left millions of Americans with no options, which will help improve the affordability of health insurance and therefore healthcare. Our goal is to preserve access to care for Americans with preexisting conditions and to safeguard Medicaid for those who need it most by giving States more flexibility, while ensuring that those who rely on this program won't have the rug pulled out from under them. Most importantly, Republicans hope to free the American people from onerous ObamaCare mandates that require them to purchase insurance they don't want or can't afford.

The President and Republicans in Congress last fall promised to rescue the millions of American families suffering under ObamaCare, which is what this bill will do.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, may I inquire, what is the remaining Republican time?

The PRESIDING OFFICER. Three minutes.

Mr. BLUNT. Mr. President, the majority time is 3 minutes?

The PRESIDING OFFICER. Yes.

Mr. BLUNT. Senator STRANGE is coming, and I will take my time later.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, we have loaned time before to the other side of the aisle. If they would loan us some time so that the person propounding this amendment could have a moment to explain his amendment—they have agreed. So I yield time to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. STRANGE. Mr. President, I ask unanimous consent to speak for up to 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STRANGE. Thank you.

AMENDMENT NO. 389

Mr. President, I rise today in support of an amendment that will relieve millions of Americans of a moral conflict. For too many, access to healthcare coverage comes only with the restriction of deeply held personal convictions about the sanctity of human life.

The amendment before us offers the opportunity to end the flow of taxpayer dollars to abortion procedures once and for all. It allows Hyde protections to be extended to all funds appropriated through the healthcare legislation we are considering today.

Let me provide some context. Premium tax credits implemented under ObamaCare currently provide over $8.7 billion in annual subsidies for nearly 1,000 different insurance plans that cover elective abortion on the State exchanges. This provision stands in violation of the fundamental principle of the Hyde amendment and the long-held understanding that the U.S. Government has no role in funding abortions.

In recent weeks, the Senate has debated countless nuances of healthcare policy, and we have taken several crucial votes on efforts to rescue the American people from a failed social experiment, bringing us to this moment. Under our current procedural circumstances, in order to ensure that both the spirit and the letter of the Hyde amendment's provision against taxpayer-funded abortion is upheld, we need a new solution.

My amendment would establish a matching arrangement between stability funds and premium tax credits, delivering an arrangement that complies with the Byrd rule. Starting in 2019, the value of premium tax credits that continue to subsidize elective abortions would drop to 10 percent, with the remaining 90 percent being made available as Hyde-protected monthly payments to insurers to benefit the same people who relied on those tax credits.

Let me be clear. This amendment does not reduce the amount of tax credit dollars available to low-income Americans. It does not result in their losing coverage. It certainly does not create or expand an entitlement program.

When hard-working Americans pay their taxes, they do so with the understanding that the rights granted to them by the Constitution are not checked at the door. For the people of my State, the right to life is foremost among these, codified by the Hyde amendment and engrained in the conscience of a majority of Americans. The amendment before us allows for a clear conscience. It allows for a concise, conservative solution to a problem that has dogged this Chamber for the 44 years since Roe v. Wade changed the landscape of American society.

On behalf of the unborn and the conscience rights of millions of Americans, I am proud to offer this amendment, and I urge my colleagues to join me in this effort.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BLUNT). The Senator from Hawaii.

Mr. SCHATZ. Mr. President, I make a point of order that the pending amendment violates section 302(f) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. STRANGE. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of amendment No. 389 and, if adopted, for the provisions of the adopted amendment included in any subsequent amendment to H.R. 1628 and any amendment between Houses or conference report thereon, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 50, nays 50, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—50

Alexander	Cochran	Enzi
Barrasso	Corker	Ernst
Blunt	Cornyn	Fischer
Boozman	Cotton	Flake
Burr	Crapo	Gardner
Capito	Cruz	Graham
Cassidy	Daines	Grassley

Hatch	McConnell	Scott
Heller	Moran	Shelby
Hoeven	Paul	Strange
Inhofe	Perdue	Sullivan
Isakson	Portman	Thune
Johnson	Risch	Tillis
Kennedy	Roberts	Toomey
Lankford	Rounds	Wicker
Lee	Rubio	Young
McCain	Sasse	

NAYS—50

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Booker	Heinrich	Reed
Brown	Heitkamp	Sanders
Cantwell	Hirono	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Stabenow
Collins	Leahy	Tester
Coons	Manchin	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murkowski	Wyden
Franken	Murphy	

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 50.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

COUNTERING AMERICA'S ADVERSARIES THROUGH SANCTIONS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 3364, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3364) to provide congressional review and to counter aggression by the Governments of Iran, the Russian Federation, and North Korea, and for other purposes.

The PRESIDING OFFICER. There is now 20 minutes of debate, equally divided.

The Senator from Maryland.

Mr. CARDIN. Mr. President, I yield myself 3 minutes.

I first thank Senator CORKER, Senator CRAPO, Senator BROWN, Senator SCHUMER, and Senator MCCONNELL for their help in getting us to this moment. This is an important moment for our country, and I am very proud of what we were able to accomplish.

The legislation we are about to vote on will give the United States the strongest possible hand to stand up against the aggression of Russia. Russia attacked us and our democratic institutions; Russia invaded the sovereignty of other countries, including Ukraine and Georgia; Russia is participating in war crimes in Syria, and this legislation will give the United States the strongest possible hand in taking action against Russia.

Mandatory sanctions are included in this legislation with regard to the energy sector, the financial sector, the intelligence and defense sectors—not only with primary sanctions but with secondary sanctions. This legislation provides for a democracy fund, working with Europe, to protect ourselves against Russia's attacks. This legislation provides a review process so the President, on his own, cannot eliminate sanctions. He must come to Congress. As President Obama had to in regard to the Iran sanctions, the President would have to come to Congress in regard to sanction relief against Russia.

This is a tough bill to stand up to what Russia has done and requires mandatory action. There are so many people to thank in regard to this. Of course, we also have the Iran sanctions. I thank Senator MENENDEZ, on our side, particularly on the Iran sanctions issues. We are taking actions against Iran for their nonnuclear violations, their support of terrorists, their ballistic missile violations, their support of the arms embargo, human rights violations.

What we do here is totally consistent with the JCPOA. The bills are very consistent with what passed this Chamber 98 to 2. We maintained the integrity of the Iran and Russia provisions consistent with what was done in our committees.

In regard to North Korea, I know we all want to take actions against North Korea. The provisions added by the House are consistent with what we think are appropriate for North Korea.

This is an important moment for our country. I really do want to thank all involved. I know Senator CORKER, Senator BROWN, and Senator CRAPO would agree with me: I really thank our dedicated staff. We could not have done this without our staff. They worked 24/7 for the last 7 weeks to get this done. As a result of their action, the United States is going to be in a better position dealing with Russia when this legislation is enacted, and I am proud to be part of that.

I reserve the remainder of my time.

Mr. CORKER. Mr. President, I thank the ranking member for his outstanding efforts, along with many others.

What I would like to do now is yield to Senator MCCAIN, and I will speak last.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Democratic leader for his courtesy, as always.

In just the last 3 years, under Vladimir Putin, Russia has invaded Ukraine, annexed Crimea, threatened NATO allies, and intervened militarily in Syria, leaving a trail of death, destruction, and broken promises in his wake. Of course, last year Russia attacked the foundations of American democracy with a cyber and information campaign to interfere in America's 2016 election.

I am proud—I am proud—of the two individuals who just spoke, the Senator from Maryland and the Senator from Tennessee. Both of them have worked in a bipartisan fashion and got legislation to this floor. Although it is long overdue, it is here. I believe we will see an overwhelming vote, and I thank them for their bipartisanship.

In the last 8 months, what price has Russia paid for attacking American democracy? Very little. This legislation would begin to change that. The legislation would impose mandatory sanctions on transactions with the Russian defense or intelligence sectors, including the FSB and the GRU, and the Russian military intelligence agency which was primarily responsible for Russia's attack on our election.

I believe my colleagues know what is in this. It would codify existing sanctions on Russia by placing into law six Executive orders signed by President Obama in response to both Russian interference in the 2016 election and its illegal actions in Ukraine, and it would take new steps to tighten those sanctions.

The legislation would target the Russian energy sector, which is controlled by Vladimir Putin's cronies, with sanctions on investment in Russian petroleum and natural gas development as well as Russian energy pipelines.

My friends, the United States of America needs to send a strong message to Vladimir Putin and any other aggressor that we will not tolerate attacks on our democracy. That is what this bill is all about. We must take our own side in this fight, not as Republicans, not as Democrats but as Americans.

It is time to respond to Russia's attack on American democracy with strength, with resolve, with common purpose, and with action. I am proud to have played a small role. What I am most proud of is the bipartisanship you are seeing manifested today on both sides of the aisle. We need a little more of it.

I yield the floor.

Mr. CORKER. Mr. President, I thank the distinguished Senator from Arizona for his dedication to our national security, for his tremendous involvement in this legislation, and all that he does on behalf of all of us to make sure that our Nation is secure.

Thank you so much for those comments and for your deep involvement in this piece of legislation.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I thank the chairman of the Foreign Relations Committee and the ranking member, Senator CARDIN.

Senator CRAPO and I began working on this months and months ago. I appreciate that partnership.

Senator MCCAIN—I read an op-ed he wrote in USA Today about 3 weeks ago. It was about what Putin tried to do with some level of success in Montenegro, and nobody has watched Putin and his intervention in our elections and European elections and their governments and his desire to destabilize democracy around the world—nobody has recognized it quite as early or with the acute sense that Senator MCCAIN has, and we thank him for that.

I rise to urge my colleagues to join me and vote for this critical sanctions

legislation, which is the product of months of bipartisan effort in this body.

At a time when it is difficult to get things done in this far-too partisan Senate, this effort proves it is still possible for Congress to come together and accomplish big things. The bill provides for a range of tough new sanctions against Iran, Russia, and North Korea.

The Ukrainian community in my State knows firsthand the dangers of decades of unchecked Russian aggression. Congress must act to punish Russia for its continued actions in Ukraine, in East Ukraine, in Crimea, and for its interference in our Presidential election and to deter future such aggression.

This bill will prevent President Trump from relaxing sanctions on Russia without congressional review. We are all concerned about that.

Iran is one of the world's leading state sponsors of terrorism and a continuing source of instability throughout the region. This bill is carefully written to avoid violating U.S. commitments under the Iran nuclear agreement, and it applies new sanctions in response to Iran's support for terrorism, its human rights abuses, and its ballistic missile program.

It also incorporates sanctions on North Korea, including measures to toughen enforcement of current U.N. Security Council rules. North Korea's efforts to develop nuclear capabilities must be countered. We must take a stand against its horrendous human rights record, including the savage treatment of Otto Warmbier that led to his death.

These are important steps. More can be done to address the situation in North Korea.

I thank my staff, Colin McGinnis, Mark Powden, and Graham Steele on this. I appreciate the work of the staff in all four of these offices on Banking and Foreign Relations, and I ask my colleagues to concur.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, I ask unanimous consent to speak on leader time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, last year, we know the United States was victim of an attack by a foreign power on the very foundation of this dear democracy—the right of the people to a free and fair election.

The consensus view of 17 agencies is that Mr. Putin interfered in the 2016 election. For that alone, the United States has more than just cause to sanction President Putin and the intelligence apparatus he directs. To date, Mr. Putin and his allies have not suffered serious repercussions for this stunning breach of our right as a sovereign nation not to have our elections disturbed by a foreign capital. That all changes today.

Congress has drafted this sanctions bill to hold Mr. Putin accountable for his actions and to send a message to him and the rest of the world that any further attempts to degrade our democracy will meet further sanctions and action. We will not stand by idly as this is done.

There is no process more sacred in a democracy than the guarantee of free and fair elections. That fundamental right was attacked by Mr. Putin. With this vote, let us finally—finally—officially condemn and forcefully respond to that attack on our country. Let us send this bill to the President's desk for his signature.

We still don't know if President Trump will sign this legislation. I say to my colleagues: If the Congress speaks loudly enough and strongly enough and we send this bill with a veto-proof majority, it will not matter what President Trump decides.

Before I yield the floor, I wish to thank my colleagues. At the top of the list are Senators MCCAIN and GRAHAM, who early on had the idea to do this. Their strength against transgressions against this country is wonderful.

I thank the chairman of the Foreign Relations Committee. He had to pursue this legislation through ups and downs. He didn't relent, and here we are today because of his efforts.

I thank his ranking member, Senator CARDIN. They are a great bipartisan team.

Similarly, Chairman CRAPO and Ranking Member BROWN, again, in a bipartisan way, not letting partisan politics get in the way—they passed this legislation.

I would like to thank leader MCCONNELL because when he and I talked about bringing this legislation to the floor, he didn't blink. He didn't hesitate. He was forthright and said: Let's do it.

This piece of legislation proves that when this body works the way it should, when both parties talk to each other, work with each other, and the committee chairmen and ranking members negotiate legislation through proper procedure, we can produce good, strong bipartisan legislation.

I would be remiss if I didn't mention, in this moment of bipartisanship, the same thing could happen with healthcare.

With that, I urge all of my colleagues to vote yes.

I yield the floor.

Mr. CORKER. I thank the minority leader for his comments, and I yield a moment to Senator CRAPO, who played an outstanding role as the leader of our committee.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. I thank Senator CORKER. Mr. President, I thank, too, all those who were mentioned: the Foreign Relations leadership, Senator CORKER and Senator CARDIN; Senator BROWN, my colleague in the Banking Committee; and all the others who have been so involved in this issue.

This is one of the examples of how we can work together in a bipartisan fashion to craft critical legislation for protecting and strengthening America. Frankly, it is past time for us to stand strong as a nation in response to the increasing aggression that we see in Russia around the world—whether it be in Ukraine, in Crimea, in Syria, in facilitating corruption globally, or in the cyber security attacks we have seen that have been directed not only at us but at our allies across the world.

It is very important that we implement this legislation. I am glad to see the solid bipartisanship that we have been able to build. I also hope that we can build this bipartisanship on many, many other issues.

We are going to be looking at North Korea, as has already been said. I am hopeful and confident that we will stand again on this floor soon as we deal with the threats we face from North Korea.

Again, I thank all of those who have worked so closely with us on this legislation and appreciate the opportunity for us to move forward, united tonight on this critical issue.

I yield back.

Mr. CORKER. I yield the floor to Senator MENENDEZ.

Mr. CARDIN. May I have a moment?

First, I want to join in thanking Senator MCCAIN and Senator GRAHAM for their work. We started in January on this legislation—their legislation. How we drafted it is intact here, and I thank Senator MCCAIN and Senator GRAHAM.

The leader on the Iran sanctions, going back many, many Congresses, has been Senator MENENDEZ. In introducing him, I want to thank him for his leadership on Iran and, also, these other bills. I look forward to his comments.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, let me thank the ranking member for his kind comments. I thank the chairman for his continuous engagement in this regard and his leadership.

I remind my colleagues that what gave us the vehicle to consider Russia and North Korea was the countering Iran act that I was pleased to author with the chairman and with the ranking member and other colleagues in a bipartisan approach.

When we started on Iran, there were those who wanted to look only at its intercontinental ballistic missile violations. I and others persisted and said: Wait a minute. Iran is far more nefarious in its activities—beyond intercontinental ballistic missiles.

It is collective leadership that brought us to a much broader bill that we are about to vote on today, where Iran is being pursued for the violation of its international order.

We just had the Prime Minister of Lebanon here, and he was saying to us: If you are concerned about Hezbollah, then find where the source of the

money is. The source of money for Hezbollah is Iran. If you are concerned about intercontinental ballistic missiles, I would add, it is Iran. If you are concerned about the greatest exporter of terrorism, it is Iran. If you are concerned about human rights violations within Iran, it is the leadership of Iran.

This is about sending a message to Iran that, in fact, when you violate the international order, there are consequences to it. It is about sending a message to Russia that when you violate the international order, annex Crimea, invade Ukraine, indiscriminately bomb civilians in Syria—and then when you try to affect the elections of the United States of America, you have a cyber attack, from my view, on the election process.

We can debate whether it affected the election. That is not the issue. The mere fact that Russia tried to affect our elections should be upsetting from the average citizen to the President of the United States. We have an opportunity to make very clear to Russia and to any other nation that this will not be tolerated.

Finally, to North Korea: North Korea's dangerous provocations in its path to nuclear weapons and a delivery system to be able to deliver those nuclear weapons are some of the greatest challenges we have.

We have an opportunity to come here today and say: You have to observe the international order. We have to go back to the basis of the rules that ultimately came about after our leadership in World War II to preserve the international order that has brought us peace and prosperity.

There are only a handful of peaceful diplomacy tools you can pursue. One of them is the use of sanctions in order to try to prod countries to move in a certain direction and to observe the international order. That is our opportunity today with Iran, with Russia, with North Korea. I hope we will seize it unanimously because when we do that, we send the most powerful message in the world that the United States—Democrats, Republicans, Independents—stand together in terms of defending the national interests and security of the United States.

I yield the floor.

Mr. CORKER. I thank the Senator from New Jersey for his outstanding leadership on Iran and his leadership on Russia and North Korea. He has led us for years and years in sanctioning Iran and has brought them to the table. I thank him for that.

For those who are here and want to vote, I am going to yield 1 minute to Senator GARDNER. I am going to speak for about a minute and a half, and to my knowledge, we will be ready to vote. I thank all of my colleagues for their patience.

Senator GARDNER.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Mr. President, I thank Senator MENENDEZ. I appreciate the opportunity to talk about what this Senate and Congress has done. Last Congress, we passed unanimously the North Korea Sanctions and Policy Enhancement Act.

This legislation that we are about to vote on builds on the success we started with last year. We have more work to do to stop the crazed Kim regime.

I thank the chairman and the leader for committing to further conversations on North Korea, further action that needs to be taken because we know that, in China, there are over 5,000 businesses still doing business with North Korea. China is responsible for 90 percent of the North Korean economy. Now, 10 of those 5,000 businesses are responsible for 30 percent of the economic activity, the imports from North Korea into China. More work has to be done to stop this madman in Pyongyang.

I thank this Senate for moving forward on legislation today to build on the success we had last year. I urge its passage. We have more work to do to put an end to this regime.

Mr. CORKER. I thank the Senator for his leadership on North Korea, and I thank him for speaking.

Mr. President, I will be very brief, as I normally am. This bill has taken passion, tenacity, and all of us working together to bring out the best in this body and to get to this point where we are today. I want to thank everybody who has been involved.

Senator CARDIN has been an outstanding ranking member. As always, we worked together, just as we did today on another markup, to get to where we are. We have Senators CRAPO and BROWN. I think there were about four committees working to get this piece of legislation out. It was an incredible effort working around the clock for days and nights. I want to thank them for their leadership.

I want to thank Senator MENENDEZ, again, for his involvement, in particular on Iran, but on all of these issues.

Certainly, thanks go to Senators MCCAIN and GRAHAM for their tremendous leadership in beginning the process, especially on Russia. Thank you so much.

Thank you, Senator SCHUMER and Senator MCCONNELL, for giving us the freedom to operate under regular order, the freedom to operate in the committee process, which I know all of us long to get to on all issues that we deal with here, and thank you to all of those Members who have been so involved. Our staffs have been incredible. Thank you so much for the professionalism, the knowledge, the energy, and the willingness to work late hours to make this happen.

The attributes of this legislation have been discussed. I think we all are ready for this moment. We are all ready to speak to what Russia has done to our country and to others, to speak to what Iran is doing outside of the nuclear agreement, and to speak to what North Korea continues to do.

One attribute that hasn't been spoken to is this: It has been my goal as chairman, working with the ranking member, that Congress continue to be more and more relevant and to garner back the powers that we have given to the executive branch for decades. One of the most important attributes of this legislation is the congressional review, where, when major decisions are made, Congress is involved; Congress has a say. I hope we will build upon that, not only in foreign policy but in other matters.

I want to thank all involved.

I urge a strong vote on this piece of legislation that sends a strong message to Iran, to Russia, and to North Korea.

With that, I yield the floor.

The PRESIDING OFFICER. All time is yielded back.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. CORKER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 98, nays 2, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—98

Alexander	Flake	Murphy
Baldwin	Franken	Murray
Barrasso	Gardner	Nelson
Bennet	Gillibrand	Perdue
Blumenthal	Graham	Peters
Blunt	Grassley	Portman
Booker	Harris	Reed
Boozman	Hassan	Risch
Brown	Hatch	Roberts
Burr	Heinrich	Rounds
Cantwell	Heitkamp	Rubio
Capito	Heller	Sasse
Cardin	Hirono	Schatz
Carper	Hoeven	Schumer
Casey	Inhofe	Scott
Cassidy	Isakson	Shaheen
Cochran	Johnson	Shelby
Collins	Kaine	Stabenow
Coons	Kennedy	Strange
Corker	King	Sullivan
Cornyn	Klobuchar	Tester
Cortez Masto	Lankford	Thune
Cotton	Leahy	Tillis
Crapo	Lee	Toomey
Cruz	Manchin	Udall
Daines	Markey	Van Hollen
Donnelly	McCain	Warner
Duckworth	McCaskill	Warren
Durbin	McConnell	Whitehouse
Enzi	Menendez	Wicker
Ernst	Merkley	Wyden
Feinstein	Moran	Young
Fischer	Murkowski	

NAYS—2

Paul	Sanders

The bill (H.R. 3364) was passed.

AMERICAN HEALTH CARE ACT OF 2017—Continued

The PRESIDING OFFICER (Mr. YOUNG). The Senator from Wyoming.

AMENDMENT NO. 502 TO AMENDMENT NO. 267

Mr. ENZI. Mr. President, I call up amendment No. 502, the Heller amendment.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] for Mr. HELLER, proposes an amendment numbered 502 to amendment No. 267.

Mr. ENZI. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the sunset of the repeal of the tax on employee health insurance premiums and health plan benefits)

Strike subsection (c) of section 109.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, we are talking today, obviously, as we move into the final hours of this debate, about the two mandates in the original Affordable Care Act, the individual mandate and the employee mandate—certainly, the individual mandate but both of these mandates.

First, I want to talk about the individual mandate. It was unprecedented in Federal law. The idea that the Federal Government could tell somebody they had to buy a product, tell them what that product had to look like, and have very little input on the price or competition is just something the Federal Government had never done before. They didn't just set guidelines, they didn't even just set subsidies but actually a requirement to buy a product or pay a penalty.

Now, when this case got to the Supreme Court, the government was still arguing it was a penalty and there was nothing wrong with that penalty, until apparently they figured out the Court wanted to look at this as a tax because a penalty wouldn't have been constitutional.

Now, we all know this is a penalty. The Supreme Court can call it a tax, the Obama lawyers could at that moment decide, well, even though we set up the law as a penalty, we really think it must be a tax, and that 5-to-4 decision decided that because it was a tax, not a penalty, that part of the law was upheld.

Nobody ever thought this was a tax before that day, nobody has ever seriously thought it was a tax after that day. It was a penalty you pay if you decide you don't want to do something the Federal Government tells you that you have to do.

There is no constitutional basis that gives the government the authority to make that kind of decision, and families and individuals have been hurt by that decision.

There is only one place to go on the individual market, the exchange. Remember that? We have almost forgotten the total disaster of the exchange. States tried to operate exchanges, almost none of them worked. States spent millions and tens of millions, and I think a time or two maybe even more than that to put an exchange together. It didn't work. That part of the law didn't work so you wind up mostly with one big exchange. Even with one big exchange, you have to think about whether the policies available in the county you live in—most of the debate over the past several years, a lot of the debate has been we ought to expand the marketplace, we ought to buy across State lines, we should have more choices and more places to go. Somehow we managed to define in this law, the law that is currently the law of the land, a marketplace that is about as small as it could possibly be.

In our State, in Missouri, we have counties that have a million people. We have a county that has a million people. We have a county that has 4,000 people. The county that has 4,000 people has its own buying unit when it comes to looking at how the marketplace is set up. It just doesn't make sense. The deductibles are so high, the choice is so low. Some defenders of the law will say that costs will go up if the amendment passes. That is possible, but we know the costs will go up if the amendment fails. We know the costs will go up if we stay where we are.

Costs, since 2013, have increased an average of over 100 percent in the country—105 percent. This was the law that was going to reduce family costs by $2,500 a year. Families are generally relieved if their insurance didn't increase by $2,500 a year, let alone fail to reduce by $2,100 a year. So a 105-percent increase in 4 years—in Missouri, where I live, 145 percent is the increase.

I think at least three States have had an increase of more than 200 percent, and even with an increase of more than 200 percent, nobody wants to sell insurance there. Not only is there no competition, I think about one-third of the counties in America this year don't have more than one company that will even offer a product. Some have had no companies that would offer a product, and 40 percent is the estimate for next year. There are places where no more than one company will offer a product. What kind of competitive marketplace is that?

The government, with the mandate, says you have to buy a product and you have to buy it in that marketplace and you have to buy it from that one company at whatever rate some other level of government has finally approved to keep the company there that probably didn't want to be there, but if you don't buy it, you pay a penalty.

This is not working. Millions of people have chosen to pay the current penalty, which was $695, rather than to participate in a system that didn't work for them. Families can't continue to pay more and get less.

Remember former President Clinton's observation on this: What a crazy system. The costs keep going up and the coverage keeps going down. We have forced people to be in a system that according to President Clinton, the costs keep going up, the coverage keeps going down, and if you don't participate in that, you pay a penalty.

We have to move in a different direction. Eliminating these mandates helps to do that. There are some Congressional Budget Office numbers out there that estimate what is about to happen. They certainly totally misestimated the current law. I believe, under the current law, there would be 25 million people, roughly, or some big number like that on the exchange today. There are 10 million instead of 25 million, 22 million, whatever the projection was for this date in 2017. There are about 10 million.

CBO is notoriously wild with their projections. They projected, for instance, that 15 million people would drop out of the individual market if one of the many burdens of this bill or these amendments passed. There are only 10 million people in the market. How do 15 million people drop out if there are only 10 million people there?

They said that 7 million people who get Medicaid and pay nothing for it wouldn't take that if the government didn't force them to. There must be something wrong with the insurance product and Medicaid both if people don't take it even if it is available to them. The current system isn't working.

The other mandate, the employer mandate, is telling employers what they have to do. One of the great benefits of health insurance in this country since World War II has been insurance at work. It was pretty much an accident in 1946. The war was over, and no one wanted to heat up the economy too quickly so it was decided to have wage and price controls. Somebody asked the price control person: If we add insurance at work, does that count toward wages? They wanted to compete for more and better employees they could get coming back into that economy from the war. So they asked, if we add insurance to work, does that count as wages? The wage and price control person said, no, it wouldn't count. So they went to the IRS person and said: If it doesn't count toward the wage, is it taxable if they get it at work? That person said, no, it wouldn't be taxable either. So we have this unique system that developed. We need to figure out how more people can get insurance at work, more people can get insurance as a part of bigger groups. There are things that work and things that don't. The government requiring you to do something and thinking there is a constitutional right to do that just simply doesn't work.

In fact, with the employer mandate, there are all kinds of unintended consequences. People with 50 employees didn't want to get more than 50 employees. The 30-hour workweek became a problem. In fact, Ms. COLLINS, the Senator from Maine, from almost day one has said: Why do we want to enshrine the 30-hour workweek? Let's have a 40-hour workweek. Her amendment was offered and filed over and over again. Companies were reluctant to hire new employees. These are the

unintended consequences of the employer mandate. Too many people have two 26-hour jobs now who need a 40-hour job with good benefits instead of two 26-hour jobs with no benefits.

More choices and the kind of access to healthcare people need is where we ought to be focused, a solution that provides healthcare and not just coverage. It is great to have insurance coverage. It is great to have even a government insurance coverage like Medicaid, unless no doctor wants to take any new Medicaid patients or if your insurance coverage deductible is so high. The averages on the bronze plan is $6,000 per individual, $12,000 per family. If your deductible is so high you can't go to the doctor, you don't have the kind of access to healthcare you need. You only have access to catastrophic sickness care. This system needs to change, and I believe one of the fundamental flaws in the system from day one was the government believing it could force people to purchase a product that didn't meet their needs and didn't meet what their family could afford to do.

I am glad we are having this debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, I would like to tell my colleagues a couple of stories. We are going to talk about what is happening in healthcare right now. There is the healthcare that is happening here in this room in the debate that is ongoing that started months ago, continuing to try to figure out the solutions to what we face with the Affordable Care Act. Then there are the healthcare issues happening at home.

Sometimes we get caught up in this conversation and think this is what the center of the healthcare conversation is about. It is not. The center of the healthcare conversation in America is around dinner tables. Let me tell my colleagues what that conversation sounds like.

This comes from one of my constituents who just wrote to me. He said:

> My premium increases from $1,308 per month to $2,489 per month. This is for just my wife and I. We are self-employed small business owners and simply cannot afford to pay nearly $30,000 per year for health insurance. We will have to pay the penalty for not having healthcare, but we have to eat and pay our bills. Sadly, we are both in our late 50s, and we probably need healthcare more now than ever. Mr. Lankford, this is not the America that I grew up in, the America my father fought to preserve in World War II.

That is the healthcare debate happening in America right now—individuals who used to be able to afford their healthcare coverage, but now they cannot and no longer have healthcare.

The Affordable Care Act did cover a new group of people who were not covered before, but it also pushed out another whole group who used to have coverage and now does not.

This is an extremely personal issue. This is not a political issue. These are families and lives and children. These are individuals who have cancer and diabetes and a history of genetic diseases in their families, and they are very concerned about what happens politically in this room because it affects their families and their real lives.

Congress needs to act on this. What is happening right now with the status quo is untenable for families all across the country. Insurance carriers have left the market. Rates have gone up dramatically. We have fewer choices and more control but less control for families.

What does that look like in my State? Well, in my State, premiums went up last year 76 percent—last year—a 1-year increase. I have folks all the time who say to me that their great complaint is about the rising cost of college tuition. Let me give my colleagues a glimpse. College tuition has increased 76 percent in 15 years. Insurance in my State went up 76 percent in 1 year. In fact, since ObamaCare fully rolled out in 2013 until now, insurance in my State has gone up 201 percent. That is not the Affordable Care Act; that is a recipe to be able to push people out of insurance and keep them out.

ObamaCare was designed to force healthy people to buy insurance to increase the risk pools for those insurance companies. But when you can't afford the premiums, you are forced to pay this big tax. Now, the question is, Who is paying the tax? Originally, ObamaCare said: Well, people who didn't buy into the insurance who want to just take the risk on their own, these wealthy individuals, they would have to pay the extra tax. Really? What did that end up looking like? Again, coming back to my State, 96,000 Oklahomans are currently paying the tax to the IRS because they don't have healthcare insurance. Who are they? Eighty-one percent of the people who pay the penalty make less than $50,000 a year. These are individuals who cannot afford the insurance, and they also can't afford the fine that is coming from the IRS. It is a poverty tax that the Affordable Care Act created to try to force these people into insurance they cannot afford, and when they can't afford that, then they get a big hit on their taxes as well. It is literally a no-win situation for them.

One of the major goals of the Affordable Care Act was to provide affordable coverage. It was to be able to help people get into insurance. It was to be able to help improve the safety net. Those are not irrational goals. Those are good goals, but the execution of it was terrible, and the implementation has caused more problems than it has solved.

In my State, many physicians in rural areas used to be independent. Now they have all been forced into working for big hospitals because they can't afford the compliance costs to keep their office moving anymore. So independent doctors and independent clinics are now part of big conglomerate hospital companies. I am glad they are there, or we would have no access to care at all.

My State used to have four insurance carriers in the State. Now it has one, and that one is discussing leaving.

I hear all the time people who are mad at Republicans saying: Why haven't you solved this yet? Quite frankly, this is an incredibly difficult issue. But I also want to be able to respond back to people: Don't gripe at the firefighters fighting the wildfire. They didn't start it. We are trying to put it out. Yes, I know the fire line is big, and, yes, I know it is difficult to put it out, but we are doing our best to resolve a fire we did not start. We will resolve this.

So what is happening right now with our trying to resolve it? What are we trying to accomplish? We are trying to do several specific things dealing with the Affordable Care Act. This is not about resolving everything in healthcare. There are, quite frankly, lots of issues on which we have bipartisan agreement that we should work on in the days ahead, things like prescription drugs and so many other things we can do to help bring down the cost of healthcare itself, but in the meantime, we do have a dispute.

Our Democratic colleagues have said to us that they want to be able to cooperate with us on healthcare, but the parameters are that we have to keep the individual mandate—that tax penalty on people in my State for people who make $50,000 or less to pay this giant tax; they want to keep that. They want to keep the employer mandate, which is dramatically driving up the cost of insurance for employers and decreasing wages. The initial estimates are that people in my State are making about $2,500 a year less now than they would be because of the employer mandate that is on them. So we can't negotiate and say ''Let's form a bipartisan agreement on this'' if they want to keep the individual mandate and the employer mandate. Those things hurt people at home.

So here is what we are trying to do. This is a budget bill. It is called reconciliation. We are limited to only budget-related items to be able to deal with. So we are working on some of the basics of what needs to be repealed in the Affordable Care Act. We do want to get rid of the individual mandate. We do want to get rid of the employer mandate.

We do want to deal with how we can take control of healthcare out of Washington, DC, and get it back to the States, where it used to be. Prices are much cheaper when there is local control on healthcare than when there is Federal, centralized control.

We would also like to find a way to get some of the bureaucracy out of this. You see, when there is a healthcare dollar paid and it first has to pay the Federal bureaucracy, then it goes to the State bureaucracy, then it

pays an insurance company bureaucracy, and then it pays a hospital bureaucracy, there is not much of that dollar left to finally get to patient care at the end. If we can take out one of those bureaucracies, we can actually get more dollars to patients rather than having them just feeding the bureaucracy of another layer.

We are simply trying to deal with the mandates that are there, who actually makes the healthcare decisions for regulations and policy, whether it is the State or the Federal Government, and how we are going to balance out coverage for individuals who desperately need it in the safety net.

I have heard a lot of folks talking about CBO scores. I will tell you, I am in the middle, and I am very frustrated with CBO right now. Every policy we want to float to say this is something we think will be very effective to be able to help people in the safety net or to be able to help people purchase insurance, CBO responds back to us: That sounds like an interesting idea; it will take us about 4 weeks to study it. When we are in the legislative process, when we are doing amendments, we can't wait 4 weeks between each amendment. We have to be able to get answers from them.

So we are stuck in this spot, so our resolution is—we have a House version that has been scored, and we have a Senate version. We have a lot of changes we want to make, even to our latest version. The best answer we have while we wait on CBO scoring—another month to get us an answer—is to be able to get an interim bill, get into a conference between the House and the Senate, allow CBO the month that they need to score this, and for us to be able to pass a better bill in September. So that is where we are stuck right now.

This is not a final bill that is coming out. This is still an interim process that is moving. But we need to be able to keep this process moving because there are people at home who are counting on this actually getting better for them in the future. Their words to me are: This cannot get worse, because I can't afford what we currently have, and I can't afford that access I have been given to healthcare.

In the middle of all of this debate, a lot of people on the outside look at it and say: How come the Senate can't move faster?

I respond back to them: We can't get a score from CBO, so we can't move any faster. We are stuck waiting on them.

They typically will call me and say: Well, just run over CBO.

We are not going to ignore the law, and we are not going to ignore the rules of the Senate, but we are going to work to actually get this right.

In the meantime, I have heard an awful lot of scare tactics coming out. It usually circles around, there will be 22 million people who will suddenly not have insurance. That is a fascinating number to me since only 9 million people have ObamaCare right now. Nine million are actually on the exchange. So it seems difficult to me for 22 million people to lose what only 9 million people have. But if you are an economist, they look at, on the horizon, people who may one day join in at some point, and then those people who may have joined in then might have lost their insurance. It makes total sense to an economist, but to all of us who just look at math, it becomes very difficult.

CBO also believes that without a Federal mandate and a tax penalty on individuals, they will not buy this insurance product. People do not want to buy it and will not buy it unless they are made to buy it.

The problem is, there are 6.5 million people in the country who are also required to buy it who are just paying the tax rather than buying the insurance.

We need to allow people to make decisions on their own lives, but we need to also make sure there is actually an insurance product they can afford. And all the scare tactics about how we are going to throw out preexisting conditions and people who have preexisting conditions will be on their own—that is not true. Every single one that we have debated has included protection for preexisting conditions. We all are still honoring things like lifetime caps, annual caps. We have all included 26 and under. If you want to stay on your parents' insurance, you can still do that.

There have been all of these scare tactics, like this will throw senior adults out on the street, and Medicaid is going to have these dramatic cuts. I looked at one of the proposals that was put out by the Senate and one of the drafts that we went through, and it said ''dramatic cuts.'' Here are the ''dramatic cuts'' we had in Medicaid: Every year for the next 8 years, Medicaid increased at twice the rate of inflation. Every year for 8 years in a row, twice the rate of inflation, Medicaid went up. That is twice as fast as Medicare goes up—twice as fast as Medicare. So Medicaid was accelerating twice as fast as Medicare, and then 8 years from now, Medicaid went back to growing at the same speed as Medicare—at the rate of inflation. That was the ''dramatic cut'' in Medicaid. Every year going up twice as fast as inflation is a cut? Nine years from now, only growing as fast as inflation is a cut? But it is being portrayed that people are going to be thrown out on the streets and Medicaid is going away.

I would encourage Americans to understand that the conversation has been a lot about political rhetoric. This body really is committed to the safety net. This body really is committed to allowing people to have choices again that they can actually afford for insurance. We are really committed to taking control of healthcare out of Washington, DC, and pushing it back to the States and to families so they can control healthcare decisions again. That is the real debate that is happening here. I know it is boisterous, and I know it is much easier just to have bumper sticker comments, but at the end of this, we have to realize there really are people who are involved in this, who are deeply affected by it.

A couple more stories. A gentleman recently sent me an email saying that he received word that his premiums are rising from $1,229 a month to $2,205 a month to cover just him and his wife. His deductible is rising to $4,000 a person. His out-of-pocket maximum is rising to $13,000. That is under ObamaCare now.

Another person who wrote me is currently enrolled in ObamaCare now. He is 62 years old, and his wife is 61.

> Our monthly health insurance premium increased by 71 percent to $2,900 last year. My wife and I are healthy with no major problems, so my health insurance is the size of my mortgage payment.

That is under ObamaCare now.

Under ObamaCare now, a lady from my State wrote me and said that for her first year, her monthly premium was $1,200. This year, she will pay $1,900 a month. She just got a letter from the one insurance company left in her State—the one opportunity she has to get insurance—saying that her monthly premium next year will be $3,540. That is an increase of 84 percent, or $42,000 a year, for insurance under ObamaCare now. Her simple statement to me is, How is this possible?

I speak to some of my colleagues, and they say: Those stories aren't true.

I say: Let me introduce you to some real-life people outside of this political debate who are debating around their kitchen table about how they are going to make it with the rates that have been put on them.

What we have now has to be addressed. I know this is a boisterous, loud process. But as we walk through the process, the end solutions are for these families, so that our noise helps them to actually move back to thinking about their kids and what they are going to do next in their retirement, and not to say: How in the world am I going to pay for my health insurance anymore?

Let's get this finished. Let's move to the next stage. Let's get to conference and try to resolve the differences between the House and the Senate. By September, when we finally get a score back from CBO on all of our scoring and they finally get us information on the things we have asked for, let's get this passed so we can actually get this done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, let me congratulate my colleague from Oklahoma for a very fine statement, and let me associate myself with each and every word and each and every fact he outlined in his very fine statement, and also with the remarks of my friend from Missouri who went before him. I appreciate their leadership on this issue.

Let me, at this point, also give a salute to the First Amendment of the Constitution of the United States, to the right of freedom of speech, which we have seen exercised in this building and in this Nation during the course of this debate, and the freedom granted to petition the government for address of grievances. We have seen examples of that. They have been on full display in this healthcare debate, a phase of which will come to a close I hope this evening.

Let me give a shout out to our staff members. They have fielded thousands, if not tens of thousands, of phone calls, letters, emails, and visits from Americans exercising their rights under the First Amendment. Americans have come to their Capital City, almost all of them in an appropriate and nondisruptive way—sometimes intense, for sure—expressing their opinions but also in display of their First Amendment rights.

After all the debate, all the conversation, and all the exhortation on this issue, we have seen a lot of things said from the floor and a lot of things said on the news media that have amounted to a matter of opinion. But here is one thing I know for a fact. For four straight elections—2010, 2012, 2014, and 2016—Republicans ran on a promise to repeal and replace ObamaCare. We ran on that platform, and for four straight elections Republicans prevailed at the ballot box on the strength of that platform. I know that for a fact, and this I believe. Millions of Americans are at work today or at home or getting home from their offices, from their shops, from their factories. They are turning on the media. They are checking online. They are turning on the radio. They are wondering if a campaign promise is going to be kept by this party to which they have given the reins of government in four straight elections.

We are close to keeping that promise. We are closer than we have ever been, and we can take a big step tonight on making good on that promise. That is not just a matter of keeping a promise, but I will say to my colleagues that it is important this platform be honored.

Mr. President, I ask unanimous consent to speak for 10 additional minutes if there are no other people on the other side asking for consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WICKER. So we are keeping a promise, but there is a lot more to it, as my friend from Oklahoma outlined, not only in fact but also in stories from honest-to-goodness Americans.

This debate is about keeping Americans from hurting, about relieving the pain that this 2009 ACA has caused people to have. They were told they could keep their doctors. They wanted to keep their doctors, and it turns out they lost their doctors. They were told they could keep their healthcare plans. They liked their healthcare plans, and, in fact, they were not able to keep their healthcare plans. They were told their premiums would go down, and we have seen chapter and verse—as the gentleman from Oklahoma so forcefully outlined—of the dramatic, drastic, unspeakable increase in premiums that Americans have undergone. They were told they would have choice when it came to health insurance, and they have not had that choice. They have lost their freedom to make their own healthcare decisions, and that has been sacrificed in favor of a big government approach. So people are hurting, as has been explained on the floor tonight.

Families in my State who do not have employer-based health insurance are paying nearly $3,000 more per year in premiums than they did 4 years ago. In my State, it is a 116-percent increase in premiums under the Affordable Care Act over this short period of time. I guess we should be thankful we are not the 201-percent increase in premiums that our neighbors from Oklahoma have, or the 223-percent increase in healthcare premiums that our neighbors across the line in the State of Alabama have. But still, it is pretty bad wherever you go, and they were told and this program was sold on a promise of reducing healthcare premiums.

As has also been pointed out, 6 million independent-minded Americans have just said: I will not purchase this required insurance. I will pay the penalty, instead. The Supreme Court says it is a tax. We know it is a penalty. It comes right out of their pockets. They are doing that many times because they are independent-minded but many times because it is the only thing they can afford.

So Americans are hurting. Americans from Missouri, Oklahoma, and Mississippi are hurting, and they are hurting all across America. My Republican colleagues know this. My Democratic colleagues know this.

They say: Well, the ACA needs adjustment. It needs some help.

But what is their solution? I think we are beginning to know, based on statements made and based on information coming forward, that our Democratic friends really want a single-payer system. That is their solution to the failed ObamaCare system we have now—a British-style, European-style, government-run insurance-for-all program. I don't think we need that in America. I don't think that is what Americans thought they were getting.

My wife and I have never moved our family to Washington, DC. We have kept our home on the same street in Tupelo, MS, the whole time. We raised our kids in Mississippi. When the last bell rings this weekend, I will be on a plane back home to my State, moving around the State, talking to Mississippians, speaking to people who gave me this great opportunity to serve in this great body and this great system of government.

I want to be able to tell them when I go home after this vote that I have taken a big step in keeping the Federal Government out of the business of deciding healthcare for their families. I want to be able to tell them that they are now going to have more options to choose the plan that works for them. I want to tell people back home who put me in office that we put more power in the hands of the States, not unelected Washington, DC, bureaucrats. I want to be able to tell them we passed a bill that, as my friend from Oklahoma says, answers their concerns about preexisting conditions and takes care of those people with low incomes who need assistance in buying insurance. I want to assure the people back in my home State and all across America, as my friend from Oklahoma just did so eloquently, that the Medicaid Program will continue. As a matter of fact, it will continue to grow, but at a rate that is more sustainable, so we can afford it today and so we can afford the Medicaid Program in future generations.

This has taken long hours of give and take. It may take more long hours in debates tonight and in a conference with the House, but we can get there. I see the solution formulating, and I am as optimistic as I have ever been that we will be able to keep this four-election promise we made.

These reforms are now within reach. We should take advantage tonight of this opportunity to deliver on what was promised to the American people, to relieve Americans who are hurting from the current ObamaCare system, and to give them a better opportunity for affordable and accessible healthcare.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. TILLIS. Mr. President, I ask unanimous consent that the time until 8:30 p.m. be equally divided between the managers or their designees and that at 8:30 p.m., the Senate vote in relation to the Schumer or designee motion to commit, which is at the desk, followed by a vote in relation to the Heller amendment No. 502.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

AMENDMENT NO. 502

Mr. HELLER. Mr. President, I rise today to talk about my amendment, Heller amendment No. 502. It addresses one of the most onerous taxes enacted as part of the Affordable Care Act, commonly known as the Cadillac tax. The Cadillac tax is a 40-percent excise tax set to take effect in 2020 on employer-sponsored health insurance plans.

In Nevada, 1.3 million workers are covered by an employer-sponsored health insurance plan. These are public employees in Carson City and service industry workers that work on the Las Vegas Strip. They are small business owners, and they are retirees across my State.

Hardly anyone in Nevada will be shielded from the devastating effects of

this Cadillac tax. Across America, 54 percent of employers and almost 151 million workers who currently enjoy employer-sponsored healthcare benefits will experience massive changes to their healthcare by the year 2020. We are talking about reduced benefits, we are talking about increased premiums, and we are also talking about higher deductibles. Hard-working Americans will suffer.

That is why I joined Senator HEINRICH from New Mexico in introducing what was called the Middle Class Health Benefits Tax Repeal Act earlier this year, with the support of over 75 organizations. Some of those organizations include unions, chambers of commerce, small business owners, State and local government employees, and retirees. They are all saying the same thing—that the Cadillac tax needs to be repealed. From unions to small businesses, employers are proposing sweeping changes to employee benefits today—right now—to avoid this onerous tax later.

First, over 33 million Americans who use flexible spending accounts and 13.5 million Americans who use health savings accounts may see these accounts vanish in the coming years as companies scramble to avoid the law's 40-percent excise tax. HSAs and FSAs are used for things like hospital and maternity services, dental care, physical therapy, and access to mental health services. Access to these lifesaving services could all be gone for millions of Americans if the Cadillac tax is not fully repealed.

Second, I have heard from employers, large and small, from all over Nevada, saying that they will inevitably have to eliminate services their workers currently enjoy, dramatically increase deductibles and premiums, and will have to cut certain doctors out of their networks. This goes right at the heart of ObamaCare's broken promise: If you like your healthcare, you can keep it; if you like your doctor, you can keep your doctor.

This onerous tax targets Americans who already have high quality healthcare, and Nevadans have reached out to tell me how this tax will affect them. One of the stories that hit me the hardest was hearing from a school teacher in Las Vegas. As the son of a cafeteria worker, I know the sacrifices that these educators make each day. Cynthia, who works in the Clark County School District, sacrificed a higher paycheck to ensure that a quality health plan would be there when she retired. The Cadillac tax would place a 40-percent excise tax on her retiree benefits and cause her to deplete her savings to cover the loss.

Seniors have worked their entire lives for these benefits, and the Cadillac tax puts at risk the sacrifices they have made for decades to have a safe and stable retirement. That is why I am committed to repealing this very bad tax. Many are in the service industry, like Michael from Las Vegas, who wrote to my office and explained how he is worried that the cost of his union-sponsored health insurance premium will now skyrocket. He is already seeing his deductibles increase and understands that next year there will be more increases to his healthcare premiums. Michael also shares his concerns about an imposed fine from the Internal Revenue Service, should he not have health insurance. He makes a valid point. If he loses his job, then how can he be expected to pay for his healthcare?

Norm, a city employee from Southern Nevada, shared a concern with me recently: The last thing a self-insured provider wants to do is reduce benefits for his employees.

Back in 2015, 90 Senators voted on the record in support of repealing the Cadillac tax, and I hope all 90 will join me again today. They recognize it will hurt middle-class families who, for reasons outside of their control, have health plans that already or soon will reach the Cadillac tax's cost limits. The tax will force many employers to pay steep taxes on their employees' health plans, flexible spending accounts, and possibly eliminate some employer-provided health coverage plans altogether. Under this tax, deductibles will be higher and benefits will be reduced even more, putting a strain on middle-class families trying to make ends meet.

The short-term success of this was pushing the delay through 2020. Now it needs to be fully repealed. So I encourage all my colleagues to join me today in voting to support Heller amendment No. 502 to fully repeal this bad tax and send a message that Congress is serious about lowering costs for all Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

If no one yields time, time will be charged equally to both sides.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Mr. President, you know, late this afternoon, around 5 o'clock, a number of Republican Senators indicated their unwillingness to support the so-called skinny bill, which would rip healthcare from 16 million people, according to CBO, and increase health insurance premiums by 20 percent—and not 20 percent over several years, 20 percent per year for the next several years, doubling health insurance premiums over the next 4 or 5 years. That is the bill we are talking about. They said that they don't like this bill, but they are willing to vote for it if they are provided assurances that this is just sort of a procedural vote.

We just had a motion to proceed that was procedural in nature, according to them. We think it is the vote on healthcare.

Now, this second vote, which is actually a vote to enact legislation—they are saying they are going to vote for it but only on the condition that we go to conference committee.

Something just happened over the last couple of hours that is actually pretty astonishing. The House Rules Committee adopted what they call martial law. Now, it is not quite as bad as it sounds, but it is pretty bad. What that means is it gives total control over the procedures to the House majority. The House majority now is in a position to enact the skinny bill right away.

There are a lot of Members of the Senate who want to talk about this, but I will just give you my little indicators that they are going to enact this into law by Sunday. They are going to enact this into law by Sunday. No. 1, the White House already has a name for it, the President has indicated a willingness to sign it sight unseen, and PAUL RYAN just issued a statement that was not at all reassuring. There were lots of words, but none of them included ''We will not enact anything that comes from the Senate. We will go to conference committee, and if we don't have an agreement, we will not enact the Senate version of the bill.''

They are desperate to enact a bill before the summertime starts, and that is why we are all terrified here. There are a lot of people on the Republican side who hate the bill that they are going to be asked to vote for, and the only reason they are entertaining the possibility is that they want to go to conference. But they are not going to end up in a conference committee; they are going to end up in a signing ceremony over the weekend.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Mr. President, if I could just pick up on the comments of my colleague from Hawaii, we had a comical discussion 2 days ago in the Democratic caucus lunch. Comedy isn't that unusual in a caucus with AL FRANKEN, but the comic discussion was about how we would describe to the American public what a skinny repeal is. It was kind of phraseology that we might understand; how do we describe that to the American public? We took about half an hour to try to figure out how to do it, but about 2 hours ago, one of our Republican colleagues did it in 5 seconds. He said—and this is the Senator from South Carolina—that the skinny repeal is a fraudulent disaster. That is what Senator GRAHAM said—the skinny repeal is a fraudulent disaster. He did such a better job than we did of describing what the bill is, and it is a fraudulent disaster because it hurts people. It takes health insurance away, according to the CBO, from 16 million people, and it would jack up premiums in a compounding 20 percent this year, then an additional 20 percent—40 percent the next year. That is why it is a fraudulent disaster.

But some Members, as was described by my colleague from Hawaii, are entertaining that: Even though we call it a fraudulent disaster, we can vote on it because, don't worry, the House will

create an opportunity for us to fix it and make it better. But the comments of the Speaker, which had to be clarified a few minutes later by his press spokesperson, have made absolutely plain that if this bill passes out of the Senate, it is intended to be passed by the House ASAP, and the President's spokesperson has said: We like this bill, and the pen is in hand—we are ready to sign it.

So no one in this body should have any illusions: If the skinny repeal—otherwise known as the fraudulent disaster—passes, it is not to continue a process; it is to take health insurance away from 16 million people, and it will raise premiums dramatically. And that is what the intent of this vote would be.

With that, Mr. President——

Mr. WYDEN. Mr. President, will my colleague yield for a question?

Mr. KAINE. I will yield the floor for a question.

Mr. WYDEN. Mr. President, just very quickly, the Senator pointed out this analysis we have gotten where the premiums go into the stratosphere. Senator MURRAY and I worked a long time on it.

Wages for working people are going up about as fast as a snail trying to climb uphill. I am curious what you think that means for working-class families in Virginia, because I know in my home State—and Senator MERKLEY and I have talked about this—we have working families right now who every single month are walking on an economic tightrope, balancing their food bill against the fuel bill, the fuel bill against the rent bill.

Because my colleague was correct with respect to the fact that this would start, by the way, in January—this is not some kind of far-removed thing—people are going to feel the hit of these skyrocketing premiums right away. What does my colleague think that is going to mean for working-class families in his home State?

Mr. KAINE. Well, to respond, Mr. President, to my colleague from Oregon, one of the things we have seen in the first half year of this administration is, whatever job report comes out month to month—comes out at the beginning of each month, we are not seeing wage growth. We are not seeing wage growth. So imagine that continuing forward—essentially no wage growth and 20 percent increases in premiums that then compound to 40 percent next year, 60 percent the year after that. This will be devastating.

So if you put together the CBO consequences—16 million losing insurance, the 20 percent compounding increases in premiums, a likely dramatic destabilization of the insurance market, and then other features that we hear are in the skinny bill—for example, if you take funding away from Planned Parenthood—and 3 million women have decided that is their choice, that is where they are going to get healthcare, including many working women and women in working-class families—the premium effect is going to be absolutely dramatic, and it will be devastating to Virginians and Oregonians.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, we are here at a historic moment, and we listened to a historic speech just within the last 48 hours from our colleague, Senator JOHN MCCAIN. All of us welcomed him back and were inspired and overjoyed by his return and then by his speech asking that we go back to the regular order, that we have committee consideration of a bill, with hearings and markup and the democratic process really working.

What threatens us tonight is the democratic process being brought to new lows.

If this bill is passed with the assurance that it won't go to conference—and there are conservatives, and I could quote them.

Senator LINDSEY GRAHAM said earlier today:

> There's increasing concern on my part and others that what the House will do is take whatever we pass—the so called ''skinny bill''—not take it to conference, go directly to the House floor, vote on it, and that goes to the President's desk with the argument, ''This is better than doing nothing.'' Here's my response. The ''skinny bill'' as policy is a disaster. The ''skinny bill'' as a replacement for Obamacare is a fraud. The ''skinny bill'' is a vehicle to get in conference to find a replacement. It is not a replacement in and of itself. The policy is terrible because you eliminate the individual and employer mandate which we all want eliminated but we actually want to have an overall solution to the problem of Obamacare, so you're going to have increased premiums and most of Obamacare stays in place if the ''skinny bill'' becomes law. Not only do we not replace Obamacare, we politically own the collapse of healthcare. I'd rather get out of the way and let it collapse than have a half-assed approach where it is now our problem.

Senator JOHN MCCAIN said earlier today:

> I'm not supportive of the legislation as it stands today. I am in close consultation with Arizona governor over the so-called ''skinny repeal.''

Senator RON JOHNSON said earlier today:

> Virtually nothing we're doing in these bills and the proposal are addressing the problems and challenges and the damage done to people.

We will see, in effect, a betrayal of our trust, and I say that very seriously.

I hope this body will keep faith with our democracy and make sure that a bill that is regarded as a bad bill—and rightly so because it will eliminate insurance for 16 million people, it will raise premiums by 20 percent in less than a year, it will drive up costs, and it will bring down the number of people who are insured by catastrophic numbers. We owe it to the American people to vote against this so-called skinny bill, which is really a sham repeal. It is a skeletal version of TrumpCare 2.0, 3.0, 5.0, 7.0. We can do that.

With that, I yield the floor to my distinguished colleague from the State of Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I want to speak for a few minutes on the floor to answer the calls I am getting into my office, the texts and the emails I am getting with people asking: What is going on? What is happening in the U.S. Senate? They can't keep track of what it is we have moved to.

We don't know either.

We are here probably all night waiting for the majority to finally produce the bill that they will use to attempt to repeal and maybe replace—or not—the Affordable Care Act.

All we know is, every single proposal that has been brought forward in recent days has two features: It reduces coverage, and it raises costs.

It may be that 16 million Americans will lose healthcare coverage. It might be 20 million, might be 32 million. Those are different scores for different proposed bills.

It may raise costs by 15 percent, 20 percent, or 30 percent. Sometime later tonight, we will see the final bill presented on this floor, and hopefully we will get some score so we know what we are voting on before we finally get there, but what is so scary to families I am hearing from, is that after 7 months of majority rule, where the Republican Party controls the Senate, House, and White House, we don't have a finished bill for us to debate tonight in detail, and we don't know yet exactly what we will vote on later tonight. We just know a simple theme—every proposal that has been brought forward when scored by the CBO, the independent scorekeeper, offers less coverage and higher costs.

Folks, I want to remind you about something because I just ran into a family out on the steps of the Capitol, outside the building, not inside the building—a family who is raising two typical children and one child with Down syndrome, a family where the father of the family is Active-Duty U.S. military. They asked me: ''Why can't we be heard?''

The process that brought us here tonight did not include committee hearings, where doctors, nurses, patient advocates, folks who run hospitals, or folks who are specialists on insurance were heard.

In a press conference earlier this evening, four of our colleagues said they are going to vote for this bill later tonight so it can go to conference and get fixed. They said the current expected skinny repeal bill is a fraudulent disaster, to paraphrase a colleague.

Well, what I really think we should do is heed the advice that Senator MCCAIN laid out on the floor a few days ago and go back to regular order.

Just earlier today, there was an inspiring moment when we took up and passed by a vote of 97 to 2 the Russia

sanctions bill. We heard the chair and ranking Republican and Democrat of the Foreign Relations Committee speak positively of each other and positively of the process and they said the outcome is in the best interest of our country.

As we have seen, we don't always follow regular order. Both parties have responsibility for moving things over the years without fully consulting each other and without going through the committee process. I think this is the moment where we should look at what happened earlier today on this very floor and follow that process, where the committees are included and consulted, and where we find a bipartisan resolution to what ails America. I am afraid that is not what is going to happen, and later tonight we will be forced to vote for or against a bill that raises healthcare costs for Americans and lowers the number of Americans who get healthcare coverage. If that is the case, this Senator will vote no.

Thank you.

With that, I yield the floor to my colleague from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Thank you, Mr. President.

We are starting to hear rumors of what is in the so-called skinny bill, and it is not skinny. It is humongous. It is filled with all sorts of conservative priorities, whether it be—these are rumors—the end to the individual mandate, the elimination that insurance companies are required to include certain coverages, the denial of funding to Planned Parenthood. This is not a bill that is designed to go to conference. This is a bill that is designed to become law.

I just want to put all of the pieces together for folks what we are hearing tonight, because you are hearing, if you are following this all across America, different pieces of news emerging from different parts of this city. Let me try to put it together for you for a minute.

First, you are seeing this skinny bill get fatter and fatter, which all of a sudden looks like a piece of legislation that is not designed to go to conference. It looks like a piece of legislation designed to become law.

It is healthcare arson. It sets the insurance markets on fire. It immediately takes insurance from 16 million people and drives rates up by 20 percent on a compounding basis. This is insanity.

It is getting bigger and bigger, which makes you wonder, wait a second, is this about going to conference or becoming law? Then we got another piece of information. The White House doesn't support the conference. The White House likes the skinny bill and wants it to become law. Then we got another piece of information. The House of Representatives tomorrow morning will declare what is called martial law. That is a procedural move that will allow the House to pass the bill that comes from the Senate as quickly as possible. This isn't going to conference, this is becoming law. Then the icing on the cake is the most curious piece of news: a statement from the Speaker of the House in which he says, not ''we will go to conference,'' he says, ''I am willing to go to conference.''

Why ''I am willing to go to conference'' and not ''we will go to conference''? Well, maybe you got the clarification from his spokesman who said: ''Conference committee is one option under consideration, and something we are taking steps to prepare for should we choose that route, after first discussing with the members of our conference.''

Can you see what is happening here? Can you see what is happening here? This is a bill that is being sold as just a procedural step to get to conference, but everything else that is happening around it suggests this is becoming law. Even if I am not right, let's also be clear about the process. Even if there is a conference, how on Earth is the conference going to come to a conclusion that the Senate could not? Right? You are going to introduce the Freedom Caucus to the U.S. Senate and think you are going to get more functionality and not less functionality? Even if you get to that conference, it will last for a couple days, maybe a couple weeks. They will come to no conclusion, and then guess what. The skinny bill, which is not so skinny any longer, is there for the U.S. House of Representatives to pass and put into law. All the while, the President of the United States is cheering that on. That is the signal he gave you. The President of the United States does not support a conference. He supports a bill that we are going to have unveiled later tonight and passed. He supports that bill going into law.

So even if you get to conference, with the President chiding the conference to give us and pass the Senate bill, which is available to the House for passage, that is what the outcome will be.

So for our Senate friends who want assurances that this bill will not become law, you are getting exactly the opposite tonight.

With that, I yield the floor to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank my colleague from Connecticut for that really good and detailed description of how we got to where we are because I think it is really hard to explain to Americans at home who are watching this what a debate really is. I don't see my friends from the other side of the aisle right now, but watch what is happening here today because what I have seen in my State the last few months is extraordinary.

Families are coming up in the middle of a Fourth of July parade with their child with Down syndrome, bringing him over and saying: He is not just a preexisting condition. He is our child whom we love.

This last weekend, I was with a family with two identical twins, Mariah and Evelyn. One is the catcher and one is the pitcher on their 11-year-old softball team. Just in the last few years, one of them found out that she has a severe case of juvenile diabetes. The other one is perfectly healthy. What the mom told me is that they can hardly make it, paying for the cost of the insulin that has gone up astronomically over the years, paying for the testing strips and everything involved in this.

Yet, now, instead of seeing a bill which reduces the cost of prescription drugs by including some of the provisions I have long advocated for—from ending pay for delay, where big pharmaceutical companies are paying off generic companies to keep their products off the market, or bringing in less expensive drugs from other countries or allowing for negotiation under Medicare Part D—instead of doing some of those innovative things we need to bring costs down for regular Americans, what we see here is going to make it worse.

When I met with these two girls, I told them and their family that I had their back and that I would tell their story on the floor of the U.S. Senate. Never once did I think I would be saying it, even this last week, when we are facing this kind of onslaught to this family—because what I would tell these girls now is that this bill, from what we have learned—we have not seen it, we don't know exactly what is in it—but from what we have heard, what would happen is, according to the nonpartisan Congressional Budget Office, it would kick 16 million people off of healthcare.

I would ask those girls: Do you know how many people that is, girls? It is 14 States' worth of people. It is the combined population of 14 States in the United States of America.

What we have learned about this bill is that it would increase premiums by over 20 percent, again, according to the nonpartisan Congressional Budget Office. What I would tell them is that is more than their school clothes, it is more than their softball clothes, it is a good chunk of their college education. This is real money for real people and this reduces coverage and it makes it more expensive. We can do so much better.

A few months ago, we went to that baseball game where the Republican men's team played the Democratic team. I was there in the stands, and I watched at the end this beautiful scene when the Democratic team won and they took the trophy and they gave it to the Republicans' team, and they said to put it in Representative SCALISE's office.

Why did they do that? Because they were saying we are all on one team. That is what this should be.

When we are dealing with one-sixth of the American economy, we shouldn't be at night passing a bill that one of our most trusted colleagues on the other side of the aisle, a Republican, has just called ''a fraudulent disaster.'' That is not what we should be doing. We should be working on the fixes that so many people have been working on for so many years—bringing drug prices down, making the exchanges stronger with reinsurance and cost sharing. These are things we actually can do together.

I ask my colleagues to work with us. We have opened the door. We want to work together on these changes and not to pass this fraudulent disaster.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Thank you, Mr. President. I appreciate so much my colleagues being out here on the floor.

We are debating a bill that relates to 16 percent of our gross domestic product, almost 20 percent of our economy.

I wish there were folks on the other side of the aisle who were out here tonight having this debate. I thank my colleague from Minnesota for the point she made.

I want to state that I am really discouraged about where we are in our political system right now, and part of that is because politicians seem to think they can say one thing when they are running for office and do another thing when they get here and that somehow there is not a consequence.

I guess one of the reasons people think there is no consequence is that we have begun to treat edited content—journalism—as though somehow it is inferior to somebody just shooting their mouth off on the internet. We hear the President verbally assaulting journalists who have covered terrorism and who have tried to bring the story in Syria to the United States. Some have lost their lives. The President says they are not covering terrorism; then he attacks them as fake news. He goes to places like Youngstown and gets people to attack CNN or the New York Times or the Wall Street Journal—anything that is actually edited content.

I think it is because he thinks, A, he will not withstand the scrutiny of real journalists, but I think, B, he thinks it will help with this anything-goes style of politics, which says you can say one thing in the election and do something else.

The PRESIDING OFFICER (Mr. KENNEDY). The time of the Senator has expired.

Mr. BENNET. I ask for an additional 3 minutes.

The PRESIDING OFFICER. The Democratic time has expired.

Mr. BENNET. I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNET. Mr. President, I just don't think this Republic will work very well if we don't have a free press that is respected and if we don't hold people accountable for their campaign promises.

Here is one of the things Donald Trump said during the campaign about what he was going to produce for the American people with respect to healthcare. He said that it was going to be beautiful, terrific—a beautiful and terrific plan to provide such great healthcare at a tiny fraction of the cost, and it is going to be so easy.

That is what he said, in rally after rally across the United States of America, and a lot of people believed it. He talked about how much he hated the Affordable Care Act, or ObamaCare, whatever you want to call it, and all the reasons why; many of the reasons he talked about were manufactured.

But that doesn't really matter anymore. He is the President. The Republicans are in the majority of the Senate, and the Republicans have a majority of the House. Their characterization—or mischaracterization—of the Affordable Care Act is not the issue anymore; the issue is what are they going to do for people living in the State of Colorado who are dealing with a healthcare system that is not supporting them terribly well. My colleagues heard that right. People who support the Affordable Care Act or oppose it, in my State, are deeply discouraged about the way our healthcare system works. And I think that if the President were keeping his promise, we would see 100 people support the bill because it is actually consistent with what people at home want. They want more transparency when it comes to healthcare. They want more affordability. They want more predictability. That is what they want.

If I set out to write a bill less responsive to that aspiration of the people I represent, who are critics of the Affordable Care Act—Republicans in my State—I couldn't write a bill less responsive than the one the House of Representatives has passed and the one that was introduced by the majority leader after he wrote it in secret.

It is 8:20 on the night we are going to have this vote, and we haven't seen the bill. After a year and a half of almost countless committee hearings, after adopting almost 200 Republican amendments on the Affordable Care Act, and then going to townhall after townhall, being accused of being a Bolshevik who hadn't read the bill, my question is, Why aren't people being held to that standard tonight? Maybe they are not asking us to read the bill because there is no bill at 8:20 on the night that we are supposed to take away 16 million Americans' healthcare, or 20 million Americans' healthcare—on the night we are supposed to vote for a bill that the Congressional Budget Office says will jack up insurance rates by 20 percent.

They wrote the bill in secret. They didn't have a single hearing in the Senate—not one hearing in the Senate. Now it is 8:20 at night, and there are people in my State who think they are going to lose their health insurance because they might be one of those 16 million people or they might have a kid or a parent who has a preexisting condition, like the thousands of people who have contacted my office. They are terrified, and they are not even on the floor, and they can't read the bill. Read the bill.

Now we are told there is going to be a procedural trick that is going to allow the House of Representatives to just pass this through over the weekend.

That is a shameful way to run the Senate. It is exactly the opposite of what the majority leader promised he would do when he was the minority leader in the Senate. He is the one who said: If you can't get a vote from the other side—if you can't get one vote from the other side—you maybe should acknowledge that the American people aren't behind your bill.

They can't even get all of the Republicans to vote for this. They had to have MIKE PENCE, who is the Vice President, come here to break a tie. What a disgrace to ask the executive branch to come here and save your bacon because you can't get the votes. And there is not a Democratic vote for this bill tonight because it doesn't meet the test that the minority leader himself had.

I see my colleague from Michigan is here. I will yield the floor by just saying that we should stop this catastrophe. The only thing we know about this catastrophe is if it passes, there will be 16 million people who lose their health insurance and a bunch of rates go up. If we don't do it, that will not happen.

I yield the floor.

The PRESIDING OFFICER. The time of the Democrats has expired.

Ms. STABENOW. Mr. President, I ask unanimous consent for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I want to support what my colleagues have been saying on this floor. The reason we haven't seen a bill, the reason we have no idea what is coming is that this is a political exercise by the Republicans. It is about winning and losing. But for people in the country, for people in Michigan, it is personal. This is not a political game. This is personal. For everyone who cares about their children and wants to make sure they can take them to the doctor; if you have a mom with Alzheimer's and you might lose the ability to have nursing home care; if you have cancer and know you may not be able to get the full treatments that you need, this is personal. And, as has been said, every single proposal of theirs is higher costs and less coverage.

So we voted on what was behind door No. 1, which would gut Medicaid healthcare. Three out of five Michigan

seniors get their nursing home care from Medicaid. Half of the people we see with Medicaid healthcare are children. All of the funds in the first proposal would go to tax cuts for the wealthy few and pharmaceutical companies and destabilize and undermine and raise costs for everybody else. So that is door No. 1: higher costs, less coverage.

Then, when that didn't go forward, it was door No. 2. Door No. 2: Repeal everything that was passed under the Affordable Care Act and then say to folks somewhere down the road, we will figure out how to replace it. That is higher costs and less coverage.

Now we are at door No. 3, and we don't know what is behind door No. 3. All we know for sure is that it will be higher costs and less coverage.

Now, we as Democrats want just the opposite. We want to work together with our Republican colleagues to lower costs—by the way, starting with the outrageous increases in prescription drug costs. And we want to increase coverage options, increase health insurance. That is what we are all about. I believe—I know in Michigan—that is what people want me to be focused on.

Are there problems in the current system? Of course, and we should fix those, but we don't have to rip away healthcare and raise everybody's costs 20 percent a year as is being talked about now in order to fix the problems that are there.

I want to quote Senator MCCAIN, who said that it is time to ''return to regular order,'' work to reduce ''out-of-pocket costs,'' and learn to ''trust each other'' again.

It is pretty tough to trust colleagues, to trust the majority, when we aren't even given the respect of knowing what we are going to be voting on. And it is not just—it is not about us. It is not about us as individuals; it is about the fact that every person who is getting cancer treatments right now needs to know what the U.S. Senate is going to be voting on and have a chance to respond. Every person who cares about their child, who cares about their parent in a nursing home, who cares about their future has the right to know and to read a bill and know what is going on.

I want to say in conclusion—I want to close with the words of Margo, who manages a health clinic in Kent County in the western part of Michigan. Margo knows the benefits of increased access to healthcare because she sees it every day. She knows it is not political; it is personal. There is nothing more personal than being able to take your child to the doctor and get the healthcare you need or care for your parents.

Margo wrote:

> Seeing working people who have struggled all of their adult lives to manage their chronic health conditions finally have access to regular doctor visits, health education, and prescription medications has been a tremendous relief. It is amazing how different the lives of our patients are today compared to what they were a few years ago.

She added: ''You can't imagine the sense of dignity the people I see feel.''

The PRESIDING OFFICER. The Senator's time has expired.

Ms. STABENOW. It is time to bring back some dignity to the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I heard somebody say that nobody was listening. Well, I was listening. I have read a little bit from this book before on the floor about healthcare. It is called ''Demystifying ObamaCare'' by David G. Brown, who is a doctor. He does a marvelous job of going through the history of how we got to where we are.

He says, maybe we need to answer the question: ''What does ObamaCare do? What does ObamaCare purport to do? What does ObamaCare not do?''

He says that those answers are relatively simple.

> ObamaCare is not a system of healthcare, nor is it a healthcare reform. It is a system of healthcare control.
>
> ObamaCare was supposed to significantly reduce healthcare costs, but instead it has dramatically increased costs for even those who are not directly within the ObamaCare program.
>
> ObamaCare was supposed to increase access to care, but instead it can actually reduce access (availability) of care.
>
> ObamaCare reduces the effectiveness of the safety net program, which is so very important to economically poor Americans.
>
> The quality of healthcare in America was derided when ObamaCare was passed, but ObamaCare instead reduces the quality of U.S. healthcare by reducing innovation.

And then he says:

> ObamaCare removes a person's ability to make his own decisions about his healthcare and that of his family. It does so by removing the freedom to make those decisions.

He continues that what we are trying to do is correct those problems and get back to a system of healthcare where the patient and the doctor get to make some of the decisions, where we encourage more people to be in the system, where we expand the use of HSAs, refundable tax credits, where we also allow people to buy insurance across State lines.

We could put money back into State high-level risk pools. In fact, I really like the invisible risk pools that allow people to continue to pay what they were paying before, but to get the unique care.

We could ''pass Medicaid to the States in terms of 'block grants' or 'per capita allotments,''' and we could ''partially privatize Medicare starting in 2024 with the premium support system.''

That is not in the bill; I am reading suggestions that he gives, including ''cap the amount for tax exclusions in higher cost employer-based plans.''

Now, you need to know that in the proposals that we have been putting out, in spite of what I have been hearing on this side, kids under 26 still get to be on their parents' insurance. We are not taking that off. I keep hearing we are eliminating the preexisting conditions. We are not. There hasn't been a proposal to eliminate the preexisting conditions. So quit saying that. That is just fearmongering. As to eliminating the lifetime caps on insurance, I haven't heard a proposal for that. Also, allowing people to continue to be insured even if they change jobs—that is what this guy wrote in the book, and I would like for everybody to read it.

He said there are five factors that drive up healthcare costs. One is taxes, another is mandates. Another is regulations. Another is lack of competition and flexibility within the marketplace. As to the fifth one, I don't know of anybody addressing yet, but it is the medical liability system that encourages defensive medicine and drives the costs up.

Seniors need to be protected. There needs to be an effective and viable safety net system. Nobody is trying to work against that, regardless of what you are hearing here.

I understand my time has expired. I have a lot more of the book I would like to share, but I am not sure it is productive, anyway.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, I ask unanimous consent that before the next amendment each side be given 2 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MOTION TO COMMIT

Mr. SCHUMER. Mr. President, I have a motion to commit at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

> The Senator from New York [Mr. SCHUMER] moves to commit the bill H.R. 1628 to the Committee on Finance with instructions to report the same back to the Senate within 3 days, not counting any day on which the Senate is not in session, with changes that—
>
> (1) are within the jurisdiction of such committee; and
>
> (2) strike the subsequent effective date in the repeal of the tax on employee health insurance premiums and health plan benefits, which reinstates the tax in later years.

The PRESIDING OFFICER. The question is on the Schumer motion to commit.

Mr. SCHUMER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 57, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—43

Baldwin	Harris	Peters
Bennet	Hassan	Reed
Blumenthal	Heinrich	Sanders
Booker	Heitkamp	Schatz
Brown	Hirono	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Stabenow
Carper	Leahy	Tester
Casey	Manchin	Udall
Coons	Markey	Van Hollen
Cortez Masto	McCaskill	Warren
Donnelly	Menendez	Whitehouse
Duckworth	Merkley	Wyden
Feinstein	Murray	
Franken	Nelson	

NAYS—57

Alexander	Flake	Murphy
Barrasso	Gardner	Paul
Blunt	Gillibrand	Perdue
Boozman	Graham	Portman
Burr	Grassley	Risch
Capito	Hatch	Roberts
Cassidy	Heller	Rounds
Cochran	Hoeven	Rubio
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kaine	Strange
Crapo	Kennedy	Sullivan
Cruz	Lankford	Thune
Daines	Lee	Tillis
Durbin	McCain	Toomey
Enzi	McConnell	Warner
Ernst	Moran	Wicker
Fischer	Murkowski	Young

The motion was rejected.

AMENDMENT NO. 502

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to the vote on the Heller amendment.

The Senator from Nevada.

Mr. HELLER. Mr. President, my amendment at the desk, Heller amendment No. 502, repeals the Cadillac Tax, plain and simple. No gimmicks. It repeals the Cadillac Tax, plain and simple. This is a bipartisan issue with bipartisan support. Under these circumstances, it is probably appropriate that we have a bipartisan issue that is here in front of us.

I would like to thank Senator HEINRICH, my friend from New Mexico, for his hard work and effort on behalf of this particular issue. He has worked hard.

This is an issue that is well-endorsed. We have the endorsement of organized labor, chambers of commerce, local and State governments, and small business organizations. They all supported repealing this very bad and onerous tax. Over 83 groups have endorsed full repeal. They are saying the same thing—that the Cadillac tax needs to be fully repealed, or employees will experience massive changes in their healthcare.

Previously, this Chamber has voted nearly unanimously to support this full repeal.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HELLER. Thank you, Mr. President.

I would ask support from my colleagues on this Heller amendment.

Thank you.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, first on the issue before us, most Democrats—the vast majority—are for repeal of the Cadillac tax. We are not for many of the other provisions being put forward. This requires the two to be tied together. We are for repealing the Cadillac tax but not harming the healthcare of millions of Americans.

I want to make another point, especially to my friends, Senators MCCAIN, GRAHAM, JOHNSON, and CASSIDY, who said correctly that the skinny bill was totally inadequate and they would require assurances from the House.

Let me first read what Mr. RYAN said: ''If moving forward requires a conference committee, that is something the House is willing to do.'' That is not worth anything—only if moving forward is required.

But I make another point that makes the case proof positive that this bill could pass and there is no assurance from the House. The House Rules Committee. There was a motion to limit the waiver of clause 6(a) of rule XIII—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCHUMER. I ask unanimous consent for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. To limit it just for motions to go to conference; rejected 4 to 9.

If the House was intent on going to conference, they would have voted for this rule. It means they want to pass this bill, this skinny repeal, and send it to the President.

I would urge my four colleagues and all the others to vote no until they get that assurance.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. HELLER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—52

Alexander	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heinrich	Rounds
Cassidy	Heller	Rubio
Cochran	Hoeven	Scott
Collins	Inhofe	Shelby
Cornyn	Isakson	Strange
Cortez Masto	Johnson	Sullivan
Cotton	Kennedy	Thune
Crapo	Lankford	Tillis
Cruz	Lee	Toomey
Daines	McCain	Wicker
Enzi	McConnell	Young
Ernst	Moran	
Fischer	Murkowski	

NAYS—48

Baldwin	Cantwell	Corker
Bennet	Cardin	Donnelly
Blumenthal	Carper	Duckworth
Booker	Casey	Durbin
Brown	Coons	Feinstein
Franken	Markey	Schatz
Gillibrand	McCaskill	Schumer
Harris	Menendez	Shaheen
Hassan	Merkley	Stabenow
Heitkamp	Murphy	Tester
Hirono	Murray	Udall
Kaine	Nelson	Van Hollen
King	Peters	Warner
Klobuchar	Reed	Warren
Leahy	Sanders	Whitehouse
Manchin	Sasse	Wyden

The amendment (No. 502) was agreed to.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 667 TO AMENDMENT NO. 267

(Purpose: Of a perfecting nature.)

Mr. MCCONNELL. Mr. President, I call up amendment No. 667.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 667 to amendment No. 267.

Strike all after the first word and insert the following:

SHORT TITLE.

This Act may be cited as the ''Health Care Freedom Act of 2017''.

TITLE I

SEC. 101. INDIVIDUAL MANDATE.

(a) IN GENERAL.—Section 5000A(c) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(B)(iii), by striking ''2.5 percent'' and inserting ''Zero percent'', and

(2) in paragraph (3)—

(A) by striking ''$695'' in subparagraph (A) and inserting ''$0'', and

(B) by striking subparagraph (D).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2015.

SEC. 102. EMPLOYER MANDATE.

(a) IN GENERAL.—

(1) Paragraph (1) of section 4980H(c) of the Internal Revenue Code of 1986 is amended by inserting ''($0 in the case of months beginning after December 31, 2015, and before January 1, 2025)'' after ''$2,000''.

(2) Paragraph (1) of section 4980H(b) of the Internal Revenue Code of 1986 is amended by inserting ''($0 in the case of months beginning after December 31, 2015, and before January 1, 2025)'' after ''$3,000''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2015.

SEC. 103. EXTENSION OF MORATORIUM ON MEDICAL DEVICE EXCISE TAX.

(a) IN GENERAL.—Section 4191(c) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2017'' and inserting ''December 31, 2020''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales after December 31, 2017.

SEC. 104. MAXIMUM CONTRIBUTION LIMIT TO HEALTH SAVINGS ACCOUNT INCREASED TO AMOUNT OF DEDUCTIBLE AND OUT-OF-POCKET LIMITATION.

(a) IN GENERAL.—Subsection (b) of section 223 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(9) INCREASED LIMITATION.—In the case of any month beginning after December 31, 2017, and before January 1, 2021—

''(A) paragraph (2)(A) shall be applied by substituting 'the amount in effect under subsection (c)(2)(A)(ii)(I)' for '$2,250', and

''(B) paragraph (2)(B) shall be applied by substituting 'the amount in effect under subsection (c)(2)(A)(ii)(II)' for '$4,500'.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 105. FEDERAL PAYMENTS TO STATES.

(a) IN GENERAL.—Notwithstanding section 504(a), 1902(a)(23), 1903(a), 2002, 2005(a)(4), 2102(a)(7), or 2105(a)(1) of the Social Security Act (42 U.S.C. 704(a), 1396a(a)(23), 1396b(a), 1397a, 1397d(a)(4), 1397bb(a)(7), 1397ee(a)(1)), or the terms of any Medicaid waiver in effect on the date of enactment of this Act that is approved under section 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1396n), for the 1-year period beginning on the date of enactment of this Act, no Federal funds provided from a program referred to in this subsection that is considered direct spending for any year may be made available to a State for payments to a prohibited entity, whether made directly to the prohibited entity or through a managed care organization under contract with the State.

(b) DEFINITIONS.—In this section:

(1) PROHIBITED ENTITY.—The term ''prohibited entity'' means an entity, including its affiliates, subsidiaries, successors, and clinics—

(A) that, as of the date of enactment of this Act—

(i) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(ii) is an essential community provider described in section 156.235 of title 45, Code of Federal Regulations (as in effect on the date of enactment of this Act), that is primarily engaged in family planning services, reproductive health, and related medical care; and

(iii) provides for abortions, other than an abortion—

(I) if the pregnancy is the result of an act of rape or incest; or

(II) in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself; and

(B) for which the total amount of Federal and State expenditures under the Medicaid program under title XIX of the Social Security Act in fiscal year 2014 made directly to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity, or made to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity as part of a nationwide health care provider network, exceeded $1,000,000.

(2) DIRECT SPENDING.—The term ''direct spending'' has the meaning given that term under section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)).

TITLE II

SEC. 201. THE PREVENTION AND PUBLIC HEALTH FUND.

Subsection (b) of section 4002 of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11) is amended—

(1) in paragraph (3), by striking ''each of fiscal years 2018 and 2019'' and inserting ''fiscal year 2018''; and

(2) by striking paragraphs (4) through (8).

SEC. 202. COMMUNITY HEALTH CENTER PROGRAM.

Effective as if included in the enactment of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10, 129 Stat. 87), paragraph (1) of section 221(a) of such Act is amended by inserting '', and an additional $422,000,000 for fiscal year 2017'' after ''2017''.

SEC. 203. WAIVERS FOR STATE INNOVATION.

Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) is amended—

(1) in subsection (a)(3)—

(A) in the first sentence, by inserting ''or would qualify for a reduction in'' after ''would not qualify for'';

(B) by adding after the second sentence the following: ''A State may request that all of, or any portion of, such aggregate amount of such credits or reductions be paid to the State as described in the first sentence.'';

(C) in the paragraph heading, by striking ''PASS THROUGH OF FUNDING'' and inserting ''FUNDING'';

(D) by striking ''With respect'' and inserting the following:

''(A) PASS THROUGH OF FUNDING.—With respect''; and

(E) by adding at the end the following:

''(B) ADDITIONAL FUNDING.—There is authorized to be appropriated, and is appropriated, to the Secretary of Health and Human Services, out of monies in the Treasury not otherwise obligated, $2,000,000,000, to remain available until the end of fiscal year 2019. Such amounts shall be used to provide grants to States that request financial assistance for the purpose of—

''(i) submitting an application for a waiver granted under this section; or

''(ii) implementing the State plan under such waiver.'';

(2) in subsection (b)(1), in the matter preceding subparagraph (A)—

(A) by striking ''may'' and inserting ''shall''; and

(B) by striking ''only'';

(3) in subsection (d)(1), by striking ''180'' and inserting ''45''; and

(4) in subsection (e), by striking ''No waiver'' and all that follows through the period at the end and inserting the following: ''A waiver under this section—

''(1) shall be in effect for a period of 8 years unless the State requests a shorter duration;

''(2) may be renewed for unlimited additional 8-year periods upon application by the State; and

''(3) may not be cancelled by the Secretary before the expiration of the 8-year period (including any renewal period under paragraph (2)).''.

The PRESIDING OFFICER (Mr. TOOMEY). The majority leader.

Mr. MCCONNELL. Mr. President, the legislation I just laid down is called the Health Care Freedom Act, and it restores freedom to Americans that ObamaCare took away. It does so in a number of ways.

First, the Health Care Freedom Act repeals the core pillars of ObamaCare. It eliminates the so-called individual mandate that forces many Americans to buy ObamaCare insurance they don't want, can't afford, or can't use, and taxes those who don't. It also repeals the employer mandate that cuts hours, take-home pay, and job opportunities for workers.

Second, the Health Care Freedom Act provides significant new flexibility to States. The Health Care Freedom Act gives States just the kind of flexibility they need to implement reforms that provide more options for consumers to buy the health insurance they actually want. These reforms also help make insurance more affordable and flexible so it is something Americans actually want to buy.

Finally, the Health Care Freedom Act frees Americans from ObamaCare in several other ways too. It provides 3 years of relief from the medical device tax, which increases costs, hurts innovation, and has drawn significant criticism from both sides of the aisle. It expands, for 3 years, the contribution limits to health savings accounts so Americans can better manage their health costs and pay down more of their medical expenses like prescriptions with pretax dollars.

Also, the legislation will prioritize funding for women's health through community health centers instead of large abortion providers and political organizations.

The American people have suffered under ObamaCare for too long. It is time to end the failed status quo. It is time to send legislation to the President which will finally move our country beyond the failures of ObamaCare. Passing this legislation will allow us to work with our colleagues in the House toward a final bill that could go to the President, repeal ObamaCare, and undo its damage.

I urge everyone to support it.

Mr. President, I ask unanimous consent that Senator MURRAY or her designee be recognized to offer a motion to commit; further, that the remaining time be equally divided between the managers or their designees.

The PRESIDING OFFICER (Mr. KENNEDY). Is there objection?

Without objection, it is so ordered.

The Senator from Washington.

MOTION TO COMMIT

Mrs. MURRAY. Mr. President, I move to commit H.R. 1628 to the Committee on Health, Education, Labor, and Pensions with instructions to report the same back to the Senate within 3 days, not counting any day on which the Senate is not in session, with changes that are within the jurisdiction of such committee.

Mr. President, after months of secret negotiations and backroom deals and shutting out patients and families and women and Democrats and even many Republicans from the process, Republican leaders continue to say they are planning to force a vote on this latest TrumpCare bill tonight—a bill even Republicans admit would throw our markets into turmoil. It is going to kick millions of people off of care, it is going to raise premiums for millions of families, it will eliminate healthcare for women across the country, and so much more—none of it good.

It does not have to be this way. In fact, Republicans can still reverse this course. They can drop this once and for all and join with Democrats to get to work to actually improve healthcare, to reduce costs, to increase access, and to improve quality. We can start over with an open, transparent process, in which both sides—Democrats and Republicans—have a voice and one in which patients and families can make sure their priorities are being addressed.

Now, I know many of our Republican colleagues prefer this bipartisan route. We have heard them say it. They have said it over and over in their votes to reject the partisan TrumpCare bill and

full repeal bills this week, in their discussions of hearings we should be holding, and in their comments even over the past few hours, laying out how devastating this bill would be for patients and healthcare markets and making it clear they do not trust the House to not simply pass whatever moves through the Senate.

So I call on Republicans now to join us. Let's do what my colleague, the senior Senator from Arizona, and so many others have bravely called for. With this motion, we will send it back to the committee, where we can debate it, where we can work together, where we can do what is right for the people we represent.

I urge my colleagues to support this motion to commit in the way that Republicans and Democrats have been talking about. I can personally assure every one of you that I will work with you—and I know other Democrats will as well—if we reject this process and send it back with this motion to commit to do it the right way, the respectful way.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, this process is an embarrassment. This is nuclear-grade bonkers what is happening here tonight.

We are about to reorder one-fifth of the American healthcare system, and we are going to have 2 hours to review a bill which, at first blush, stands essentially as healthcare system arson.

This bill is lighting the American healthcare system on fire with intentionality. To use the word ''freedom'' at its center—there is freedom in this bill. There is the freedom to go bankrupt, there is the freedom to get sick and not be able to find a doctor, and there is freedom in this bill to die early. That is not hyperbole. That is what happens when, overnight, 16 million people lose insurance.

Don't tell us that is because people all of a sudden will not be mandated to buy it. This is a vicious cycle that happens. When you get rid of the mandate, every insurance company will tell you that rates skyrocket because you are not getting rid of the provision that requires insurance companies to price sick people the same as healthy people. CBO says that rates go up immediately by 20 percent and then 20 percent after that and then 20 percent after that. So all of a sudden you can't have the individual mandate because nobody can afford to buy the product.

There is a lot of freedom in this bill, it is just not the kind of freedom we all thought was at the heart of this reform measure. This is real life. It is not a game.

I know lots of Members on the Republican side are voting for this because they have some promise that even though this bill is terrible—and everybody admits it doesn't solve any problems—it will get to a forum in which the problems can be truly solved. That is gamesmanship. That is not senatorial. That is not what this place was supposed to be. This was supposed to be the great deliberative body where we solved big problems, and this bill surrenders to the House of Representatives.

Let's just be honest about what is going to happen when this bill gets to the House. Maybe there will be a conference committee, but it will not resolve any of the problems which have been inherent in the Republican conference here in the Senate. In fact, those problems will get worse because you will inject the Freedom Caucus into a Republican conference here that alone wasn't able to come to a conclusion. They will argue for a couple weeks, maybe a month, and then the House will decide to proceed with a vote on this bill.

There is nothing in the rules that locks this bill into the conference committee once it is there. The House can pick it up out of that conference committee and move it to a vote—and they will do that because none of the problems that were solved here will be solved there.

We have seen this happen before. Remember the budget stalemate in which this hammer of sequestration was created, and the supercommittee was supposed to solve all the problems the House and the Senate couldn't? They didn't, and now we are stuck with sequestration—something nobody thought would happen. This is the same thing.

This will not be a hammer sufficient enough to solve the dysfunction which has always been present in this process. Thus, the conference will be doomed, and this bill will become law—raising rates for everyone, locking millions of people out of the system of insurance, with no answer for the parents of those disabled kids who have been begging to get into Senators' offices. This isn't a game. This is real life. If this bill becomes law, real people will be hurt.

We are begging our colleagues to vote for the motion to commit. Take us at our word. We want to work with you. We acknowledge there are still problems that need to be solved, though we maintain there are parts of the Affordable Care Act that are working. What if we owned the problem and the solution together? What if this wasn't a perpetual political football? There is still time for us to work this out together if you support us and vote for the motion to commit.

This process is an embarrassment to the U.S. Senate. This isn't why we all came here—and don't delude yourself into thinking that this bill you are voting on will not become law. There is a very good chance that it will, and the end result will be absolute devastation and humanitarian catastrophe visited upon this country.

It doesn't have to be this way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, it has been an amazing process. I have been here a little over 10 years, and I have never seen anything like this.

We voted cloture a few days ago to move to debate. Nothing. Now we have a bill here today that as Senator MURPHY has already pointed out, will rip healthcare away from millions of people, increase premiums by 20 percent a year, and basically solve none of the problems that are out there that need to be solved that affect Americans every day, especially rural Americans.

I must thank the Senator from Washington, Mrs. MURRAY, for the motion to take this back to committee. This is where we should have started. We should have started in the committee process like our forefathers had designed this place to work, the greatest deliberative body in the world, but it didn't. Every bill has been drafted by a select few in a backroom, with no input from anybody, especially people from rural America. So it is really time, folks, to open this process up.

As I have gone around the State of Montana—and I have for the last 8 months—talking to folks about healthcare in rural America, they are very nervous. I am going to tell you something. If people cannot pay their bills because they don't have health insurance or they don't have the money, it is going to put these small hospitals at risk, these rural hospitals at risk.

I will tell you a little bit about the town I grew up in. This is a town where my grandparents homesteaded over 100 years ago. From the time of the homestead era until the midsixties, they didn't have a hospital. Their hospital was the top floor of a place that sold dry goods. In the midsixties, they finally scratched up enough money, and they built a hospital.

Big Sandy is not near as big today as it was back then. I am going to tell you, the hospital administrators from these small hospitals, the folks in the Montana Hospital Association have told me that if charity care goes up, they could close and at a bare minimum change their method of delivery for healthcare.

What does that do to a small town? Oftentimes, the hospital is the largest employer in that town. They usually fight with the school district for that honor. You take the hospital out, you take the heart and soul out of that community.

You want to see a mass exodus from rural America, even bigger than it has been over the last 50 years? Pass this bill. Pass this bill.

This isn't about numbers, and it isn't about words; it is about people. Big Sandy is not unique. Every rural town in the State of Montana that has a hospital is in that position. It is the same thing in Wyoming. It is the same thing in North and South Dakota. It is probably the same thing in more urban States that have rural areas, where these small hospitals will be put at risk of closure. It is not right.

I am going to tell you that if we follow the process that should be followed in this great body, we would take this healthcare bill and put it back in committee, have a debate, listen to ideas from everybody, rural and urban alike—farmers and ranchers, businesspeople, healthcare professionals, families, doctors, nurses—and we could come up with a bill that could work for this country. But that is simply not the case here tonight, and we should not be proud of this at all.

Our forefathers set up a great system that can work, and the majority has chosen to ignore that system. It is a disgrace to the Senate.

I yield the floor.

The PRESIDING OFFICER. (Mr. TOOMEY). Who yields time?

The Senator from Ohio.

Mr. BROWN. Mr. President, let's look at how all this started. Right down this hall, a few months ago, Senator MCCONNELL, a handful of Republican Senators, the drug lobbyists, insurance company lobbyists, and Wall Street lobbyists met in that office behind closed doors. Most Republican Senators didn't know what was happening, no Democratic Senators knew what was happening, and the American public didn't know what was happening.

This bill—written by drug companies, insurance companies, and Wall Street—was sent to the Senate floor, was discussed, and, alas, it was big tax cuts for the drug companies and the insurance companies.

When you think about this, you have U.S. Senators who get taxpayer-subsidized insurance, Senators who get insurance provided by taxpayers who are going to rip it away from potentially 700–, 800–, 900,000 Ohioans.

I stand with Governor Kasich. Governor Kasich said: You don't pass legislation—you don't meet in the majority's leader's office down the hall here, write legislation with drug company and insurance company lobbyists, and then take Medicaid away, take insurance away, disrupt the insurance markets. You just don't do things that way.

A professor of healthcare finance at Case Western in Cleveland wrote yesterday that millions would lose coverage and that middle-income Americans would be ''priced out of the market.''

If I could talk for a moment about what happens to individuals, yesterday I was on the phone with Donna May from Gahanna, OH. She told me:

My mother is 91 years old. She worked hard all her life. I'm 73 years old and still work. Without Medicaid, or even large cuts in Medicaid, I will not be able to care for my Mom.

Donna and so many others pay into Social Security. They pay into Medicare. They pay into unemployment insurance. And then this Congress is going to cut their Medicaid. This Congress is going to take money away from them when they need it, when they run out of money at the end of their lives and they are in nursing homes. Is that what we stand for as a country?

In Toledo, I talked to Kelly Peterson. Her dad is in a nursing home and relies on Medicare. She told me:

My family would be devastated by these proposed cuts to Medicaid. My dad worked in the auto industry and paid into the system 30 years. Now when he needs it most, conservatives in Congress want to take it all away.

Again, these people paid into Social Security. They paid into Medicare. Now we are going to take their insurance away from them as they grow older. A bunch of Members of Congress who have insurance provided by taxpayers think it is morally OK to strip the insurance from millions of people in our States.

Again, I side with Governor Kasich. I am a Democrat. He is a Republican. He is as repulsed as I am that down this hall, Senator MCCONNELL and Republican leadership, with the drug and insurance company lobbyists, wrote this bill.

I stand with Governor Kasich, who wants to do a simple thing: Stop this outrageous attempt tonight. Sit down with Republicans and Democrats in both parties. I could sit with Senator PORTMAN. We could come up with legislation to fix the Affordable Care Act; to encourage more young, healthy people into the insurance pools; to stabilize the insurance market; to go after the outrageous cost of prescription drugs; maybe even to open up Medicare eligibility for people between 55 and 64. It is not complicated.

The special interests have taken over this Chamber. We should be ashamed of ourselves. We ought to do this right. I ask my colleagues to vote yes on the Murray motion to recommit.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I rise in support of the motion to commit by my friend from the State of Washington. Let me tell you why.

We have a problem that most all of you have in your States, which is opioids. This opioid addiction that goes on is affecting everybody—not just Democrats, not just Republicans. I don't care whether you are poor or rich or whether you are conservative or liberal—it has no base at all; it is a silent killer.

For the first time, under the Affordable Care Act, we are able to get some treatment. We have not been able to do that before. The only treatment people have gotten before—when a parent comes to you and says: I just have to hope my child—if my child gets arrested, they can go into drug court, and maybe they can get some care, some treatment.

For the first time, through Medicaid, we can give treatment for opioid addiction. We never had this chance before, never had this opportunity. It is really lifesaving for these people. It gets them back into the workforce, too, and they can clean up their lives. They really want this done.

We are talking about 33,000 Americans who lost their lives in 2015. In any other scenario, that would be an epidemic or a pandemic. Here we go. We still don't have any adequate treatment centers. We have no way that we can go forward and fight this illness. We sit here and talk about it.

Now we are talking about, well, we know 16 million people are going to be thrown off. We know that. We know the premiums will go up 20 percent.

Some one said: You know, you can still have preexisting conditions. We are going to take care of them. They can find it. It is available.

I have said this before: A Rolls Royce is available to me; I just can't afford to buy it. That is what we are going to be faced with.

But this is fixable. What we have said about fixable, we as Democrats—there are those of us in this body who will sit down—as Senator MURRAY has said—will sit down tonight. We will start tonight if you want to and look at ways we can make this more effective, more beneficial for everybody.

When you think about the reinsurance, we know it has worked in Alaska. The Affordable Care Act—the so-called ObamaCare—has been out long enough now that we know where the problems are, we know where the fixes need to be, and we know how do it. We have seen Alaska do something that looks very promising.

Also, when Vice President PENCE was Governor in Indiana, they did a Medicaid expansion in Indiana. They are putting in accountability and responsibility. It has great effects. My good friend Mitch Daniels was the Governor at the time they put this plan into place, and it has worked and worked well.

We are willing to sit and talk. These are good things. We think we can make this happen. We have been shut down at every turn. I have said: This is not how we were taught in West Virginia. It is not how we do business. We sit down and work through it.

I don't care what side of the aisle you are on—we came here to do the right thing for the country. We are all Americans. We all have something in common. We are all on the same team, I hope, and that is Team America. Let's fix this.

Let me tell you what will happen if you don't fix it. Let me tell you what will happen for the people who lose it. Do you know where they go back to? And I don't know why people think there is a savings involved. They are going back to the emergency room.

When I was Governor, every year they came to me and said: Governor MANCHIN, we need $12 million for a rural hospital. We gave all this charity care away.

They are going to go back to that. Do you think that is quality? There is no preventive care. There is no planning. There is nothing to help these people

have a better quality of life. We are going to pay again. We are going pay dearly for this. We are not going to have any chance to get people back in the workforce.

All we are asking for, please vote for Senator MURRAY's motion to recommit. Give us a chance to do what we were sent here to do. Let's work the legislation. Let's sit down and find the commonality that we can find as Americans and move forward with a piece of legislation that can change people's lives, that can save people's lives and can give them hope again for the first time. That is all we are asking for.

I would ask each and every one of us to search our souls and our hearts while we are here, what we are here to do, what our purpose of being here is, and give us a chance to fix a healthcare system that needs to be fixed but also needs to be available for the people in my great State of West Virginia and everyone in this great country.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, this bill is the product of the most secretive and partisan process I have seen in my 10 years in the Senate. Who did the magicians who came up with this listen to? They obviously didn't listen to the doctors. The American Medical Association is opposed to this. The American Pediatric Society is opposed to this. The American Academy of Family Physicians is opposed to this. Certainly the doctors didn't get a chance to get heard in this process.

How about the hospitals? The American Hospital Association is opposed to this. Catholic hospitals are opposed to this. Rural hospitals are warning that this could end their very existence. Let's have a process that gives the hospitals a chance to be listened to.

The nurses in Rhode Island are opposed to this. I think nurses around the country are opposed to this. Why not have an open process that gives the nurses a chance to be heard?

Our community health centers are opposed to this. They have been to Washington to say: Please don't do this. You will be hurting real people whom we care for.

Illness advocacy groups—the people they are fighting for are stuck in this healthcare system with serious illnesses. Did we listen to the American Cancer Society? No. Did we listen to the American Lung Association? No. We didn't even listen to the hemophilia group, for Pete's sake. Addiction treatment groups are against this.

We have listened to nobody. We didn't even listen to the Republican Governors, let alone the Democratic Governors, like my Governor, who is telling me: We are working fine. We having people on Medicaid. Our exchanges are working.

Why fire this torpedo into perfectly working exchanges when we can be working on fixing the few where it is not working?

Why are we here? Who is behind this? Who was telling the little group of magicians in their secretive back room what to do? This is what happens when a party becomes beholden to a small handful of creepy billionaires and stops listening to the people. They are conducting a freakish social experiment on other people's health coverage, because you can bet those billionaires have all the coverage they need, but they have this ideology about taking coverage away from people by the millions. And our Republican friends are standing up in lockstep to march the billionaire march on a bill that everybody hates and that will cause damage in everybody's home State. And it doesn't matter because the billionaires have the dark money, the dark money floods our politics, and everybody marches to the tune of the anonymous billionaires.

We could be doing great things. We could be solving the known problem of end-of-life care and making sure people get their wishes honored at that precious time. We could be dealing with opioid and behavioral health issues that are bedeviling communities across this country. We could be helping doctors with payment reform that lets them treat people in a way that keeps them healthier, rather than having to wait to be paid until they do stuff to people—running up the cost of healthcare.

We could be dealing with hospital-acquired infections. How many people know someone who had a hospital-acquired infection, which brings enormous costs into the system as you have to treat it? Do we address that? No, because we didn't bother to listen to the hospitals.

We could do something about pharmaceutical prices. People in America are irate about jacked-up pharmaceutical prices, driven up by people who aren't even in the drug manufacturing industry but are just speculating on their ability to use monopoly pricing to drive up prices. But they put money into the system, so they get what they want.

This bill is a nightmare in and of its own, and it is a colossal missed opportunity to do something good for the American people that will actually help them. So let's support Senator MURRAY's motion to recommit and just try the regular order that the majority leader has proclaimed he was a champion of for year after year, until the creepy billionaires said to him: We are giving you the money; this is the bill we want. We don't care about those people or those hospitals. Shove it through because it suits our ideology.

This is no way to govern. Give the people, the hospitals, the doctors, the nurses, the community health centers, and the people suffering from illnesses at least a chance to be heard in some kind of open environment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, at last count, I think it was the Gallup poll that found 12 percent of the American people had confidence in the U.S. Congress. I think we are on our way tonight to single digits because in the modern history of this country there has never been a process as absurd as what we are seeing right here.

We are talking about legislation that impacts one-sixth of the American economy—over $3 trillion. We are talking about legislation, because it is healthcare, that impacts every man, woman, and child in this country.

Mr. President, maybe you can help me. How many public hearings have we had dealing with legislation that is of enormous significance to tens of millions of people? Well, I will help you with the answer: There have been zero hearings.

What impact will this legislation have on doctors who are trying to treat us every day? One might think that we would hear from the doctors of the American Medical Association to tell us how this legislation would impact their work. We have not had one public hearing to hear from one doctor.

What has the American Hospital Association had to say about how this legislation would impact rural hospitals in America, many of which may close down? They have not had one moment, one opportunity to say one word on this legislation.

We are proceeding here with major legislation written behind closed doors by a handful of Republicans. Most Republicans have not been involved in this process, let alone Democrats, let alone the American people.

By the way, when we think of the American people, how do they feel about this legislation? Well, the last poll that I saw was USA Today. They had 12 percent of the American people thinking that this legislation makes sense. Well, maybe the American people got it wrong. How do the major healthcare organizations in America feel about this legislation—the people who are on the cutting edge, the people who do the work every day? Well, guess what. The AMA, the American Medical Association, is opposed; the American Hospital Association is opposed; AARP, the largest senior group in America, is opposed because they know the horrendous impact this will have in raising premiums for older workers; the American Cancer Society is opposed; the American Heart Association is opposed; the American Academy of Family Physicians is opposed; the American Academy of Pediatrics is opposed; the American Psychiatric Association is opposed. Virtually every major national healthcare organization is opposed to this disastrous legislation.

So the American people are opposed, and the healthcare organizations all across this country are opposed. The bill was written behind closed doors. Yet, under those circumstances, they want to bring it to the floor for a vote.

Now, what most Americans are sitting around and thinking—they are saying: Look, the Affordable Care Act has done some good things. Before the Affordable Care Act, we had some 50 million people without any health insurance. The Affordable Care Act provided insurance for about 20 million people. That is no small thing.

In the majority leader's own State of Kentucky, the rate of uninsured went from 20 percent down to 7 percent. That is pretty good—not great, but it is pretty good. In West Virginia, the rate of uninsured went way down. We have seen 20 million people gain insurance. We have dealt with the Affordable Care Act under a total obscenity; that is, if somebody had a serious illness—breast cancer, diabetes—they could not get insurance at an affordable cost because of a preexisting condition. How insane is that? The American people said that is nonsense. What is the function of insurance if not to cover us when we need it the most for those illnesses that we have had? We ended that absurdity. That was a good thing. The Affordable Care Act has done other very important things.

Have you heard one Member of this body say that the Affordable Care Act is perfect? Have you heard one person here say that the Affordable Care Act does not need to be improved? Of course, it does. Right now, throughout this country—in my State of Vermont and all over this country—deductibles are too high. I have talked to people with $5,000, $10,000 deductibles. They can't go to the doctor when they should. We have to lower deductibles. Copayments are too high. Premiums are too high.

I will tell you something else. Donald Trump ran for President, and he campaigned, and he said: I am going to stand with the working people of this country. Prescription drug costs are too high. I am going to take on the pharmaceutical industry. We are going to lower prescription drug costs in America. Today, if you can believe it, one out of five Americans under 65 cannot afford to fill the prescription their doctors write. Today, somebody walked into a pharmacy and found that the cost of the medicine they have been using for 10 years has doubled, maybe tripled, because we have no legislation that stops the drug companies from charging us anything they want. And they will charge us anything they want. The result is, we have the highest prices in the world for prescription drugs.

Those are the problems that the American people want answers to: Deductibles are too high, premiums are too high, copayments are too high, and prescription drug costs are too high. We are not doing enough good work in primary healthcare. Too many people, even with insurance, cannot find the doctors they need. There are many other problems. Those are what the American people want us to solve.

This legislation only makes a very bad situation worse. How do you improve healthcare in America when you throw 16 million people off of the health insurance they currently have? How do you improve healthcare in America when, according to the CBO, premiums are going to go up 20 percent every year? Let's get that clear: 20 percent on January 1, another 20 percent the following year—that is 40 percent—and another 20 percent the year after. Do you think this is really improving healthcare, bringing freedom to the American people? I think not.

So what is the solution? The solution is—I know this is a radical idea—that maybe we should do what the American people want us to do and not what special, powerful interests want, not what billionaire campaign contributors want—whose rightwing ideology wants to end government services for working families all across this country.

I hope that we will have the common sense and the decency to sit down, throw the problems on the table, and then resolve them. I think we can do that. That is why we have to end this absurd process. We have to go back to regular order, which simply means go back to the committee.

I am a member of the Health, Education, Labor, and Pensions Committee. Let's have that discussion. Let's hear different ideas. Let's solve problems. Let us not make a bad situation worse, and let us not make the American people even feel more contemptuous of this institution than they currently do.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank my colleague from Vermont.

Mr. President, in my hand is one of the closely kept secrets in Washington, DC. These eight pages have been so carefully guarded that for 3 days, we have been on the floor of the U.S. Senate waiting for this moment. Within the last hour, the Republicans finally released their plan to change healthcare for every American. We have been waiting a long time.

They have been meeting behind closed doors, in secret sessions, writing what I have in my hand. You have to think to yourself, why would they do it in secret? If this is something that will affect every American, family, business, and individual and if they are proud of what they have done, why did they wait so long? Well, when you read it, you can understand it, because this measure proposed by the Republican leadership makes things worse for American families when it comes to health insurance.

It has a great name. I am sure somebody invested time thinking about this one: The Health Care Freedom Act. It appears that for 16 million Americans, they will be free of health insurance protection; 16 million Americans will lose their health insurance protection because of this Republican plan. Every other American buying health insurance will be free to pay 20 percent more each year for the premiums on their health insurance. You don't have to be a math major to figure out compound interest at 20 percent a year. By the fourth year, you are knocking on a 100-percent increase in your premiums. Your health insurance premiums will double in about 4 years under the Republican plan.

Is that why they started this debate, so they could take health insurance away from millions of Americans and raise the cost of health insurance for others? Four Senators had a press conference this evening at 5 p.m. I watched it carefully. I listened as my colleagues came to the floor and those four Senators described this plan. They had seen it, this so-called skinny repeal plan. One of the Senators said that this plan was a ''fraud,'' it was a ''disaster,'' it would have a disastrous impact on the premiums charged to people he represented in his State, and it didn't achieve the goal of reforming and repairing the Affordable Care Act. I will quickly add—because you will think, well, we expect the Democrats to say that—this was a press conference of four Republican Senators about 6 hours ago. They had read the Republican plan and called it a ''fraud,'' a ''disaster,'' raising premiums, and not really bringing reform to healthcare in America.

It will take only one of those four Senators to stand up and speak up and vote no for the right thing to happen—for this proposal to go to committee where it should have started and to be considered by the experts first, so we know its real impact, and then to have an amendment process where better ideas might be offered and debated and added to this proposal—benefits voted out of committee. Then bring it to the floor of the U.S. Senate for the same thing to happen.

Do you know who came up with the radical idea that we should go through the committee process and both parties participate in writing this reform? None other than Senator JOHN MCCAIN. He came to this floor a couple of days ago. It was a historic moment. Everyone—both political parties—was cheering this man whom we have served with and love and respect. And he warned us. He warned us that if we didn't do this together—Democrats and Republicans—the results would be terrible.

Can you afford terrible results when it comes to healthcare for your family, for you, for your baby? Of course, you can't. We have to do our level best not to win the political debate but to win the confidence of the American people that we understand how to make healthcare better and more responsive in America.

I have been through a lot of measures, and I have voted on a lot of things over the years. My proudest vote was for the Affordable Care Act, because I knew we would extend the reach, protection, and peace of mind of health insurance to millions of Americans.

I had an experience early in my life. I was newly married and had a brand new baby girl with a serious health issue, and I had no health insurance—none. I went to the local hospital here, waiting in the charity ward, in the hopes that the doctor who walked through that door would be the one who would save my baby's life. I thought to myself: I will never let that happen again. I will have health insurance, no matter what it takes, the rest of my life. I know the feeling, and some others do too.

I don't want American families and individuals to go through this. I want them to have the peace of mind and protection of good health insurance. That is why this Republican proposal taking health insurance away from 16 million Americans is such a travesty. That is why the notion of raising health insurance costs beyond the reach of working families is so wrong and so disgraceful, and that is why, with the help of one more Republican Senator, we can send this measure back to a committee where it can be seriously considered, worked on, improved, and passed so that we can say to the American people: We did our job as Senators. We did what JOHN MCCAIN challenged us to do—to come together on a bipartisan basis and to make this a better bill.

I am glad my colleagues are here this evening. I am glad to see my friend from the State of Wyoming who is here. We have worked on many issues together. We disagree on this one, but I hope that he will realize and the others will, too, that this secret that they have kept from the American people is plain wrong. It is a secret that now it has been outed. It has to be put to rest. Let's do this the right way. Let's do it for the well-being and health of America families across this Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Mr. President, I stand today sort of feeling like a great New Jerseyan named Yogi Berra, who has a saying that ''this is deja vu all over again.'' The reason why it feels like deja vu all over again to me is because I have been watching this process move along. When the House first tried to push through a healthcare bill, I was so proud that the American public—Republicans and Democrats—were outraged and stopped that version 1 in the House. But then version 2 was rushed through without a CBO score, and they got it done. We heard Republicans in the House literally saying on the record: I so hope that they will fix this in the Senate; maybe something will happen in the Senate that this will get fixed.

Well, now I have deja vu all over again, and it is because we see a whole bunch of folks—and now we have heard Republican Senators say this on the record: Gosh, we know what we are doing is flawed; we know what we are doing is wrong; we know the process has been outrageous, but our hope is, if we can get it into the conference committee, then they will fix it in the conference committee.

Well, I am proud to be a U.S. Senator. But, dear God, this is not what this body is about—to push their responsibilities off, to derelict their duties, and to not make legislation happen here that puts people first. We all know this process is broken. We all know that what we are doing here is not just imperfect. Many of us see this, like the CBO, as a serious threat to millions of Americans.

We are about to do something that is unconscionable to me to be in the Senate, where I have seen this place work, I have seen regular order, I have seen hearings, I have seen witnesses brought in, and I have seen people work hard on crafting actual legislation. So now this is just going to be shoved over with the hope in this body that, even though the House didn't do their job and the President of the United States even criticized what the House did and called it ''mean,'' it gets kicked over to the Senate, and the Senate is refusing to do their job. They are just passing the buck to something called a conference committee, where they are going to hope again.

So I stand here, and I just have to confess that this has been 2 days for me where I haven't just been frustrated and angry like so many Americans. I have actually been struggling with being a little sick. I started feeling it about 2 days ago. By yesterday my throat was so sore, I went to bed. I had a horrible night, got up, and could barely even swallow. I had the worry in my head that maybe I had strep throat.

But guess what. Unlike the thousands of New Jerseyans who have reached out to me, for me to worry about an illness, maybe that I have strep throat—I went to a doctor today. I had myself tested for strep. You see, we, in this body, enjoy health coverage, which right now millions of Americans are worried about losing, and many other ones worry, as we heard said tonight, about copays and prescription drug costs. I wonder where the justice is in that.

What are the American values that hold us all together? I know we pledge allegiance to that flag. We put our hands on our hearts, and we swear this oath to liberty and justice for all. Where is the justice in this country, where some people who are favored and privileged enough and wealthy enough to afford good health coverage can have it, but for other folks, a night with a bad sore throat or, worse, with a disability or disease—where is their justice in the wealthiest country on the planet Earth? We can't even, in this body, come together and do what the President said in his campaign that he would do—everyone would be covered and have healthcare that—I think the quote was this—was terrific.

Well, it brings me back to what our values are as a country, and I wonder: For we who believe in life and liberty and the pursuit of happiness, how can we have life when we see millions of people about to be thrown off their health coverage? We in this Nation hold these values so dear. We believe that all are created equal and, in my belief, should have equal rights and equal opportunities for the basics that are necessary to succeed and to compete, and that is health insurance.

I wonder how we have gotten to a point as a body on an issue like this that is not just one-sixth of our economy, that will not just affect millions and millions of lives, but that really goes to the core of who we are as a country.

This great man, Patrick Henry, said: ''Give me liberty or give me death.'' Those words have been coming back to me a lot in the last months of this debate and this discussion: ''Give me liberty or give me death.''

Well, what is the quality of the liberty in this country, where there are people who are shackled with preventible disease and conditions that could be treated because they don't have access to healthcare? What is the quality of liberty in this country, where people are chained to poverty, have to sell their cars, have to sell their homes, and go into bankruptcy because they can't afford their healthcare coverage?

''Give me liberty or give me death.'' What is the quality of the liberty when people are imprisoned by fear and worry and stress because they have a sick child or they have a parent who is elderly and needs care? These are the values of this country, and I don't understand how we could be at this moment right now with the ideas that I have heard on both sides of the aisle to make healthcare better, to improve upon the Affordable Care Act, to extend health coverage to even more people, to make this Nation live up to its most powerful and profound values that made us a light unto nations, and how we could have gotten to this point now after gaining ground, after having more people experience the freedom and the liberty that comes from not having to worry about your health coverage, from having access to quality healthcare? How can we have moved forward and now be about, in a matter of hours, to push this Nation back? I don't understand how we could be here where no one can justify the process and no one can justify this body having gone through such a contorted process that bends our traditions and breaks our values. I do not understand how we could have gotten here.

Who will be hurt? Who will be hurt? I have read lots of studies recently about how, when health insurance rates goes down, mortality rates go up, and when health insurance rates go down, mortality rates go up. It makes me wonder about the duty that we each have to each other as Americans. As a man of faith, it makes me wonder about all of us who profess our faith and how we could be allowing a process

to go forward where the most vulnerable among us will face fear and deprivation and will see things that will cost life and have them surrender liberty. We are better than this. This Nation is greater than this.

This moment casts a shame and a shadow over the soul and the heart of America, and I will fight even in these last hours with every breath that I have, like the patriots before us, not to allow this to happen to my fellow Americans. This is unjust, this is wrong, and we can and must in these hours do better.

Let's send this bill into committees. Let's do this process as this institution was designed to have it done. Let's open the doors of the Capitol and invite America to come—the American Medical Association, the American Cancer Society, hospital associations. Let's invite the AARP. Let's have America come down here. Let's join together like our forefathers and foremothers have done to expand liberty, to expand opportunity, to extend hope. We can do that. All of us collectively have that power, and it is what the people want right now. This is not what the people want.

What we are about to vote on has only seen the light of day for a matter of minutes now—a matter of minutes.

This Nation was founded with a proclamation that we the people—this idea that all of us together—can do better, that when we join together, when we stand together, when we fight together, and when we work together, we can create a transcendent reality. That is the story of America, and this is not. This is the betrayal of our values. This is the betrayal of our history. This is the betrayal of the great body in which we all are Members.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, so many of us have spoken so many times now against the repeal of the Affordable Care Act, which would hurt millions and millions of people in our country and especially the sickest, poorest, and oldest among us.

I would say that I am probably the only Senator here who was not born in a hospital. I was born at home in rural Japan. I lost a sister to pneumonia when she was only 2 years old in Japan. She died at home, not in a hospital, where maybe her life could have been saved.

It is hard for me to talk about this. I think you can tell. Give me a moment.

When I came to this country as an immigrant, my mother brought me and my brothers to this country so we could have a chance at a better life. We came here with nothing. She had low-paying jobs. There was no health coverage. Growing up as a young girl in Hawaii, my greatest fear was that my mother would get sick and, if she got sick, how were we going to pay for her care, and how would she go to work? If she didn't go to work, there would be no pay, there would be no money. I know what it is like to run out of money at the end of the month. That was my life as an immigrant here.

Now, here I am, a U.S. Senator. I am fighting kidney cancer, and I am just so grateful that I had health insurance so that I could concentrate on the care that I needed rather than how the heck I was going to afford the care that is going to probably save my life.

Guess what. When I was diagnosed with kidney cancer and facing my first surgery, I heard from so many of my colleagues, including so many of my colleagues on the other side of the aisle, who wrote to me wonderful notes sharing with me their own experience with major illness in their families or with their loved ones.

You showed me your care. You showed me your compassion. Where is that tonight?

I can't believe that a single Senator in this body has not faced an illness or whose family member or loved one has not faced illness who was not so grateful that they had healthcare. I cannot believe there is a single Senator who has not experienced that in their family or their lives.

I know how important healthcare is. What is in here? Why doesn't every single Senator know that? Why are we here tonight voting on a bill that has not had a single hearing? Why are we here tonight voting on a bill that would eliminate healthcare coverage that could save lives for 16 million people? Why are we here voting on a bill that would probably mean that people like me, millions in this country, who are now in the ranks of those receiving care with preexisting conditions will not get the healthcare we need? Why are we here tonight? Where is your compassion? Where is the care you showed me when I was diagnosed with my illness?

I find it hard to believe that we can sit here and vote on a bill that is going to hurt millions and millions of people in our country. We are better than that.

I listened to JOHN MCCAIN calling on us to have hearings and to do the right thing, and I am so saddened he was unable to move us in that direction. I would call on him tonight to vote his conscience, to vote for us who say we are going to stand for the millions of people in our country who will be hurt by what we are contemplating tonight.

Mr. President, I will yield the floor by asking my friends to show the compassion to everybody in this country that you showed me. We all should be voting to send this bill to committee.

I yield the floor.

The PRESIDING OFFICER (Mr. SASSE). The Senator from Virginia.

Mr. KAINE. Mr. President, I also rise with my colleagues, tremendously moved by the powerful words of my friend from Hawaii: Why can't you show compassion to others that you showed to me? That is a haunting question, and I hope people will hear that not just with their ears but with their hearts.

I also support the motion to do what we should have done in January—to commit this important topic to the committee that has jurisdiction over it.

A few years ago, there was a popular thing to do, and that was to wear a button or bracelet with the letters WWJD. That button and bracelet stood for ''What would Jesus do.'' I was on the floor the other night, and I don't think that is a very hard question because in Matthew 25, he basically tells us: I was sick and you cared for me. In different translations: I was sick and you looked after me. I was sick and you visited me. I was sick and you took care of me. I think the answer to WWJD is pretty straightforward tonight.

I am going to talk about a different JOHN MCCAIN. JOHN MCCAIN, based on the tremendously moving presentation he made on the floor the other day, one that led us to a standing ovation because he talked about how this body should work, he said that things weren't working here as they should for the American public. He said we needed to fix the Senate and be an example for the public. We needed to restore confidence, and the way to do that would be to return to operate as the Senate should operate, with putting bills in committees and having hearings and listening to the public and, most importantly, listening to each other.

That is the process JOHN MCCAIN's committee just used, the Armed Services Committee, to get a unanimous defense authorizing bill to the floor, which I hope we will take up in the next few days.

I just want to spend a few minutes talking about if that is what we should do. If those words led us to leap to our feet in a standing ovation, why are we standing here 2 days later preparing to break every suggestion and recommendation he made to us?

When should we start the process of listening to each other and listening to the American public? Should we start on an inconsequential issue that doesn't matter? I think now is the time to start. I think we all know it is the time to start. If we didn't believe in our heart that now was the time to start fixing this place, we wouldn't have leapt to our feet and given Senator MCCAIN a standing ovation. This is the time, and this is the issue to start fixing this place and doing what we do with the spirit that is worthy of the American people who sent us here.

Why is now the right time? First, because this issue is so important to people. You heard moving—moving—words from our friend from Hawaii and our friend from New Jersey. We have all spent months going from town to town in our States having people come plead with us for solutions. I shared stories about being in the medical clinic in

Appalachia a week ago tomorrow and seeing the tremendous need in this richest and most compassionate Nation on Earth.

There is nothing about a person's life that is more important than their health. There is no expenditure that a human being ever makes that is as important as an expenditure they make for their health. This is the right issue to start fixing this place because it is important to people.

It is important to the economy. This is the largest sector of the American economy. We are proposing to reorient one-sixth of the American economy on a snap vote, in the middle of the night, without having a single hearing or listening to a single expert.

It is an important issue because we definitely need to hear from the public. You know, committee hearings sound kind of wonky. We haven't had a committee hearing. What does that mean? What it means is, we haven't had a witness table where a patient or a doctor or the American Cancer Society or others could stand up and share their points of view. We need to listen, and if we don't listen, we will not get this right.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KAINE. I ask unanimous consent for 2 minutes to close, Mr. President.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KAINE. The time is right because the consequences are so severe: 16 million people lose insurance, 20 percent premiums compounding over the years, insurance markets skyrocketing and unstable, and Planned Parenthood defunded—the healthcare provider of choice for 3 million women.

The final reason we should do this the right way, not the wrong way, is what was said by Senator GRAHAM just a few hours ago. He described the bill that is now on the floor, the skinny repeal, the skinny bill, as a policy is a disaster as a replacement for ObamaCare. It is a fraud.

Is ''fraudulent disaster'' the best that the United States Senate can do now? Is that now the bar we have to get over? If we can say something is a fraudulent disaster, it is suddenly good enough to vote for? That is salt in the wound of a family that is worried about their sick child. That is salt in the wound of anybody who is worried about what would happen to their family tomorrow. Will they lose insurance? Will they pay more? Will they be blocked from going to Planned Parenthood? If this body passes a bill that even Members who vote for it claim is a fraudulent disaster, how do you think the American public will view this body? How will they view the degree of care and concern we exhibit to them?

This is not the best the Senate can do. We can do much better than this, we must do much better than this, and I ask my colleagues to send this to committee where we can listen to one another and get this right.

Thank you, Mr. President.

I yield the floor.

Ms. COLLINS. Mr. President, few issues are as important or personal to the American people as healthcare, which is why this debate has been so fervent and ignites such passion.

On the one hand, the Affordable Care Act, ACA, has allowed millions of individuals and families to obtain health insurance for the first time. It has also brought important patient protections like those for people with preexisting conditions and prohibitions on annual and lifetime limits on insurance payments for needed care.

On the other hand, too many Americans face skyrocketing premiums and unaffordable deductibles coupled with mandates that give them few, if any, choices. Some insurance plans have become so restrictive that families find they can no longer go to the doctor or hospital of their choice. In addition, the ACA's employer mandate discourages businesses from creating jobs or giving their workers more hours, while its tax credits and subsidies are designed so poorly as to cause ''wage lock''—''where working harder to get ahead can instead make some Americans fall further behind.''

Despite President Obama's campaign promise that his health plan ''would save the average family $2,500 on their premiums'' per year, the opposite has happened as premiums are increasing in nearly every State, with an average increase of 25 percent nationally last year. Today, despite the implementation of the ACA, 28 million Americans remain uninsured.

These problems require a bipartisan solution. The Democrats made a big mistake when they passed the ACA without a single Republican vote. I don't want to see Republicans make the same mistake.

Earlier this week, I voted against proceeding to healthcare reform legislation—the American Health Care Act of 2017—that passed the House of Representatives last May without a single Democratic vote. For many Americans, this bill could actually make the situation worse. Among other things, the bill would make sweeping changes to the Medicaid Program—an important safety net that for more than 50 years has helped poor and disabled individuals, including children and low-income seniors, receive health care. The nonpartisan Congressional Budget Office, CBO, projects that the number of uninsured Americans would climb by 23 million under this bill.

Senate leaders, recognizing that the House bill did not have sufficient support, advanced their own substitute proposal that would make similar structural changes to the Medicaid program, as well as many other changes. CBO estimates that this plan would reduce the number of people with insurance by 22 million, cause premiums and other out-of-pocket costs to soar for Americans nearing retirement, and shift billions of dollars of costs to State governments. It also would undermine the financial stability of rural hospitals and long-term care facilities and likely lead to the loss of important consumer protections for many Americans, while doing virtually nothing to address the underlying problem of escalating healthcare costs. Earlier this week, this body struck down that proposal by a vote of 43 to 57.

A separate proposal that would simply repeal the ACA without a replacement also failed, by a vote of 45 to 55. That legislation, according to CBO, would result in 32 million people losing their insurance, bringing the total number of uninsured Americans to 60 million a decade from now. Clearly, that is going in the wrong direction.

In a final effort to reach consensus, Republican leaders have pieced together a plan that would repeal key portions of the ACA while punting on many of the more difficult questions. While I support many of the components of this plan, this approach will not provide the market stability and premium relief that is needed. In fact, a bipartisan group of Governors wrote Senate leaders this week, urging rejection of this so-called skinny plan, which they say ''is expected to accelerate health plans leaving the individual market, increase premiums, and result in fewer Americans having access to coverage.''

I ask unanimous consent that the letter be printed in the RECORD following my remarks.

Also included in all of these plans is a misguided proposal that would block Federal funds, including Medicaid reimbursements, from going to Planned Parenthood. Millions of women across the country rely on Planned Parenthood for family planning, cancer screening, and basic preventive healthcare services. Denying women access to Planned Parenthood not only runs contrary to our goal of letting patients choose the healthcare provider who best fits their needs, but it also could impede timely access to care.

If Planned Parenthood were defunded, other family planning clinics in Maine, including community health centers, would see a 63 percent increase in their patient load. Some patients would need to drive greater distances to receive care, while others would have to wait longer for an appointment,

Let me be clear that this is not about abortion. Federal law already prohibits the use of Federal funds to pay for abortion except in cases of rape, incest, or when the life of the mother is at risk.

This is about interfering with the ability of a woman to choose the healthcare provider who is right for her. This harmful provision should have no place in legislation that purports to be about restoring patient choices and freedom.

We need to reconsider our approach. The ACA is flawed and in portions of the country is near collapse. Rather

than engaging in partisan exercises, Republicans and Democrats should work together to address these very serious problems. In their letter to Senate leaders, the bipartisan group of Governors correctly notes that, ''True, lasting reforms can only be achieved in an open, bipartisan fashion.''

Healthcare is extraordinarily complex, and we must work together systematically in order to ''do no harm'' and improve our healthcare system. In developing legislation, our focus should be on the impact on people, premiums, and providers.

We are dealing with an issue that affects millions of Americans and one sixth of our economy, and we need to approach reforms in a very careful way. That means going through the regular process of committee hearings; receiving input from expert witnesses such as actuaries, Governors, advocacy groups, and healthcare providers; and vetting proposals with our colleagues on both sides of the aisle. It needs to be a much more deliberative process, and I am pleased that Chairman ALEXANDER has expressed a willingness to begin hearings in the Senate Health Committee.

Neither party has a monopoly on good ideas, and we must work together to put together a bipartisan bill that fixes the flaws in the ACA and works for all Americans.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 26, 2017.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate, Washington, DC.
Hon. CHARLES E. SCHUMER,
Minority Leader, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER MCCONNELL AND MINORITY LEADER SCHUMER: As the Senate debates the House-passed American Health Care Act (H.R. 1628), we urge you to set aside this flawed bill and work with governors, both Democrats and Republicans, on solutions that will make health care more available and affordable for every American. True, lasting reforms can only be achieved in an open, bipartisan fashion.

We agree with Senator John McCain that the Senate should ''return to regular order,'' working across the aisle to ''provide workable solutions to problems Americans are struggling with today.''

Congress should be working to make health insurance more affordable while stabilizing the health insurance market, but this bill and similar proposals won't accomplish these goals. The bill still threatens coverage for millions of hardworking, middle class Americans. The bill's Medicaid provisions shift costs to states and fail to provide the necessary resources to ensure that no one is left out, including the working poor or those suffering from mental illness or addiction. The Senate should also reject efforts to amend the bill into a ''skinny repeal,'' which is expected to accelerate health plans leaving the individual market, increase premiums, and result in fewer Americans having access to coverage.

Instead, we ask senators to work with governors on solutions to problems we can all agree on: fixing our unstable insurance markets. Improvements should be based on a set of guiding principles, which include controlling costs and stabilizing the market, that will positively impact the coverage and care of millions of Americans, including many who are dealing with mental illness, chronic health problems, and drug addiction.

The next best step is for senators and governors of both parties to come together to work to improve our health care system. We stand ready to work with lawmakers in an open, bipartisan way to provide better insurance for all Americans.

Sincerely,
John W. Hickenlooper, Governor of Colorado;
Steve Bullock, Governor of Montana;
Brian Sandoval, Governor of Nevada;
Larry Hogan, Governor of Maryland;
Tom Wolf, Governor of Pennsylvania;
John Bel Edwards, Governor of Louisiana;
Terence R. McAuliffe, Governor of Virginia;
Charles D. Baker, Governor of Massachusetts;
John R. Kasich, Governor of Ohio;
Phil Scott, Governor of Vermont.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, for 2½ days I have been listening to the same rhetoric. It sounds like deja vu. For 2½ days I have been listening to this. I have been giving extra time to the other side to speak. I have been hoping out of that I would get one constructive suggestion for what could be done with healthcare.

It has all been criticism. It has been criticism against all cuts. Even tonight, after the bill was read here on the floor, I heard that we were changing Social Security. We are not changing Social Security. We can't change Social Security under the budget.

I heard we were changing Medicare. We are not changing Medicare. I am not going to allow other time for that side. I will suggest that side of the aisle go and read the bill. I think it would be a worthwhile exercise.

There isn't even Medicaid in there. You have threatened about what was going to be done about Medicaid. You talked about what was going to be done with Medicaid, but it is not based on fact. So take a look at the bill.

Another way that this is deja vu is I remember being here on Christmas Eve when technical corrections were accepted from the other side, but you went ahead and passed the bill. We mentioned things that needed to be changed in the meantime, and we were told: No, no, that doesn't have to be done. It just needs more time.

Well, we had more time, and there does need to be corrections. You keep talking about how the Republicans have ruined the insurance market. No, last October, the high rates came out for States across this country that pointed out that healthcare was going down the tubes. So something needed to be done. Something needed to be done, but without getting constructive suggestions from the other side—just criticism, saying ObamaCare is perfect, until this debate started, and then I started hearing: It is not perfect. It is not perfect.

Well, where are the suggestions for making it as near perfect as possible? We put up a lot of——

Ms. HEITKAMP addressed the Chair.

Mr. ENZI. I am not asking that as a rhetorical question. Think about it for a little while, come up with constructive suggestions.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Ms. HEITKAMP. Would the Senator yield for a question?

Mr. ENZI. No, I will not yield for a question.

When I feel like there is something constructive that is going to be done around here—I remember that one of the Senators on the other side of the aisle said: If you just take Medicaid out, I will be for it. Well, Medicaid is not in this version so that ought to be some kind of a commitment on it.

I keep referring to this book, which goes back to a lot of the history that we have experienced around here. Here is what has happened, and all of this is footnoted. I was reading at first the footnotes. I didn't check out all the footnotes, but I did look to see if they were footnoted.

Under the bill that we are trying to make some changes to, there have been costs from new taxes. There are 21 taxes that have been included in ObamaCare, but the most enormous one is the increased taxes on healthcare companies that are then passed on to the public as higher costs for insurance and pharmaceuticals.

I have heard that word ''pharmaceuticals'' thrown out a lot, and I agree there are things that need to be changed there. I do remember the pharmaceuticals joining in on the process of getting ObamaCare passed because they did this little thing with the pharmaceutical Part D, where there was this doughnut hole, and through the doughnut hole we were hoping that people would switch to generic, but the pharmaceutical companies said: No, no, no. If you will stick with the brand name, we will cover you through the doughnut hole. Do you know why? Because people, as they go through the doughnut hole, go beyond the doughnut hole, and beyond the doughnut hole the Federal Government picks up the cost of the name brands—the name brand pharmaceuticals. My insurance commissioner was by to visit with me, and he mentioned that I have twins in Wyoming, and they have a rare disease. There is a prescription for it, and the prescription is costing $30,000 a year each. Well, that is quite a bit of money, and the insurance company is picking that up. Then the name brand pharmaceutical company bought out the generic one. This was generics they were getting.

So now they have to have name brand because the generic isn't on the market now. The cost? It is $1.6 million for each kid, each year.

That is why the companies, why the insurance companies are dropping out

of the market. I mean, Wyoming is the least populated State in the Nation, and an insurance company that is limited to Wyoming is going to have to bear that $3.2 million worth of cost. So they are going to be saying: We are the only ones covering Wyoming; maybe we shouldn't provide insurance in Wyoming either. We lost the other two companies already, and we are down to just one, but we have one, and they cover all of the counties, unlike—it kind of surprised me that the rules allow companies to just do some counties in some States.

Also, under ObamaCare, the insurance plans have to cover more.

This includes plans for the patient who may not want a particular coverage but has to have this. [It comes under the] essential health benefits, which are required through HHS. This led to 5 million Americans losing their insurance in the individual market.

Reduction of lower cost plans. High deductible [health savings accounts] are very important in reducing costs for individuals, families, and businesses. A RAND study in 2011 found that an HSA/high deductible plan (with a deductible of at least $1,000) would reduce healthcare spending an average of 14%. That savings incurred not only for patients but also for employers and for total healthcare expenditures. These more effective plans have been reduced under ObamaCare.

Most of the young people on my staff were getting HSAs, and the reason they did is because they did a little bit of a calculation. They did a little bit of financial literacy. They looked to see what the plan was for the full coverage, and then they looked to see what an HSA would cost, and they said: Well, gee, if I take the difference in the cost between the regular insurance and the HSAs and I put that in one of these savings accounts that can grow tax-free, in a maximum of 3 years, I will cover any deductible that I might have.

So they considered that to be good insurance and they got to make a lot of their decisions.

But I don't think we want individuals making their decisions; that appears to be how ObamaCare is constructed.

Then there is an increase in mandates, which is item No. 4.

Mandates existed before ObamaCare but have dramatically increased with ObamaCare. It added mandates ''guaranteed issue and community ratings.'' Both have been previously tried in the states. Such mandates distort the marketplace and drive up the cost of care. Policies within states that had more mandates could actually have doubled the cost of [their] premiums.

5. Increased costs by constricting hospitals and physician systems. There has been consolidation with increased hospital mergers by 50% compared with 2009. There has also been movement of doctor's practices to connect with hospital systems and both the contractures within the hospital system and then physician's systems increased costs to the patients. For example, group practice charges increased costs 18% to 20% and specialty care charges increased costs even more, 34% after connecting the care with hospital systems. These changes in care i.e. changing from private practice systems into hospital-based systems have significantly driven up the cost of care for the patients.

6. Medical legal liability reform has not been a part of ObamaCare but is a significant driver of healthcare costs.

That is not considered in it, and it is considered to be about a 10 to 25 percent increase in total costs.

Mrs. MURRAY. Mr. President, may I respectfully ask the chairman a question?

The PRESIDING OFFICER. Does the Senator yield for a question?

Mr. ENZI. I think this is under my time.

Mrs. MURRAY. It is, and I just——

The PRESIDING OFFICER. Does the Senator yield for a question?

Mrs. MURRAY. Regarding time, I just have a question so that Members can know how to manage their time between now and the 45 minutes when we have the vote.

The PRESIDING OFFICER. The Republicans have 46 minutes remaining; the Democrats have zero.

Mrs. MURRAY. If I could just respectfully ask the chairman, since we have only had this bill for an hour, we have, as you can see, a number of Senators who want to speak. I would just respectfully ask if there is any time we will have between now and the vote to make any comments, since we have just had, for a very short amount of time, the bill that we will be voting on, which will obviously impact millions of Americans.

Mr. ENZI. I think the answer that I gave was perhaps your time might be better spent taking a look at the bill because the conversations I have heard here didn't necessarily speak to the bill.

Mrs. MURRAY. Mr. Chairman, I——

Mr. ENZI. They speak to the process, and I think we have already covered that in 3 days.

Mrs. MCCASKILL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mrs. MCCASKILL. Mr. President, will he yield for a question about the bill? He clearly knows more about it than we do because he has seen it for much longer than we have.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mrs. MCCASKILL. He will not yield for a question?

Mr. ENZI. I want to continue on with why we are trying to change this.

The Galen Institute—Grace-Marie Turner wrote about 70 changes to ObamaCare that occurred after it went into effect. And those changes include the ''employer mandate delay, individual mandate delay, preserved benefits to the military and VA, and reduction of funding to agencies used for implementation of ObamaCare including IPAB, CO-OP's, and IRS.''

Co-ops are an interesting thing. I was suggesting during the time that ObamaCare was being considered that small business health plans might make a real difference in costs for small businesses. Now, the only thing I can see on small businesses in here is that if you are a small business and you have over 50 employees, you have a problem.

I have people in Wyoming who come to me and say: I have this business. It is working really well, and in the next town over—and most of the towns aren't big enough to hold two of the same kind of store—so in the next town over, I would like to put in the same kind of shop.

My question to them is: How many employees do you have?

Most of them have said: Well, I have about 48 employees.

I said: How many will you need in the other store?

They said: Well, I hope to need the same amount of people.

I said: Well, the way this works, you are going to come under much increased healthcare costs, and you better take a look at that before you make your expansion.

So it has cost jobs that way.

Now, with small business insurance, with the small business health plan—

Ms. WARREN addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Wyoming has the floor.

Mr. ROUNDS. Regular order.

Ms. WARREN. Will the Senator from Wyoming yield for a question about the new study on the impact of ObamaCare on jobs?

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Ms. WARREN. Will he yield?

Mr. ENZI. I will not yield. I would appreciate the same courtesy from that side that I gave to you when you were doing your expositions about healthcare, which included the things that I have mentioned that aren't even in the bill. Our side has some time, and I would like to use some of that time.

As I have been through this process for a long time now—I have been on the Health, Education, Labor, and Pensions Committee for the whole time that I have been here, which is 20 years. Of course, it wasn't Health, Education, Labor, and Pensions when I first got here, but we thought that that was a clever acronym: We are from the Federal Government, and we are here to help you. There are a lot of people back home who don't think we really help out much.

But, at any rate, the small business health plans, after three of us who were in the Gang of 6 got thrown under the train or under the bus or whatever it was, small business health plans were changed to co-ops, and they were given a significant amount of money to work with, and they haven't fared very well.

I will find the information about the co-ops here. Again, this isn't stuff that I wrote; this is stuff somebody else wrote and footnoted and sent to all of us. Again, the name of the book is ''Demystifying ObamaCare: How to Achieve Healthcare Reform.'' It gives some good suggestions.

He does point out that ''ObamaCare is not a system of healthcare, nor is it

healthcare reform. It is a system of healthcare control.''

People are told what they are going to do.

ObamaCare was supposed to significantly reduce healthcare costs, but instead it has dramatically increased costs for even those who are not directly within the ObamaCare program. ObamaCare was supposed to increase access to care, but instead it actually reduced access to the availability to care. ObamaCare reduces the effectiveness of the safety net program, which is so very important economically for Americans.

Under an amendment that I would like to see is one that would have covered the people who make a living of under $11,000—because with $11,000, you can't get insurance. They don't get subsidies; they are just left out in the cold. It is one of the corrections that should have been made and wasn't made. ObamaCare does reduce the effectiveness of the safety net program, which is important to economically poor Americans.

There are a lot of people out there in the States, several thousand in my State, who can't get insurance under that.

The quality of healthcare in America was derided when ObamaCare was passed, but ObamaCare instead reduces the quality of U.S. healthcare by reducing innovation, and it removes a person's ability to make his own decisions about his healthcare and that of his family, and it does so by removing the freedom to make those decisions by putting so many qualifications on it.

Again, I repeat that we haven't done anything to take people off of their policy if they are under their parents' policy if they are under the age of 26.

We haven't done anything to deny patients who have preexisting conditions. I have heard that for 3 days.

We haven't eliminated the lifetime caps on insurance. I have heard that for weeks.

So there are things that need to be done. They could be done. We have tried to do it in this bill, again, without constructive suggestions from the other side. For any recognition that there was any problem that ought to be solved, we have gone ahead. It is not my choice for the mechanism that would be used; it is the mechanism that was chosen by leadership and it falls to them. One of the things that makes this difficult is it is a budget reconciliation, so there are things that have to be written in a budget form in order to comply. That limits some of the things that I would have liked to have done that I think would have made quite a difference. And I think there would have been some things the other side might have joined on and been excited about too. But, again, we are limited by the mechanism that we have here, and there is no indication that——

Mr. MURPHY. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Wyoming has the floor.

Mr. ENZI. Mr. President, I have heard so many times that the other side would love to be cooperative, but I have yet to see cooperation. I am not going to take questions; I am going to—I really would appreciate it if you would just take some time to look at the bill. I have heard the rhetoric.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MURPHY. Maybe this time would be better used if you allowed us to ask you some questions about the bill.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Wyoming has the floor.

Mr. ENZI. Yes, and I have an hour, whether I use it or not. As I said, for the past few days I have been yielding time to the other side. I haven't gotten much satisfaction out of that. I have listened for the last hour, and I didn't get any satisfaction out of that either. I did sit through all of it. I did listen to it. Again, it is complaints about the process, but not constructive suggestions on what could be done.

There are taxes, mandates, regulations, lack of competition in the marketplace, increasing costs. When I travel across Wyoming, I have people who have come up to me and they say: My insurance premium is bigger than my house payment, and it is growing.

And they said: If something happens to us, my deductible is bigger than my year's premium. That shouldn't happen in America, but that is where we are. Those aren't isolated cases; those are a lot of cases. That is the situation we find ourselves in. We are not trying to hurt anybody; we are trying to fix some of these things.

As I said, for 8 years, every time there has been a waiver—that is part of that thing that I mentioned about the 70 changes to ObamaCare so far—a lot of those were in the way of waivers.

Every time there was a waiver, I said: Why are we waiving this? Why don't we just fix it?

I was told: It is not broke; it just needs more time.

Well, it has had more time. Last year—this was before the election, so you can't blame us. We had no idea who was going to be the President. We had no idea who was going to be in the majority. Last October, people started pulling out of insurance markets, and rates increased dramatically. You can't put that blame on us.

Mrs. MURRAY. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator yield for a parliamentary inquiry?

Mr. ENZI. No.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. MURRAY. Mr. President, I just wanted to ask how much time is left on a bill that we haven't had much time to look at much in the last hour that we are going to vote on.

The PRESIDING OFFICER. The Senator from Wyoming has 34 minutes remaining, and the Senator has the floor.

Mr. ENZI. Mr. President, I think what we have is a motion to commit and the right for the other side to do other amendments. I would hope that some of them would be constructive, but I am not expecting that. As I said, I have been listening for 3 days and actually listening a lot longer before that time.

I could talk about some of the things we can learn from ObamaCare, because we should. We can learn that decisions have to be made by the patients and not by the bureaucrats for the government. There are some key examples of when the government starts making those decisions. I don't have to pick on ObamaCare for it necessarily; the VA has had a few problems, and I am sure all of you have been working casework on what the VA has been doing. That is where the government and the bureaucrats are making decisions. We have been through some enormous times on that. That is why we did the Choice Act. And the Choice Act had a lot of problems. That is government healthcare.

People say: Well, Choice got to go outside of the government.

That is not quite true. I think the folks with the VA picked the companies you have to go through for healthcare, and when they did, they didn't want it to be efficient. They wanted as much of it as possible to come back to the VA. I am sure all of us, as we travel across our States, are running into people who are having problems with providers not getting paid or not being able to get their appointments. If you check with the providers, you find out what kind of a terrible process they have to go through to get paid. That is government healthcare.

In my State, I provide the VA with a list every week of the new cases I have of people who are not getting care. That shouldn't happen. But they told me when I first inquired: Well, there are only two doctors who haven't been paid.

I said: That is impossible. There are more than two doctors in my own town who haven't been paid, and there are a lot of towns in Wyoming—when I go to them, I hear that they are not paid.

They said: One was not paid for 30 days, and one wasn't paid for 45 days.

I said: Well, I don't know why either one wasn't paid before those kinds of deadlines.

But I can tell you there are a lot more problems than that.

So if we are thinking about going to a Federal healthcare—and I guess we are not because we had that vote a little bit earlier on whether we would have a single-payer system. I was amazed at the number of people who chose not to vote on that. At any rate, I don't think that is where America wants to go. I have had some people ask me about that. I have given them some suggestions on where to check to see what kind of care they would get under that, and they have come back

to me and said: I don't think that is where we want to go.

I know the other side of the aisle has wanted to go that way for a long time. When I first got here, Phil Gramm was one of my mentors, and I really appreciated all of his advice in so many areas. One of the things he said to me was, you have to watch out for healthcare because where the Democrats want to go is to single-payer healthcare. In other words, they don't care who drives the train as long as it wrecks.

So I look back on ObamaCare and I say: Man, this was 18, 19, 20 years ago that he told me this. Is that where ObamaCare is supposed to go, to wreck the train so we can go to single-payer? I don't think so, but I think we are on the way to a train wreck, and I am not hearing a lot of disagreement about the train wreck. I am hearing some disagreement about the amount of calamity in the train wreck but not on whether there is going to be a train wreck.

There are a number of things we could do to take care of the costs that have gone up under this. That can be confronted within a free market as opposed to the government-run, government-controlled market we are under now. One of them is to reduce the tax burden. I did notice that I have a lot of people in Wyoming—again, we are one of the smallest or least populated in the Nation. We are big in land mass, but we are small in population—In Wyoming, $5.6 million was collected from people for fines for not having the adequate healthcare.

Those were people who said: Wait a minute, I have to spend so much on my healthcare and then a high deductible that I am never going to get anything out of it. So when I calculate the annual cost, the $1,700 that I have to pay as the fine—or $1,500, somewhere in that range—is cheaper than paying for all those premiums and then a deductible if anything ever happens to me.

These are real people I am talking about.

Mr. SCHATZ. Mr. President, would the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. ENZI. I allowed the other side to have their hour. I expect to have this hour, even if some of it is in silence.

I mentioned reducing the tax burden.

We could also eliminate some regulations. We really need to take a look at some of those regulations within the essential health benefits and see if everybody needs all of them or if there are some they would opt out of, given the opportunity, because they know they will never need them. There are a lot of examples of that.

We could eliminate the mandates from the Federal and State. We have the elimination of the Federal mandates in this bill, both the individual mandate and the employer mandate.

We could also increase competition within the marketplace by increasing flexibility. Some of these things we can't do, particularly to the level we would like to do them, but we could have more competition if we could increase the number of insurance companies. Competition makes a difference.

I have had a number of people, though, who have suggested to me that the biggest thing we could do would be to pass the medical liability reform because doctors are practicing defensive medicine, which drives up the cost, so that if they are ever in a lawsuit, they can prove they did every possible thing that they could ever imagine or that anybody could raise as an issue. There is a cost to doing that. One of the suggestions——

Mr. HEINRICH. Mr. President, I would ask if the Senator would yield.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Wyoming has the floor.

Mr. HEINRICH. Will the Senator from Wyoming yield for a question?

Mr. ENZI. I will not.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. ENZI. It has been suggested that the government could have an appropriate role in healthcare by maybe using advanceable, refundable credits to prevent any lapse in coverage. One of the problems we have right now is that people can wait until they have something terrible happen to them, and they can sign up for insurance on the way to the hospital—you can't pay when you are in the ambulance, and you can't pay when you are getting treatment, and you can't pay when you are getting rehab—and when they are done, they drop out of it. It is hard for an insurance company to figure in the cost of something they are not going to get paid for at all.

There have been a number of suggestions. I don't know whether they are any good. I could throw them out. One of them is that if you don't keep continuous coverage, you should have to pick up your own expenses for the first 6 months. That would encourage people to have continuous coverage. It is just one possible suggestion.

There is a role for government within this setting, and that is requiring some transparency within the system, encouraging the development of new healthcare competition, prevention of collusion between healthcare companies, and having prices posted.

I remember a hearing we had once—

Ms. WARREN. Mr. President, will the Senator yield for a question?

Mr. ENZI. I will not. You got your hour; it is my hour.

The PRESIDING OFFICER. The Senate will be in order.

The Senator declines to yield.

The Senator from Wyoming has the floor.

Mr. ENZI. When I was chairman or when Senator Kennedy was chairman of the Health, Education, Labor, and Pensions Committee, we switched from doing hearings to doing roundtables. That was an interesting experience too. Instead of having all of the witnesses except one picked by the majority and the other one picked by the minority and then everybody coming up to beat up on the person who was in the opposite field, we went to roundtables.

What you do with a roundtable is you pick 2 or 6 or 8 or 10 people who are actually knowledgeable in that field, who have actually done something, who have had their hands on what we were talking about.

I remember the first one. One of the questions at the end was by Senator Kennedy, and he asked the witnesses that he and I had selected. This wasn't me selecting; this was a joint effort selecting them. He said: What do you think about single-payer insurance? As they went around, there was only one out of 10 people who said: Well, it might be a good idea, but we probably ought to take a look at it. The rest of them said: It won't work in America. We are already used to something different.

When the hearing was over, Senator Kennedy said to me: You know, I think these roundtables are a good idea. I think it is a good thing to kind of hear about what the people are actually experiencing out there before we write the bill.

Well, we did a lot of healthcare roundtables. One of the witnesses was from Safeway. Safeway had been able to hold their costs level and started to bring them down. Of course, we were interested in anybody who could hold healthcare costs level or bring them down. The way they had done that was to find out what the costs of different procedures were in the area where they had stores. After they knew what the cost of the procedure was, they could take the median price for whatever it was, and if the people in their store would take the median price, it didn't cost them anything. If they went above the median price, they had to pay the difference. If they went below the median price, they got the difference. So they were actually paying attention, using some financial literacy in any of the treatments they needed to get, and they appreciated that their company had done this research for them in advance so they could have some kind of an idea of what the market held. He estimated that if they were able to increase the flexibility they had with this, they could bring down their costs by about 5 to 7 percent a year.

I worked on a 10-step plan—in conjunction with Senator Kennedy on a lot of it—and talked about it across the country and particularly across Wyoming. It would have been 10 steps to get healthcare for everyone without mandates but with incentives.

Mr. VAN HOLLEN addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order.

Mr. VAN HOLLEN. I wonder if the Senator would yield for a question.

The PRESIDING OFFICER. The Senate will be in order.

Mr. VAN HOLLEN. Will the Senator yield for a question?

Mr. ENZI. The Senator will not yield.

The PRESIDING OFFICER. The Senator declines to yield.

The Senator from Wyoming has the floor.

Mr. ENZI. Earlier I mentioned the CO-OPS. I would have preferred the small business health plans. I didn't think the CO-OPS would work.

CO-OPS were included in ACA.

These plans were meant to provide competition with existing health insurance companies.

It was an opportunity to set up insurance companies that actually were funded.

The CO-OPS were given $2.4 billion in ''federal loans.''

The CO-OPS were prohibited from having former healthcare executives with managerial or accrual experience.

The CO-OPS were conceived to drive down the premiums by providing competition and underselling the cost for policies.

More than half the 23 CO-OPS went out of business in 2015, but 8 of the remaining 11 CO-OPS were in financial trouble.

The number of CO-OPS is now down to 7 (4 of the prior CO-OPS went bankrupt in 2016).

Examples of how the CO-OPS that have failed and have cost the taxpayers. In 2015 alone, there was a huge amount of money lost and also cost the enrollees in the CO-OPS their insurance.

New York Health Republic, 23,000 policies lost, $57 million dollars lost in the first half of 2015.

Iowan and Nebraska CO-Opportunity Health, 120,000 policies canceled, $146 million dollars lost. Arizona CO-OP, 59,000 enrollees lost their insurance, $90 million dollars lost. Colorado CO-OP, 89,000 enrollees insurance canceled, $72 million dollars lost.

Ms. HASSAN addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Wyoming has the floor.

Ms. HASSAN. Mr. President, I wonder if the Senator from Wyoming will yield for a question.

The PRESIDING OFFICER. Does the Senator from Wyoming yield for a question?

Mr. ENZI. No.

The PRESIDING OFFICER. The Senator does not yield.

The Senator from Wyoming has the floor.

Mr. ENZI. Continuing:

The [Health and Human Services] and administration officials knew that the CO-OPS were at risk even before they received their first ''loan'' in 2014. Senator ROB PORTMAN, Chairman of the Senate Permanent Subcommittee on Investigations, said that the HHS knew of serious problems concerning the failed CO-OPS enrollment strategies, pricing and financial management before the department ever approved their initial loans.

Dr. Mandy Cohen, the director of the CMS, testified before a House subcommittee that 8 of the 11 remaining CO-OP companies were in serious financial difficulty and receiving ''enhanced oversight'' and ''corrective action.'' Dr. Cohen did not explain what that ''corrective action'' or ''enhanced oversight'' consisted of nor could she indicate the enrollment figures and the possibility of financial survival for the CO-OPS that were being monitored.

Also, 4 more CO-OPS have failed over the first half of 2016, leaving only 7 remaining.

I am not sure what today's number is.

The HHS continued to make these federal loans though they knew the CO-OPS were failing.

Under the small business health plans, there is no requirement to have the Federal Government fund it unless we want to fund more oversight. I am not opposed to that either.

So What are the American People Think of This?

There has been greater than $1 billion dollar loss of taxpayer money to CO-OPS that have gone bankrupt.

Only 7 of the initial 23 CO-OPS remain in business.

The CO-OPS were constructed as a way of providing competition against existing companies, however in order to do that they underpriced their products. No company can survive if they take in less than what they put out in services and understandably, the majority of CO-OPS have gone out of business.

That could be something to do with their being prohibited from having former healthcare executives with managerial and accrual experience.

This was known by the HHS before the first ''federal loans'' had ever been approved.

Over 800,000 people have lost their insurance because the CO-OPS have gone out of business and there are more to come.

It speaks to the fact that the HHS and ObamaCare Administration had very little regard for the American taxpayer and the American people.

The disturbing question is whether any of the taxpayer's money will be returned.

I did say those were loans, and there aren't many left that can pay back the loans, which is a little bit of a difficulty.

Of course we did hear that ObamaCare was supposed to bend the cost curve down. I ought to point out some facts on that as well.

From 2009 to 2012 healthcare, spending grew less than 4 percent, as spending started increasing dramatically in the first quarter of 2014. This was the start of the implementation of the legislation. Subsequent healthcare spending from 2015 showed a 6.8% rise. In 2016, it is estimated to increase to 6.5% spending growth.

We know from last year, which isn't included in this, that it started doubling at that point.

Deductibles both inside and outside ObamaCare exchanges have increased enormously and will continue to increase. Healthcare costs are now increasing more than inflation.

Why has spending increased? There has been increased utilization services. The increased healthcare spending thus led to higher insurance costs. A particular cause of increased spending related to ObamaCare is a marked increase in deductibles and health insurance premiums in the ObamaCare exchanges. Additionally, because of the increased number of patients with Medicaid expansion there have been increased costs. Healthcare costs [will] continue to rise.

The total healthcare spending for 2016 is to increase to over $3 trillion dollars.

I will get some updated numbers on that.

Total healthcare spending . . . rate of spending increase.

Medicaid increased: 11%

Medicare increased: 5.5%

Private insurance spending increased: 4.4%.

If I would have known that Medicare was going to be mentioned, even though it is not in the bill, I would have shown the little chart that I have, which shows how much revenue we get for different mandatory spending that we have.

All of those mandatory spendings are in a little bit of trouble because the revenue streams to take care of them are not sufficient. At one point, they were sufficient in some of them, and the federal government doesn't have any place to park cash. The federal government puts bonds in a drawer and spends the cash. That is kind of double dipping because there is nothing there for later. There is a Social Security trust fund.

I have learned from trust funds that you have to find money to put in before you can take money out. I never saw a trust fund that operated that way until I got here. We have some crises that are coming up. We are going to compound healthcare because for Federal pensions, we really don't put any money away for them. We require businesses to put it away, and we have had some other suggestions. I have some small pension plans I would like people to look at, some pooling for that, which I think would encourage more people to have pension plans in small business.

But the cost of administration is extremely high unless they can share in that. All of them would require that there be money put away to be able to cover with reasonable growth in the interest of the fund so that what was promised could be taken care of.

In 2006, Senator Kennedy and I worked on saving some pension plans, trying to make sure that promises that were made could be met. We did a pension bill that needs to be redone again, particularly for some sectors of the pension.

The private sector is required to put away money. When the market goes down, it increases dramatically the amount of money that they need to put in and creates some problems for business.

The point I am making is that the Federal Government doesn't do that with any excess funds we get. I don't care if it is in healthcare or Social Security or where it is, those excess funds are allowed to be spent with bonds put in a drawer, with the promise that the full faith and credit of the Federal Government will cover them. I don't know how many people at home believe that, but that is what it is.

How has the battle for the quality of healthcare fared? This gets covered in this book too.

Here is a little bit on the quality of healthcare and outcomes.

The infant mortality rate . . . has been used by politicians and others in political debate to describe the inferiority of the U.S. healthcare [system]. U.S. ranked only 30th in the world (and the neonatal mortality below that). When you look at this data, however, you find a very different picture. The United States followed the World Health Organization definition that a live birth is any infant

that shows any sign of life, i.e. a baby that takes a single breath or has a heartbeat. . . . Other countries however including both developed and underdeveloped countries use different standards. The definition of ''live births'' varies between different countries. For example, in Switzerland a newborn has to be 30 cm. long to be considered a live birth. In Belgium and France, infants have to be at least 26 weeks to be considered as live births. Infants less than 24 weeks gestational age are excluded from registries of live birth in multiple other countries including Japan and Hong Kong. In Canada, Germany, and Austria, the newborns weighing less than 500 grams are not considered viable and are excluded from the infant mortality rates.

What I am saying is, there are games that can be done with that, with the performance ratings, with the life expectancy data, with the Commonwealth Fund. All of these things are issues that we are embarrassed about and things we ought to be working on, things we ought to improve, things we ought to help with our country.

We need to be looking at all of those outcomes—the cancer outcomes, the cardiac disease outcomes, the stroke outcomes, the chronic illness outcomes, the hypertension outcomes, the diabetes and cholesterol outcomes.

We know that the earlier and more effective there is treatment of the disease, the better treatment of the disease for chronic disease, the better the results are. The more accessible and better technology there is, the more access to specialty care for early diagnosis and treatment, better preventive screening, and the inventiveness of the American people.

I think it was today—my days blend together these days with this healthcare that we are working on. I was visited by a couple of young people from Wyoming who have diabetes. We have put some additional money into research. We, as a Senate, don't say exactly where that money has to go because we shouldn't be kicking the tires on the different diseases and figuring that out. I worry about where we might put the money, if that were the case, because we are affected differently than what our constituents are.

Both of these young people were on a pump, and I have gotten to meet Dean Kamen who invented the pump. It is kind of an interesting story. Of course, that wasn't his first medical invention. His first medical invention was actually when he was a junior in high school and his brother was doing a residency in a hospital that handled transplants for infants. They were mentioning some devices similar to a needle in which medicine can evidently go through. This was needed for transplant of a kidney. He was lamenting they didn't have that capability. He went down to the basement and figured out how to make one of those. That was his first patent. You probably know him more for the patents of the Segway.

After he made some money, he got to experiment with some different things. One of them is that mobile thing that police use and shopping centers use and tourists use where you ride around on a Segway. He built that for a specific medical purpose, which was to figure out a way to have a wheelchair that could climb stairs. Instead of building a ramp and being limited where there wasn't a ramp, he figured out a wheelchair that could climb stairs. It could do a number of other things too. For instance, if the person in a wheelchair went to a cocktail party, they could rotate the wheels up so they were at standing level to everybody else.

He had a lot of problems getting it through FDA. He finally got it through FDA, then was told there are other wheelchairs that are less expensive so we are not going to pay for that. I think another company is coming back in to do that. It is an outstanding experience to sit in a wheelchair and go downstairs with it.

He worked on this diabetic pump. It is interesting how he got into the diabetic pump. He was told pregnant women who are on insulin, if they take the insulin doses, they wind up often with babies that have a bigger head, which makes the delivery a bit more difficult. Everything changes so the head becomes normal after a period of time, but it is a problem at childbirth. He thought, what if we gave them a dose of insulin over a longer period of time; would that have an effect on the infant? So he invented a machine which started out being a fairly good-sized machine, but it worked. If they got their insulin over a slow period of time, but sufficient insulin, the baby didn't have the larger head.

Well, this man is a businessman. He said: That is good. That will provide part of a market, but there ought to be a bigger market for it. He said: I wonder if men would have any benefit from having a diabetic pump? So he was able to have a trial and found out that also worked. He worked it down to be smaller and smaller and is working on other kinds of inventions that will do better things.

We need to keep putting things into innovation. I said a lot of times: If there is a problem in America and we put on a small incentive, there will be somebody who will figure out how to turn that into something very useful.

Mr. President, I think I have been requested by Senator SCHUMER to have 2 minutes, and to have 5 more minutes by UC perhaps for others, but I would ask that at the end, Senator CORNYN be allowed 2 minutes before the vote.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, I ask unanimous consent that Mr. CORNYN can conclude, but I be given 5 minutes and the Senator from Oregon be given 5 minutes.

Mr. ENZI. I was wrong. I need 5 for Senator CORNYN.

Mr. SCHUMER. Senator CORNYN is to speak after us.

The PRESIDING OFFICER. Is there objection to 5 minutes for both sides?

Mr. SCHUMER. No. I ask 5 minutes for the Senator from New York, 5 for the Senator from Oregon, and 5, finally—or however much time the Senator from Texas wants.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, I reserve the right to object. I think it is only fair that each side gets 5 minutes to speak. Everybody is ready to vote. We had 2 hours of debate. So I would ask to amend the unanimous consent request that each side be given 5 minutes to close, divided up any way you want.

I ask unanimous consent that each side be given 5 minutes to speak.

Mr. SCHUMER. I would simply say to my friend, this is a huge bill. We have not had a huge amount of time to debate it. We have just seen it for 2 hours. To ask for another 5 minutes on our side for the ranking member of Finance, in addition to mine, is not too much to ask.

Mr. CORNYN. Mr. President, I object.

Mr. SCHUMER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent that there be given 5 minutes to the Senator from Oregon, 5 minutes to myself, and, in conclusion, 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

Mr. WYDEN. Thank you, Mr. President.

I thank my leader, Senator SCHUMER.

Colleagues, before morning, millions of Americans could be on their way to lives filled with healthcare misery, eye-popping cost increases, hollowed-out coverage, and gutted consumer protections.

Colleagues, there are already stories of Americans hoarding pills and clamoring for screenings because they fear what the future is going to bring. These are the Americans who took deep breaths of relief 7 years ago when the Affordable Care Act became law. Women were no longer penalized for their gender. Cancer survivors no longer had to worry about busting a limit on coverage and facing personal bankruptcy. Entrepreneurs with a big idea had the freedom to set out on their own, no longer tied to their employer insurance because they had a preexisting condition. Now all of them are looking at lives on hold.

The skinny repeal package makes a mockery out of the President's promise to lower premiums. He made that promise repeatedly to the American people: no reductions in coverage, no increases in premiums. This bill makes a mockery out of that Presidential

pledge. Don't take my word for it. The Congressional Budget Office—the independent umpires—have told us the premiums are going to jump 20 percent next year as a result of this bill. That goes into effect, colleagues, January 1 of this year. Some happy New Year: Your premiums have jumped through the roof.

Colleagues, vote for this and try to explain it to the people you represent and have them tell you that there is not going to be anything they can sacrifice to pay for that rate hike. Their wages are flat, they are on an economic tightrope, and they are going to have to have premium hikes with a 20-percent hit.

The Finance Committee is accountable for funds that are critical for women's health. This measure begins the effort to take away the right of women to go to the provider they choose. That, too, will be hard to explain to millions of Americans who simply want what we have: the right to make your own healthcare choices.

Colleagues, the damage may get worse. Skinny repeal could be the gateway drug to TrumpCare. We still don't know what is going to happen with Medicaid so seniors are worried, kids with special needs, disabled folks. If the Senate and the House head to a conference—that is a big ''if''—this body is going to face a radical set of demands from a very stubborn extreme on the other side of the Capitol.

My time has expired. I appreciate Leader SCHUMER getting me this time. The promises Senators have gotten to protect their constituents, those promises could well be in the trash can within 48 hours.

I urge my colleagues to think about what it is going to be like to go home and explain to their constituents how this misery—how this healthcare misery came to be a part of their lives every single day. I don't think they are going to be able to make the case.

I urge my colleagues to support Senator MURRAY on this motion to recommit.

I yield back.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, let me thank my colleagues on the other side of the aisle for yielding us time.

This august body has been around for over 220 years. It has rules. It has traditions we are very proud of. In recent years—both parties to blame—many of those traditions have been eroded. What happens when you erode the traditions—the bipartisanship, the ability to work through the regular order—is very simply that the product that emerges is not very good. There is a reason this body has been the greatest deliberative body in the world, and it is because it had those traditions. Now we don't have them.

We have a bill that we have seen for 2 hours. It affects the healthcare, perhaps the lives—almost certainly the lives—of millions. It affects the daily lives of men and women and children. We haven't even had a chance to explore all the ramifications. There is a lot of anger on the other side at the ACA. I understand that, but you are repeating what you claim are the same mistakes.

Just as maybe ObamaCare could have been made better if it were a bipartisan proposal, this one certainly would have been made better. This skinny repeal, CBO tells us, will kick 15 million people—16 million people—off care. This skinny bill, after all the cries of reducing premiums as the major reason that ObamaCare needed changes, will raise premiums 20 percent a year, ad infinitum. The average working family is going to struggle to get healthcare even more than they have now.

Why is this being rushed through this way? Why is this being done in the dark of night? I can't believe my colleagues are proud of it. If they were, there would be brass bands down the streets of smalltown America celebrating this bill. That is not what is happening. It is midnight. Debate is curtailed. We can't amend it in the open. We can't do what is needed.

So I would plead once more with my colleagues, let's start over. We are the first to admit that the present law needs some changes. We are the first to want—maybe having learned our own lessons—that it should be done in a bipartisan and sharing way. Let's start over.

We can do better. We can do better for all those people who are going to be hurt. We can do better for the traditions of this great institution. We can do better as Americans who love our country and love our democracy and love our process. It is not too late to turn back from this proposal ideologically driven and do better because we all are not proud of this product. I don't think there is hardly anyone in this body who is proud of this product.

Let's make this a turning point, not just on healthcare but in how we function together. We plead with you, let us commit this bill. Let us vote against skinny repeal, and let's work together to improve our healthcare system in the way our Founding Fathers intended us to improve it.

I yield the floor

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, it is important to remember how we got here. I still remember voting on the Affordable Care Act at 7:30 in the morning on Christmas Eve. Because this bill—the 2,700-page bill that our Democratic friends did not read and which Ms. PELOSI said we have to pass it before we know what is in it—that bill was passed on a party-line vote and signed into law by President Obama without any participation of Republicans. So it is a little hard on the ears to hear my friend, the Democratic leader, plead for bipartisan solutions now.

I agree with him, it is not too late because this is an open amendment process. Our Democratic friends, rather than trying to kill the bill, can help us make this bill better.

I suspect that based on their comments, that they really need—we need to have some sort of remedial legislation 101 because this is not the end of the process. But in order for the House and the Senate to work together to come up with a bill we both agree to, there is a conference committee, which Members of both parties can appoint Members to the conference committee to work out differences. I don't believe my friend, the Democratic leader, is really interested in working on a bipartisan basis to fix the structural defects in ObamaCare.

We know the individual market is in meltdown. Premiums are skyrocketing, contrary to the promises made by the President when the bill was sold. We know deductibles are so high that people are basically denied the benefit of their coverage and, yes, insurance companies are fleeing because they are bleeding red ink, and they can't economically sell insurance on the exchanges anymore.

So we all know something needs to be done, but we are not interested in just throwing more money at insurance companies, bailing out insurance companies, which is what I have heard from our friends on the other side. Well, it is not true. It is not the only thing we have heard. We have also heard the Senator from Vermont, for example, advocate for a single-payer system.

What this bill does do is it repeals the individual mandate, which to us is an unacceptable government coercion of American citizens forcing them to buy a product they don't want and they can't afford, because currently 28 million people are uninsured under ObamaCare. I thought it was supposed to provide coverage for everybody, but in my State, about 450,000 Texans who earn less than $25,000 a year are paying the penalty because they can't afford the insurance, so they pay the penalty, and it is not working.

We are doing everything we can, given the fact that our friends on the other side of the aisle are simply sitting on their hands and not participating in the process, other than to try to undermine it.

We intend to pass a bill and go to conference with the House to make this bill better because our goal is to stabilize the markets, to bring down premiums, to protect people with preexisting conditions, and to put Medicaid, the safety net for low-income Americans, on a sustainable path. You would think those would be things that our colleagues across the aisle would want to join us in and participate in but apparently not.

We need to move on. We can't let the fact that our Democratic friends are unwilling to participate keep us from doing our duty the best we can under the circumstances, and that is what this bill represents. It is not perfect,

but it is better than the status quo, and we intend to do our duty.

Mr. President, I yield back.

The PRESIDING OFFICER. All time has expired.

VOTE ON MOTION TO COMMIT

The question is on agreeing to the Murray motion to commit.

Mr. SCHUMER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—48

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Booker	Heinrich	Reed
Brown	Heitkamp	Sanders
Cantwell	Hirono	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Stabenow
Coons	Leahy	Tester
Cortez Masto	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Murphy	Wyden

NAYS—52

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Cochran	Inhofe	Scott
Collins	Isakson	Shelby
Corker	Johnson	Strange
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Wicker
Enzi	Moran	Young
Ernst	Murkowski	
Fischer	Paul	

The motion was rejected.

VOTE ON AMENDMENT NO. 667

The PRESIDING OFFICER (Mr. PERDUE). The question is on agreeing to amendment No. 667.

Mr. ENZI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—49

Alexander	Daines	Johnson
Barrasso	Enzi	Kennedy
Blunt	Ernst	Lankford
Boozman	Fischer	Lee
Burr	Flake	McConnell
Capito	Gardner	Moran
Cassidy	Graham	Paul
Cochran	Grassley	Perdue
Corker	Hatch	Portman
Cornyn	Heller	Risch
Cotton	Hoeven	Roberts
Crapo	Inhofe	Rounds
Cruz	Isakson	Rubio
Sasse	Sullivan	Wicker
Scott	Thune	Young
Shelby	Tillis	
Strange	Toomey	

NAYS—51

Baldwin	Harris	Nelson
Bennet	Hassan	Peters
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Sanders
Brown	Hirono	Schatz
Cantwell	Kaine	Schumer
Cardin	King	Shaheen
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Collins	Manchin	Udall
Coons	Markey	Van Hollen
Cortez Masto	McCain	Warner
Donnelly	McCaskill	Warren
Duckworth	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Murkowski	Young
Franken	Murphy	
Gillibrand	Murray	

The amendment (No. 667) was rejected.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that H.R. 1628 be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTHCARE

Mr. MCCONNELL. Mr. President, this is clearly a disappointing moment. From skyrocketing costs to plummeting choices and collapsing markets, our constituents have suffered through an awful lot under ObamaCare. We thought they deserved better. That is why I and many of my colleagues did as we promised and voted to repeal this failed law. We told our constituents we would vote that way, and when the moment came, most of us did. We kept our commitments. We worked hard, and everybody on this side can certainly attest to the fact that we worked really hard and tried to develop a consensus for a better way forward.

I want to thank everybody in this conference for the endless amount of time they spent trying to achieve a consensus to go forward. I also want to thank the President and the Vice President, who couldn't have been more involved and more helpful.

So, yes, this is a disappointment indeed. To our friends over in the House, we thank them, as well. I regret that our efforts were simply not enough this time.

I imagine many of our colleagues on the other side are celebrating. They are pretty happy about all of this, but the American people are hurting, and they need relief. Our friends on the other side decided early on they didn't want to engage with us in a serious way to help those suffering under ObamaCare. They did everything they could to prevent the Senate from providing a better way forward, including such things as reading amendments for endless amounts of time, such things as holding up nominations for key positions in the administration because they were unhappy that we were trying to find a way to something better than ObamaCare. So I expect that they are pretty satisfied tonight. I regret to say that they succeeded in that effort.

Now I think it is appropriate to ask, what are their ideas? It will be interesting to see what they suggest as the way forward. For myself, I can say—and I bet I am safe on saying this for most of the people on this side of the aisle—that bailing out insurance companies with no thought of any kind of reform is not something I want to be part of. And I suspect that not many folks over here are interested in that. It will be interesting to see what they have in mind, like quadrupling down on the failures of ObamaCare with a single-payer system. We had that vote a little earlier, thanks to the Senator from Montana. Almost everybody voted ''present.'' Apparently, they didn't want to make a decision about whether they were for or against socialized medicine—a government takeover of everything; European healthcare. Only four of them weren't afraid to say they didn't think that was a good idea. So maybe that is what they want to offer. We will be happy to have that debate with the American people.

It is time for our friends on the other side to tell us what they have in mind. We will see how the American people feel about their ideas. So, I regret that we are here, but I want to say, again, I am proud of the vote I cast tonight. It is consistent with what we told the American people we would try to accomplish in four straight elections if they gave us a chance. I thank all of my colleagues on this side of the aisle for everything they did to try to keep that commitment.

What we tried to accomplish for the American people was the right thing for the country, and our only regret tonight—our only regret is that we didn't achieve what we had hoped to accomplish. I think the American people are going to regret that we couldn't find a better way forward, and, as I said, we look forward to our colleagues on the other side suggesting what they have in mind.

Now, Mr. President, it is time to move on.

UNANIMOUS CONSENT REQUEST—H.R. 2810

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 10 a.m. on Friday, July 28—that is tomorrow—the Senate proceed to consideration of Calendar No. 175, H.R. 2810, the House-passed national defense authorization bill.

The PRESIDING OFFICER. Is there objection?

Mr. PAUL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WORKING TOGETHER

Mr. SCHUMER. Mr. President, first, let me say that it has been a long, long road for both sides. Each side had sincere convictions, and we are at this point.

I want to say three things. First, I suggest that we turn the page. It is time to turn the page.

I say to my dear friend the majority leader that we are not celebrating. We are relieved that millions and millions of people who would have been so drastically hurt by the three proposals put forward will, at least, retain their healthcare, be able to deal with preexisting conditions, deal with nursing homes and opioids that Medicaid has paid for.

We are relieved, not for ourselves, but for the American people. But as I have said over and over again, ObamaCare was hardly perfect. It did a lot of good things, but it needs improvement. I hope one part of turning that page is that we go back to regular order, work in the committees together to improve ObamaCare.

We have good leaders—the Senator from Tennessee, the Senator from Washington, the Senator from Utah, the Senator from Oregon. They have worked well together in the past and can work well together in the future. There are suggestions we are interested in that come from Members on the other side of the aisle—the Senator from Maine and the Senator from Louisiana.

So let's turn the page and work together to improve our healthcare system, and let's turn the page in another way. All of us are so inspired by the speech and the life of the Senator from Arizona, and he asked us to go back to regular order, to bring back the Senate that some of us who have been here a while remember. Maybe this can be a moment where we start doing that.

Both sides will have to give. The blame hardly falls on one side or the other, but if we can take this moment—a solemn moment—and start working this body the way it had always worked until the last decade or so, with both sides to blame for the deterioration, we will do a better job for our country, a better job for this body, a better job for ourselves.

Finally, I am glad that the leader asked us to move to NDAA. We need to do it. I can say that on this side of the aisle, we will move expeditiously. I know that the Senator from Rhode Island has worked with the Senator from Arizona on a list of amendments that can be agreed to, and we can finish this bill up rather quickly. As I mentioned to the majority leader, there are some other things we can do rather quickly, including moving a whole lot of nominations.

We can work together. Our country demands it. Every place in every corner of the country where we go, the No. 1 thing we are asked—and I know this because I have talked to my colleagues from the other side of the aisle—is: Can't you guys work together? Let's give it a shot. Let's give it a shot.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, I just want to announce to all my colleagues that the next vote will be at 5:30 p.m. on Monday, on cloture on Kevin Newsom to be United States Circuit Judge for the Eleventh Circuit. There will be no more votes tonight.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 172, Kevin Newsom to be United States Circuit Judge for the Eleventh Circuit.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Kevin Christopher Newsom, of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Kevin Christopher Newson, of Alabama, to be United States Circuit Judge for the Eleventh Circuit.

Dan Sullivan, John Barrasso, John Cornyn, Orrin G. Hatch, Ron Johnson, Chuck Grassley, Tom Cotton, Richard Burr, James Lankford, Lamar Alexander, John Kennedy, Cory Gardner, James M. Inhofe, Michael B. Enzi, John Thune, Richard C. Shelby, Mitch McConnell.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call with respect to the cloture motion be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SERVICEMEMBER STUDENT LOAN AFFORDABILITY ACT

Mr. DURBIN. Mr. President, student loan borrowers currently carry about $1.4 trillion in student loan debt. This breaks down to about 44 million borrowers holding student loan debt with an average balance of $30,000. This crushing debt has pushed many borrowers to delay important life decisions, including marriage, having children, or buying homes. Despite that, some still choose careers in public service to give back to their community and support our country.

However, the immense burden of student loan debt is not put on pause while individuals choose to forgo other work opportunities to serve our Nation in the military or public service. Recognizing this, the Federal Government established two ways to alleviate some of this burden for those who serve our country.

The Servicemember Civil Relief Act protects our servicemembers from interest rates above 6 percent on all loans while they are on Active Duty. This protection extends to both public and private student loans taken out preservice.

Public service loan forgiveness encourages people to become public servants by forgiving student loan debt after 10 years of public service, including military service. Under this program; borrowers must enroll in a qualifying repayment plan and make 10 years of payments while working in public service before the loan is forgiven. Additionally, borrowers with Perkins or Federal Family Education Loans must consolidate their loans into a Direct Consolidation Loan.

However, the act of consolidating these loans carries an unintended consequence for servicemembers. Currently, if a servicemember chooses to consolidate his or her preservice loans to qualify for public service loan forgiveness, those loans are no longer eligible for the 6 percent interest rate cap provided under the Servicemember Civil Relief Act. The act of consolidating old debt for the purpose of enrolling public service loan forgiveness is treated as creating a new loan under current law, effectively forcing servicemembers to choose between the 6 percent interest rate cap while they are on Active Duty and enrolling in a program that will forgive their loans after 10 years of service and steady payments.

Requiring servicemembers to give up the interest rate cap while on Active Duty for a chance to earn loan forgiveness in the future was never the intention of Congress. Rather, in enacting the Public Service Loan Forgiveness Program and the Servicemember Civil

Relief Act, Congress intended to support servicemembers burdened with student loan debt. We owe it to our servicemen to fix this unintended consequence.

This week, Senator DUCKWORTH and I reintroduced the Servicemember Student Loan Affordability Act. This bill would allow preservice private or Federal student loan debt to be consolidated or refinanced while retaining the 6 percent interest rate cap. This minor change to the law will have a significant impact on servicemembers with student loan debt by allowing them to get the benefits Congress intended for them.

The bill is supported by the American Legion, the Association of United States Navy, the National Guard Association of the United States, the Retired Enlisted Association, the Paralyzed Veterans of America, Veteran Education Success, The Institute of College Access and Success, and the National Education Association.

I urge my colleagues to consider this simple solution to help servicemembers. I hope they will join Senator Duckworth and myself and support the Servicemember Student Loan Affordability Act.

BUDGETARY REVISIONS

Mr. ENZI. Mr. President, section 3001 of S. Con. Res. 3, the concurrent resolution on the budget for fiscal year 2017, allows the chairman of the Senate Budget Committee to revise the allocations, aggregates, and levels in the budget resolution for legislation related to healthcare reform. The authority to adjust is contingent on the legislation not increasing the deficit over the period of the total of fiscal years 2017 to 2026.

I find that amendment No. 667 fulfills the conditions of deficit neutrality found in section 3001 of S. Con. Res. 3. Accordingly, I am revising the allocations to the Committee on Finance, the Committee on Health, Education, Labor and Pensions, HELP and the budgetary aggregates to account for the budget effects of the amendment. I am also adjusting the unassigned to committee savings levels in the budget resolution to reflect that while there are savings in the amendment attributable to both the HELP and Finance Committees, the Congressional Budget Office and Joint Committee on Taxation are unable to produce unique estimates for each provision due to interactions and other effects that are estimated simultaneously.

This adjustment supersedes the adjustment I previously made for the processing of amendment No. 267. This adjustment applies while this amendment is under consideration. Should the amendment be withdrawn, fail, or lose its pending status, this adjustment will be null and void and the adjustment for amendment No. 267 shall remain active.

I ask unanimous consent that the accompanying tables, which provide details about the adjustment, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

BUDGET AGGREGATES—BUDGET AUTHORITY AND OUTLAYS

(Pursuant to Section 311 of the Congressional Budget Act of 1974 and Section 3001 of S. Con. Res. 3, the Concurrent Resolution on the Budget for Fiscal Year 2017)

$s in millions	2017
Current Aggregates:	
Spending:	
Budget Authority	3,329,289
Outlays	3,268,171
Adjustments:	
Spending:	
Budget Authority	1,400
Outlays	−1,000
Revised Aggregates:	
Spending:	
Budget Authority	3,330,689
Outlays	3,267,171

BUDGET AGGREGATE—REVENUES

(Pursuant to Section 311 of the Congressional Budget Act of 1974 and Section 3001 of S. Con. Res. 3, the Concurrent Resolution on the Budget for Fiscal Year 2017)

$s in millions	2017	2017–2021	2017–2026
Current Aggregates:			
Revenue	2,682,088	14,498,573	32,351,660
Adjustments:			
Revenue	−5,400	−73,300	−145,700
Revised Aggregates:			
Revenue	2,676,688	14,425,273	32,205,906

REVISION TO ALLOCATION TO THE COMMITTEE ON FINANCE

(Pursuant to Section 302 of the Congressional Budget Act of 1974 and Section 3001 of S. Con. Res. 3, the Concurrent Resolution on the Budget for Fiscal Year 2017)

$s in millions	2017	2017–2021	2017–2026
Current Allocation:			
Budget Authority	2,277,203	13,101,022	31,274,627
Outlays	2,262,047	13,073,093	31,233,186
Adjustments:			
Budget Authority	−1,000	−80,400	−275,700
Outlays	−1,000	−80,400	−275,700
Revised Allocation:			
Budget Authority	2,276,203	13,020,622	30,998,927
Outlays	2,261,047	12,992,693	30,957,486

REVISION TO ALLOCATION TO THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

(Pursuant to Section 302 of the Congressional Budget Act of 1974 and Section 3001 of S. Con. Res. 3, the Concurrent Resolution on the Budget for Fiscal Year 2017)

$s in millions	2017	2017–2021	2017–2026
Current Allocation:			
Budget Authority	17,204	90,282	176,893
Outlays	15,841	89,820	183,421
Adjustments:			
Budget Authority	2,400	−500	−8,700
Outlays	0	1,000	−5,600
Revised Allocation:			
Budget Authority	19,604	89,782	168,193
Outlays	15,841	90,820	177,821

COUNTERING AMERICA'S ADVERSARIES BILL

Mr. VAN HOLLEN. Mr. President, I voted in support of H.R. 3364, the Countering America's Adversaries Act, which sanctions Russia, Iran, and North Korea. I call on President Trump to sign this package into law, without delay.

This act imposes tough sanctions on Russia for its interference in our elections, its attempts to undermine faith in the democratic process across the West, its support of the brutal regime of Syrian President Bashar al-Assad, and its intervention in Ukraine. Critically, the legislation prevents President Trump—who has repeatedly demonstrated his affinity for Vladimir Putin—from removing sanctions on Russia without the approval of the Congress. It sends a clear and unequivocal message to the Kremlin: the United States will not tolerate attacks on our democracy.

The administration has repeatedly certified Iran's compliance with the Joint Comprehensive Plan of Action. This landmark, multilateral nuclear accord is a critical part of our effort to prevent Iran from obtaining a nuclear weapon and has made our partners and allies in the region safer. However, Iran's ballistic missile tests, its support for regional terrorism, and its human rights abuses merit a strong response. This act codifies executive orders sanctioning Iran for these dangerous, nonnuclear actions.

Our response to North Korea—which U.S. officials now believe will be able to field a reliable, nuclear-capable intercontinental ballistic missile as early as next year—must be bold and comprehensive. While I support the sanctions imposed on North Korea under the Countering America's Adversaries Act, I believe they fall far short of the aggressive sanctions needed to sever North Korea's ties to the international financial system and create the leverage necessary for successful nuclear negotiations. That is why I strongly urge the Senate to pass the Banking Restrictions Involving North Korea Act, which I introduced with Senator TOOMEY. I look forward to working expeditiously with my colleagues to pass comprehensive sanctions on North Korea in the fall.

NOMINATION OF JOHN K. BUSH II

Mr. VAN HOLLEN. Mr. President, I cannot support John K. Bush II's nomination to the U.S. Court of Appeals for the Sixth Circuit.

Mr. Bush does not possess the temperament or discernment required of a Federal judge. He is not only a deeply flawed nominee; he is unqualified for a lifetime judicial appointment.

William Howard Taft, 27th President of the United States, 10th Chief Justice of the Supreme Court, and a judge on the Sixth Circuit Court of Appeals, once said, ''Don't write so that you can be understood, write so that you can't be misunderstood.'' Mr. Bush's more than 400 blog posts, written under a pseudonym, cannot be misunderstood despite his attempts to distance himself from his writings. In his blog posts, Mr. Bush equated a woman's right to an abortion to chattel slavery, advanced spurious claims based on conspiracy theories propagated by White supremacists, advocated violence and use of force against Democratic opponents, argued that journalist's First Amendment rights should be weakened, and advocated for unlimited amounts of money in politics.

When asked to clarify his past written statements during his confirmation

hearing, Mr. Bush said that his, ''personal views are irrelevant to the position for which [he has] been nominated.'' I do not believe that hundreds of crude, insensitive, and hateful posts, widely shared on the internet, are irrelevant in analyzing a candidate's suitability for a Federal judgeship. Mr. Bush's writings and statements make me question if he could apply the law evenly and without bias.

Every judge takes the oath of justice and swears to ''administer justice without respect to persons, and do equal right to the poor and to the rich,'' and to ''faithfully and impartially discharge and perform all the duties incumbent'' upon them. Based on Mr. Bush's own statements, I am not confident that he will uphold that oath.

TRIBUTE TO LES AND EVA AIGNER

Mr. WYDEN. Mr. President, I want to recognize Les and Eva Aigner, two brave Oregonians who lived through the horrors of the Holocaust. I want to honor Les and Eva in the Senate today and share how they survived Nazi atrocities and went on to live in Portland, OR, where they have taught countless young men and women about the dangers of intolerance and hate.

Eva Aigner, nee Speigel, was born in 1937 in Košice, Czechoslovakia, where she lived with her sister, mother, and father. Two years after her birth, Eva's father lost his business license due to growing anti-Semitism, prompting the family to move to Budapest. There they hoped they would be safe from Nazi extremism, but even in Hungary, as a Jew, Eva's father struggled to find work.

As time went on, new laws forced Eva and her family to wear the yellow star, and Eva and her sister were soon unable to attend school due to growing intolerance. Soon after, Eva's father was taken to a forced labor camp where he was killed. Eva and her remaining family members were then taken to the Budapest ghetto where the Nazis selected Eva's mother for deportation to a concentration camp.

The remaining children, including Eva and her sister, as well as the sick and the old who were unable to work for the Nazi war machine, were taken to the Danube in the middle of the night to be shot. Eva and her sister only managed to survive because their mother escaped from the deportation train and bribed a guard to spare their lives. From there, they were taken back into the Budapest ghetto where they hid, without food or running water, until the Russian soldiers liberated the ghetto on January 18, 1945. The rest of Eva's extended family, who remained in Czechoslovakia, with the exception of one cousin, did not survive the Holocaust.

Like Eva, Leslie ''Les'' Aigner was born in Czechoslovakia. In his case, the small town of Nove Zamky, on June 3, 1929. He had two sisters—one older, one younger. The Aigners moved to Hungary in the early 1940s to escape the growing Nazi threat, settling in Csepel, on the outskirts of Budapest. Since Jewish children were not allowed access to higher education, Les went to a trade school to become a machinist. Eventually, it became unsafe for Les to even walk to school, and his devoutly religious family stopped attending synagogue for fear of attack. Les's father was soon taken to a labor camp, and his 16-year-old sister was taken to a paper mill to do forced labor. Les, his mother and his 8-year-old sister were then forced into the Budapest ghetto before being taken to Auschwitz. Upon arrival, the Nazis selected Les's mother and sister for the gas chambers and took Les to the camp.

Les spent 4 months in Auschwitz. He worked in the kitchen and survived by stealing food. During his imprisonment in the concentration camp, Les was injured after a guard threw a pitchfork through his foot. While Les was in the hospital with an infection from this injury, a Dr. Epstein warned Les that the Nazis planned to execute prisoners who were no longer able to walk. At Dr. Epstein's urging, Les limped out of the hospital in the middle of the night to avoid being taken to the gas chamber. Dr. Epstein, a prisoner himself, saved Les's life that night.

Les then exchanged his clothing with another prisoner who wanted to stay with his father in Auschwitz and was transferred to Landsberg, a sub-camp of Dachau. He performed hard labor for several months and was then transferred again to Kauffering Camp, where he contracted typhus before being sent to Dachau on the so-called Death Train.

By the time he arrived, Les weighed only 75 pounds. He was finally freed by American soldiers on April 29, 1945. It took over a month of treatment before Les was able to walk on his own. When Les finally regained his health, he made his way back to Budapest, where he reunited with his father and older sister. Most of their other family members had been killed.

After the war, both Eva and Les began to rebuild their lives in Budapest. They finished school and joined the workforce, Les as a machinist and Eva as an office worker at a collective fur company. In 1956, Les and Eva where introduced to one another by Eva's colleague, who happened to be a distant relative of Les. Les and Eva quickly became engaged and were married only 59 days later. When the Hungarian Revolution began against the communist regime, Les and Eva, along vat Les's father and stepmother, fled to Austria and then the U.S., eventually settling in Portland, OR.

Starting over in a new country was challenging, but the Aigners carried on and made a life in Portland, finding work and starting a family. Les continued to work as a machinist, and Eva worked as a cosmetologist, eventually opening her own salon. Eva's mother came to live with them in Portland as well. Les and Eva are the proud parents of their daughter Sue, and their son Rob, who blessed them with four wonderful grandsons. They are waiting to welcome their first great-grandchild.

Les and Eva rebuilt their lives, but they never forgot the horrors they had endured. As Holocaust deniers became increasingly vocal in the 1980s, the Aigners began telling their stories publicly and speaking out against discrimination and intolerance. They have worked with the Holocaust Memorial Coalition since its inception in 1994. Eva was even the vice chair of the project to build the Oregon Holocaust Memorial, which she said was the proudest achievement in her life besides giving birth to her children.

Many of my colleagues in the Senate have heard me speak about my own family's experience fleeing the Nazi regime during the Holocaust. We lost family and loved ones on Kristallnacht and at Theresienstadt. Tolerance, inclusiveness, and compassion are issues my family takes very seriously. That is why I am so deeply honored to be able to recognize the Aigners today and to pay tribute to the invaluable work that they do.

At a time when hate and intolerance seem increasingly pervasive in our social and political discourse, it is now more important than ever that we remember the horrors that so many people endured at the hands of the Nazi regime, the death and pain they suffered in the name of hate, discrimination, and fear. In Eva Aigner's own words, ''Discrimination can start with little things. It can start with as much as racial jokes or religious jokes. It can start with just small hatred which can grow. . . . The way to fight is to educate the young people. To let them know what discrimination can do. And how innocent people can get killed and go through such terrors . . . and have their family pulled apart.''

We must not forget; we must educate. We must educate ourselves and each other so that nothing like the horrors of the Nazi regime will ever happen again. Les and Eva Aigner have dedicated their lives to exactly that, and that is why I am so incredibly grateful to honor them today, for their strength, their compassion, their generosity, and their willingness to educate and make Oregon, our country, and our world a more tolerant, safer, and better place.

For that reason, I offer both Les and Eva Aigner my deepest affection and warmest thanks for using their voices to teach generations to come to never, ever forget.

TRIBUTE TO DR. JOSEPH T. ''TIM'' ARCANO

Mr. CARDIN. Mr. President, I wish to commend Dr. Joseph T. ''Tim'' Arcano, technical director for Naval Surface Warfare Center, NSWC, Carderock Division, who is retiring after a lifetime

of service to the U.S. Navy, our Federal Government, and the scientific community.

Tim Arcano has dedicated his professional life to serving our country, first in the military and later as a civil servant. His knowledge of ships and the oceans they sail and nuclear safety and capabilities has been developed through his education and in his myriad positions throughout the Navy and our Federal Government. Two of Dr. Arcano's academic degrees were earned in my us, home State, where he attended the U.S. Naval Academy, and later earned his Ph.D. at the University of Maryland. In addition, he holds an Ocean Engineer degree and a masters in mechanical engineering from the Massachusetts Institute of Technology, MIT.

Dr. Arcano's first career was in our military, where he served for 30 years in both Active and Reserve service. As technical director and ship design manager for the Virginia-Class Submarine Program, as technical authority for advanced submarines at Naval Sea System Command, NAVSEA, and as a program manager at the Defense Nuclear Facilities Safety Board, Dr. Arcano developed an understanding and expertise that few can match. Those skills were further utilized in five Reserve commands.

Dr. Arcano's dedication to our country continued after his transition from Active service to the Reserves in 1992 and his later retirement from the Navy as captain in June of 2008. He served as deputy chief of Nuclear Safety at the United States Department of Energy and as the director of the Office of Ocean Exploration and Research at the National Oceanic and Atmospheric Administration. During that time, he returned to the Naval Academy to hold the Corbin A. McNeill Endowed Chair in Naval Engineering, where he created a course on engineering of submersible systems.

Dr. Arcano came to NSWC Carderock in May of 2013, bringing his wealth of experience as he took the helm of a campus of over 3,000 employees. His impact has been magnified by his commitment to STEM education and developing the next generation of scientific leaders. Under Dr. Arcano's leadership, employees at NSWC Carderock have mentored countless high school and college interns, even reaching to our youngest developing scientists by leading elementary students in FIRST Robotics clubs. Dr. Arcano ''walks the walk'' himself, giving greatly of his own time by taking interns under his wing to offer advice and helping them chart their path, wherever that might lead.

As part of his encouragement of STEM education, Dr. Arcano and NSWC Carderock have continued to host the International Human Powered Submarine Races. Teams from not just corporations and research centers, but from universities and even high schools come from around the world to race their independently built one- or two-person submarines through a course at the historic David Taylor Model Basin at Carderock. For 2 years, these competitors learn about hydrodynamic design, propulsion, underwater life support, materials science, and other scientific principles in creating their own designs for these vehicles. The lessons learned, both in science and engineering and in collaborating on a team project, help to fuel their enthusiasm for careers in science and technology.

Dr. Arcano's career reflects his selflessness, his unparalleled leadership capabilities, and his devotion to our country. He commands the respect and admiration of all who have had the privilege to know and work with him. His leadership will be greatly missed, but he has left a legacy of scientific leadership that will continue to develop through the principles and practice that he exercised every day. We are deeply grateful for his devotion to our national security, to naval science, and to America's future generations.

I offer the thanks of a grateful nation to Dr. Arcano and, by extension, to his family—his wife, Brenda, their daughter, Heather, and sons, Greg, Joseph, and Tyler—for as we all know, the support of family is critical. I am honored and pleased to recognize Dr. Tim Arcano for his outstanding career in public service and wish him all the best in his future pursuits.

TRIBUTE TO CYNTHIA K. DOHNER

Mr. BOOZMAN. Mr. President, today I wish to recognize the distinguished public service career of Cynthia K. Dohner. Cindy served the U.S. Fish and Wildlife Service with distinction and honor for more than 24 years and will leave the Service on August 30, 2017.

Cindy's passion for the outdoors began at an early age while fishing and hunting with her father. These experiences encouraged her to pursue an education to ensure the outdoor way of life she enjoyed would continue to be available for future generations.

She earned a bachelor's degree in marine biology, a master's degree in fisheries and aquaculture, and led a long career protecting fish and wildlife and their habitats.

Cindy worked for a private environmental consulting firm and held positions in several State and Federal agencies before joining the U.S. Fish and Wildlife Service in 1993. Prior to her time in the Southeast Region, Cindy worked with the Service's Division of Fish Hatcheries and as the branch chief for Recovery and Consultation in Washington, DC. She moved to Atlanta in 1999 to serve as the assistant regional director for Ecological Services and later served as deputy regional director.

For the the last 7 years, Cindy led the Southeast Region in its mission to make a difference for fish, wildlife, plants, and the people who live and work in communities across the region. As regional director, she has provided vision and leadership to more than 1,300 employees in 10 southeastern States, Puerto Rico, and the U.S. Virgin Islands and has positively influenced conservation successes and solutions nationally.

In Arkansas and throughout the Southeast, Cindy is recognized as an honest partner and innovative leader. She has worked alongside Arkansas' fish farmers, cattemen, and local elected officials, including the Association of Arkansas Counties, to solve complex conservation challenges in a way that keeps working lands working, reduces regulatory burden, and helps local economies to thrive. Her responsiveness to private-sector concerns and willingness to find creative ways to conserve fish and wildlife resources has made a difference to wildlife and people alike.

Under her leadership, the Southeast Region has joined forces with States, private landowners, the Department of Defense and other Federal agencies, and several sectors of industry and business including energy, timber and finance among others to find creative ways to conserve fish and wildlife resources. This collaboration resulted in notable conservation successes including removing Arkansas Magazine Mountain shagreen snail and the Louisiana black bear from the endangered species list and precluding the need to list more than 100 fish, wildlife, and plants petitioned for Federal protection in the past several years. She and her team worked closely with many partners to restore more than 1 million acres of bottomland hardwood habitat in the South that is critical for migratory waterfowl and other wildlife in decline. Cindy was remarkably effective in large part because she recognized and emphasized the little things while building relationships that often had big implications and made conservation successes possible on larger scales.

I applaud Cindy for her dedication to public service and the lasting difference that she has made at the U.S. Fish and Wildlife Service. I am hopeful FWS will continue to build on her cooperative conservation legacy. I ask that my colleagues join me in expressing our sincere appreciation and gratitude for her public service and wishing Cindy success and happiness in her future endeavors.

ADDITIONAL STATEMENTS

TRIBUTE TO KEITH GEIS

• Mr. BARRASSO. Mr. President, Wyoming has a longstanding tradition of recognizing individuals who make invaluable contributions to agriculture and communities across our State. Each year, Senator Enzi and I have the pleasure of introducing these honorees as they are inducted into the Wyoming Agriculture Hall of Fame. This year, Keith Geis will be honored as one of

these outstanding individuals during the 105th Wyoming State Fair.

In Wyoming, we talk a lot about the code of the West. ''Take pride in your work,'' ''Always finish what you start,'' and ''Ride for the Brand'' are just a few tenets of the creed that motivates the way we live in Wyoming. Growing up on a dairy farm in Wheatland, Keith learned these principles early and abides by them today.

Across the state, Keith is well known for his steadfast commitment to strong Wyoming communities. After starting his career in banking and spending nearly two decades with the Farm Credit Services of America, Keith has served as the president of Platte Valley Bank in Wheatland for 15 years. In addition to his work at the bank, Keith is exceptionally active in his community. The list of organizations, boards, and associations that have benefited from Keith's leadership and involvement is long. He has served, among others, as a member of the Platte County Economic Development Board of Directors, as chairman of the Wyoming Agriculture in the Classroom, and as a member of the Wyoming Stock Growers Land Trust Board of Directors. Most notable, however, is Keith's focus on the youngest members of our Wyoming communities.

Keith and his wife, Marie, have two children, several grandchildren, and have served as foster parents. Keith knows that a community's strength is in its future, and he has worked hard to ensure that the next generation will be as dedicated to our State as he is. As president of the Platte Valley Bank in Wheatland, WY, Keith works with agriculture producers every day, including young people whose 4H or FFA project may become a lifelong passion. His work to ensure the next generation of farmers and ranchers will have the capital and an understanding financial officer is renowned across the State.

Selection as a member of the Wyoming Agriculture Hall of Fame is about more than a good calf crop or strong growing season. The people who grow crops, raise livestock, and provide the capital to make ranching possible are the people who give of their time to school boards, economic development groups, and even nursing home boards. Keith is one of the people who makes our Wyoming home so special.

It is with great honor that I recognize this outstanding member of our Wyoming community. Keith makes outstanding contributions to families across the State and sets an exceptional example for current and future generations of farmers and ranchers. My wife, Bobbi, joins me in congratulating Keith Geis as one of the 2017 inductees into the Wyoming Agriculture Hall of Fame.●

TRIBUTE TO SKIP WALTERS

● Mr. DAINES. Mr. President, this week, I have the distinct honor of recognizing Skip Walters of Great Falls for a tremendous radio broadcasting career. Last week, Skip retired after providing over four decades of entertainment to his fellow Montanans. It was great to be interviewed by Skip on several occassions; he was always professional and never pulled any punches.

Skip originally came to Montana while serving our Nation in the U.S. Air Force during the early 1970s, and his media journey began in Miles City on the same weekend as the annual Bucking Horse Sale in 1976. During his early days in Custer County, he broadcast mostly rock-and-roll tunes and covered local sports, on KATL radio for the folks in eastern Montana. Three years later, an opportunity in his industry brought Skip to Great Falls. It was in Great Falls that Skip would further refine his skills by broadcasting country music to the listeners in Cascade County and the surrounding communities of central Montana. His 41-year career in the radio business culminated at KMON radio in Great Falls, where he broadcast for 27 years.

Among his accomplishments, Skip was recognized in 2008 by the Journalism Education Association as a ''Friend of Scholastic Journalism.'' When asked about the circumstances that inspired him to begin a career in radio, Jim stated ''it's all about the music.'' Skip's love of music has been an acoustic blessing to many in the Treasure State.

From helping to guard the intercontinental ballistic missile fields in the center of the State, to broadcasting good tunes across an even larger swath of the State, Skip has had a good journey. As he begins to enjoy his retirement, I would like to offer my thanks for his service to our Nation and appreciation for the artistic entertainment he provided to our State.●

TRIBUTE TO ZANE HEHNKE

● Mrs. ERNST. Mr. President, today I wish to recognize the distinguished accomplishment of Mr. Zane Hehnke of Winterset, IA, a 2017 finalist for the NFIB Young Entrepreneur of the Year Award.

Mr. Hehnke, of Winterset, IA, is the founder and owner of Inspired Finds, an interior design company which specializes in designing and creating accents using vintage and antique items.

I ask my colleagues to join me as I proudly recognize Mr. Hehnke on his outstanding achievements. We wish him nothing but the best in his future entrepreneurial and academic pursuits.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Ridgway, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:10 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1927. An act to amend title 54, United States Code, to establish within the National Park Service the African American Civil Rights Network, and for other purposes.

H.R. 2370. An act to authorize Escambia County, Florida, to convey certain property that was formerly part of Santa Rosa Island National Monument and that was conveyed to Escambia County subject to restrictions on use and reconveyance.

H.R. 3210. An act to require the Director of the National Background Investigations Bureau to submit a report on the backlog of personnel security clearance investigations, and or other purposes.

At 5:54 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 3298) to authorize the Capitol Police Board to make payments from the United States Capitol Police Memorial Fund to employees of the United States Capitol Police who have sustained serious line-of-duty injuries, and for other purposes.

ENROLLED BILL SIGNED

At 6:27 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3298. An act to authorize the Capitol Police Board to make payments from the United States Capitol Police Memorial Fund to employees of the United States Capitol Police who have sustained serious line-of-duty injuries, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1927. An act to amend title 54, United States Code, to establish within the National Park Service the African American Civil Rights Network, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2370. An act to authorize Escambia County, Florida, to convey certain property that was formerly part of Santa Rosa Island National Monument and that was conveyed to Escambia County subject to restrictions on use and reconveyance; to the Committee on Energy and Natural Resources.

H.R. 3210. An act to require the Director of the National Background Investigations Bureau to submit a report on the backlog of personnel security clearance investigations, and for other purposes; to the Committee on

Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LANKFORD, from the Committee on Appropriations, without amendment:

S. 1648. An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2018, and for other purposes (Rept. No. 115–137).

By Ms. COLLINS, from the Committee on Appropriations, without amendment:

S. 1655. An original bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2018, and for other purposes (Rept. No. 115–138).

By Mr. SHELBY, from the Committee on Appropriations, without amendment:

S. 1662. An original bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2018, and for other purposes (Rept. No. 115–139).

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

S. Con. Res. 15. A concurrent resolution expressing support for the designation of October 28, 2017, as ''Honoring the Nation's First Responders Day''.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. INHOFE for Mr. MCCAIN for the Committee on Armed Services.

*Lucian Niemeyer, of Pennsylvania, to be an Assistant Secretary of Defense.

*John H. Gibson II, of Texas, to be Deputy Chief Management Officer of the Department of Defense.

*Matthew P. Donovan, of Virginia, to be Under Secretary of the Air Force.

*Ellen M. Lord, of Rhode Island, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

By Mr. CRAPO for the Committee on Banking, Housing, and Urban Affairs.

Elizabeth Erin Walsh, of the District of Columbia, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

*Richard Ashooh, of New Hampshire, to be an Assistant Secretary of Commerce.

*J. Paul Compton, Jr., of Alabama, to be General Counsel of the Department of Housing and Urban Development.

*Neal J. Rackleff, of Texas, to be an Assistant Secretary of the Department of Housing and Urban Development.

*Anna Maria Farias, of Texas, to be an Assistant Secretary of Housing and Urban Development.

*Christopher Campbell, of California, to be an Assistant Secretary of the Treasury.

By Mr. CORKER for the Committee on Foreign Relations.

*Callista L. Gingrich, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

Nominee: Callista L. Gingrich.

Post: Ambassador to the Holy See.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: **Please see Attachment A.**

2. Spouse: Newton Leroy Gingrich: **Please see Attachment A.**

3. Children and Spouses: Kathy Gingrich Lubbers: **Please see Attachment B.** Paul Lubbers. None. Jackie Gingrich Cushman: **Please see Attachment B.** James Cushman: None.

4. Parents: Bernita Ann Bisek: None. Alphonse Bisek—Deceased.

5. Grandparents: N/A—Deceased.

6. Brothers and Spouses: N/A.

7. Sisters and Spouses: N/A.

ATTACHMENT A: FEDERAL CAMPAIGN CONTRIBUTION REPORT

All donations from the Gingrich household should he considered joint.

CALLISTA L. AND NEWTON L. GINGRICH CAMPAIGN CONTRIBUTIONS

Donee	Date of Donation	Amount
Georgia Republican Party	1/17/2001	$600.00
Georgia Republican Party	6/24/2004	600.00
Michael Allen Collins	10/25/2005	2,000.00
Lynn A. Westmoreland	11/4/2005	1,000.00
Thomas Edmunds Price	12/9/2005	1,000.00
John S. McCain	08/31/2008	4,600.00
Newt Explore	03/04/2011	5,000.00
Newt2012	03/22/2011	2500.00
Citizens for Vince Haley	03/30/2015	500.00
Donald J. Trump for President	09/26/2016	800.00
Republican National Committee	09/26/2016	200.00
Judson Hill for Congress	12/05/2016	500.00

ATTACHMENT B: FEDERAL CAMPAIGN CONTRIBUTION REPORT

KATHY GINGRICH LUBBERS

Donee	Date of Donation	Amount
Mario Diaz-Blart	05/22/2008	$250.00
Lincoln Diaz-Balart	5/22/2008	250.00

JACKIE GINGRICH CUSHMAN

Donee	Date of Donation	Amount
George W. Bush	02/5/2004	$2,000.00
Samuel Fenn Little	09/26/2010	250.00
Robert Smith	02/4/2014	250.00

ATTACHMENT C: FEDERAL CAMPAIGN CONTRIBUTION REPORT

AMERICAN LEGACY PAC CONTRIBUTIONS TO FEDERAL CANDIDATES—2014 CYCLE

DONATIONS TO REPUBLICAN HOUSE CANDIDATES

Recipient	Amount
Dave Brat	$2,500.00
Barbara Comstock	2,400.00
Lynn Jenkins	1,000.00
Steve Lonegan	5,000.00
Alex Mooney	5,000.00
Bill O'Brien	5,000.00
Elise Stefanik	1,000.00
Ryan Zinke	1,000.00

DONATIONS TO REPUBLICAN SENATE CANDIDATES

Recipient	Amount
Jeff Bell	$5,000.00
Scott Brown	5,000.00
Shelley Moore Capito	5,000.00
Bill Cassidy	10,000.00
Ted Cruz	5,000.00
Joni Ernst	5,000.00
Cory Gardner	5,000.00
Ed Gillespie	2,500.00
Gabriel Gomez	5,000.00
Terri Lynn Land	5,000.00
James Lankford	5,000.00
Mike Lee	5,000.00
Mitch McConnell	5,000.00
Rand Paul	5,000.00
David Perdue	5,000.00
Pat Roberts	10,000.00

DONATIONS TO REPUBLICAN SENATE CANDIDATES—Continued

Recipient	Amount
Mike Rounds	5,000.00
Ben Sasse	5,000.00
Tim Scott	5,000.00
Dan Sullivan	5,000.00
Monica Wehby	5,000.00

AMERICAN LEGACY PAC CONTRIBUTIONS TO FEDERAL CANDIDATES—2016 CYCLE

DONATIONS TO REPUBLICAN HOUSE CANDIDATES

Recipient	Amount
Richard Allen	$5,000.00
Paul Babeu	2,500.00
Marsha Blackburn	5,000.00
Rod Blum	2,500.00
Jason Chaffetz	5,000.00
Mike Coffman	5,000.00
Drew Ferguson	5,000.00
Brian Fitzpatrick	2,500.00
Trey Gowdy	5,000.00
Will Hurd	2,500.00
Mia Love	2,500.00
Brian Mast	5,000.00
Martha McSally	2,500.00
Jeff Miller	2,500.00
Stewart Mills	2,500.00
Danny Tarkanian	5,000.00
Claudia Tenney	5,000.00
Tim Walberg	2,500.00
Lee Zeldin	2,500.00

DONATIONS TO REPUBLICAN SENATE CANDIDATES

Recipient	Amount
Kelly Ayotte	$5,000.00
Roy Blunt	5,000.00
Daryl Glenn	5,000.00
Chuck Grassley	5,000.00
Joe Heck	5,000.00
Ron Johnson	5,000.00
Mark Kirk	5,000.00
John McCain	5,000.00
Rob Portman	5,000.00
Marco Rubio	5,000.00
Kathy Szeliga	5,000.00
Pat Toomey	5,000.00

*Kelly Knight Craft, of Kentucky, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Canada.

Nominee: Kelly Knight Craft.

Post: Ottawa. Canada.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, date, amount, recipient:

1. Self—Direct Contributions to Federal Committees: 10/23/2013, $2,600.00, McConnell, Mitch via McConnell Senate Committee; 10/23/2013, $2,600.00, McConnell, Mitch via McConnell Senate Committee; 10/9/2014, $2,600.00, Ernst, Joni K via Joni for Iowa; 10/9/2014, $2,600.00, Gardner, Cory via Cory Gardner for Senate; 10/14/2014, $2,600.00, Tillis, Thom R via Thom Tillis Committee; 6/30/2015, $2,700.00, Bush, Jeb via Jeb 2016, Inc.; 12/22/2015, $1,000.00, McCarthy, Kevin via Kevin McCarthy for Congress; 5/25/2016, $2,700.00, Atkinson, Thomas M. via Tom Atkinson for Congress; 8/10/2016, $5,400.00, Rubio, Marco via Marco Rubio for Senate; 9/13/2016, $2,700.00, Coffman, Mike Rep. via Coffman for Congress 2016; 9/13/2016, $2,700.00, Johnson, Ron Harold via Ron Johnson for Senate Inc.; 9/13/2016, $2,700.00, Heck, Joe via Friends of Joe Heck; 9/13/2016, $2,700.00, Young, Todd Christopher via Friends of Todd Young, Inc.; 9/13/2016, $2,700.00, Comstock, Barbara J. Honorable via Comstock for Congress.

Contributions to Joint Fundraising Committees: 9/27/2013, $25,000.00, Boehner for Speaker; 7/14/2016, $105,400.00, Trump Victory; 9/15/2016, $160,000.00, Trump Victory.

Final Recipients of Joint Fundraising Committee Contributions: 9/27/2013, $2,600.00,

Boehner, John A. via Friends of John Boehner; 9/27/2013, $2,600.00, Boehner, John A. via Friends of John Boehner; 9/30/2013, $19,800.00, NRCC; 3/31/2014, $10,000.00, Republican Party of Kentucky; 7/14/2016, $10,000.00, Republican Party of Wisconsin; 7/14/2016, $10,000.00, Republican Federal Committee of Pennsylvania; 7/14/2016 $2,700.00 Trump, Donald J via Donald J. Trump for President Inc.; 7/14/2016, $2,700.00, Trump, Donald J. via Donald J. Trump for President, Inc.; 7/14/2016, $10,000.00, Illinois Republican Party; 7/14/2016, $10,000.00, Missouri Republican State Committee-Federal; 7/14/2016, $33,400.00, Republican National Committee; 8/10/2016, $2,256.25, Alabama Republican Party; 9/15/2016, $2,256.25, Republican Party of Virginia Inc.; 9/15/2016, $7,743.75, Republican Party of Virginia Inc.; 9/15/2016, $2,256.25, North Dakota Republican Party; 9/15/2016, $2,256.25, Republican Party of Louisiana; 9/15/2016, $7,743.75, Kansas Republican Party; 9/15/2016, $7,74315, Republican Party of Louisiana; 9/15/2016, $2,700.00, Trump, Donald J via Donald J. Trump for President, Inc.; 9/15/2016, $2,256.25, Kansas Republican Party; 9/15/2016, $2,256.25, NY Republican Federal Campaign Committee; 9/15/2016, $7,743.75, NY Republican Federal Campaign Committee; 9/15/2016, $2,256.25, California Republican Party Federal Acct; 9/15/2016, $7,743.75, California Republican Party Federal Acct; 9/15/2016, $7,743.75, Mississippi Republican Party; 9/15/2016, $2,256.25, West Virginia Republican Party, Inc.; 9/15/2016, $7,743.75, West Virginia Republican Party, Inc.; 9/15/2016, $2,256.25, Wyoming Republican Party, Inc.; 9/15/2016, $2,256.25, Mississippi Republican Party; 9/15/2016, $2,256.25, Republican Party of Arkansas; 9/15/2016, $7,743.75, Republican Party of Arkansas; 9/30/2016, $7,743.75, New Jersey Republican State Committee; 9/30/2016, $7,743.75, Republican Party of Minnesota-Federal; 9/30/2016, $7,743.75, Tennessee Republican Party Federal Election Account; 9/30/2016, $7,743.75, Connecticut Republican Party; 9/30/2016, $7,743.75, South Carolina Republican Party; 10/27/2016, $2,256.25, Republican Party of Minnesota-Federal; 10/27/2016, $10,000.00, North Carolina Republican Party; 10/27/2016, $2,256.25, New Jersey Republican State Committee; 10/27/2016, $2,256.25, Tennessee Republican Party Federal Election Account; 10/27/2016, $2,256.25, Connecticut Republican Party; 10/27/2016, $2,256.25, South Carolina Republican Party.

2. Spouse: Joseph Walton Craft III—Direct Contributions to Federal Committees: 3/18/2013, $2,500.00, Capito, Shelley Moore MS via Capito for West Virginia; 6/10/2013, $5,000.00, Alliance Coal, LLC PAC; 2/19/2014, $2,000.00, Louisville & Jefferson County Republican Executive Committee; 4/24/2014, $2,600.00, Jenkins, Evan H via Jenkins for Congress; 4/24/2014, $2,600.00, Jenkins, Evan H via Jenkins for Congress; 6/10/2014, $32,400.00, NRSC; 6/24/2014, $2,600.00, Tillis, Thom R via Thom Tillis Committee; 6/24/2014, $5,200.00, Joni Ernst for US Senate; 6/27/2014, $2,600.00, Daines, Steven via Steve Daines for Montana; 6/27/2014, $2,600.00, Guthrie, S. Brett, Hon. via Guthrie for Congress; 6/27/2014, $2,600.00, Land, Terri Lynn via Terri Lynn Land for Senate; 6/27/2014, $2,600.00, Land, Terri Lynn via Terri Lynn Land for Senate; 6/27/2014, $2,600.00, Capito, Shelley Moore Ms Via Capito for West Virginia; 7/9/2014, $5,000.00, Citizens for Josh Mandel; 7/17/2014, $2,600.00, Wehby, Monica via Dr Monica Wehby for US Senate; 8/22/2014, $2,600.00, Cassidy, William M via Bill Cassidy for US Senate; 8/22/2014, $2,600.00, Cassidy, William M via Bill Cassidy for US Senate; 8/22/2014, $2,600.00, Cassidy, William M via Bill Cassidy for US Senate; 8/25/2014, $2,600.00, Toomey, Patrick Joseph via Friends of Pat Toomey; 8/25/2014, $100.00, Toomey, Patrick Joseph via Friends of Pat Toomey; 9/3/2014, $2,600.00, Coffman, Mike Rep. via Coffman for Congress; 9/3/2014, $2,600.00, Gillespie, Edward W via Ed Gillespie for Senate; 9/3/2014, $2,600.00, Joyce, David P via Friends of Dave Joyce; 9/3/2014, $2,600.00, Dold, Robert James Jr via Dold for Congress; 9/3/2014, $2,600.00, McFadden, Michael via McFadden for Senate; 9/3/2014, $2,600.00, Mills, Stewart Mr. via Friends of Stewart Mills, Inc.; 9/3/2014, $32,400.00, Republican National Committee; 9/3/2014, $2,600.00, Rounds, Mike via Rounds for Senate; 9/3/2014, $2,600.00, Gardner, Cory via Cory Gardner for Senate; 9/3/2014, $2,600.00, McSally, Martha via McSally for Congress; 9/3/2014, $2,600.00, Perdue, David via Perdue for Senate; 9/3/2014, $2,600.00, Cotton, Thomas via Cotton for Senate; 9/3/2014, $2,600.00, Sullivan, Dan via Sullivan for US Senate; 9/3/2014, $2,600.00, Heck, Joe via Friends of Joe Heck for Congress; 9/3/2014, $2,600.00, DeMaio, Carl via Carl DeMaio for Congress; 9/3/2014, $2,600.00, Mooney, Alexander Xavier via Mooney for Congress; 2016; 9/03/2014, $2,600.00, Tisei Congressional Committee; 10/7/2014, $2,600.00, Lankford, James Paul via Families for James Lankford; 10/7/2014, $5,000.00, COALPAC, A Political Action Committee of the National Mining Association; 1/29/2015, $2,500.00, Guthrie, S. Brett Hon. via Guthrie for Congress; 1/29/2015, $2,700.00, Guthrie, S. Brett Hon. via Guthrie for Congress; 2/20/2015, $2,700.00, Lankford, James Paul via Families for James Lankford; 2/27/2015, $5,000.00, Oklahoma Strong Leadership PAC; 3/19/2015, $5,000.00, Leadership Matters for America PAC, Inc.; 3/26/2015, $334,000.00, Republican National Committee; 4/2/2015, $5,000.00, COALPAC, A Political Action Committee of the National Mining Association; 5/15/2015, $5,400.00, Johnson, Ron Harold via Ron Johnson for Senate Inc.; 9/28/2015, $2,700.00, McCarthy, Kevin via Kevin McCarthy for Congress; 10/28/2015, $2,700.00, Cole, Tom via Cole for Congress; 12/23/2015, $5,000.00, Alliance Coal, LLC PAC; 3/29/2016, $100,200,00, Republican National Committee; 3/29/2016, $100,200.00, Republican National Committee; 3/29/2016, $100,200.00, Republican National Committee; 3/29/2016, $33,400.00, Republican National Committee; 3/29/2016, $5,000.00, COALPAC, A Political Action Committee of the National Mining Association; 3/31/2016, $5,400.00, Blunt, Roy via Friends of Roy Blunt; 4/12/2016, $2,700.00, Comer, James via Comer for Congress; 5/25/2016, $2,700.00, Atkinson, Thomas M. via Tom Atkinson for Congress; 6/6/2016, $5,000.00, Chamber of Commerce of the United States of America PAC (US Chamber PAC); 6/6/2016, $5,000.00, Alliance Coal, LLC PAC; 7/11/2016, $2,700.00, Paul, Rand via Rand Paul for US Senate; 7/11/2016, $2,700.00, Paul, Rand via Rand Paul for US Senate; 7/26/2016, $5,400.00, Rubio, Marco via Marco Rubio for Senate; 7/26/2016, $12,500.00, Republican Party of Kentucky; 9/13/2016, $2,700.00, Coffman, Mike Rep. via Coffman for Congress 2016; 9/13/2016, $2,700.00, Heck, Joe via Friends of Joe Heck; 9/13/2016, $2,700.00, Young, Todd Christopher via Friends of Todd Young, Inc.; 9/13/2016, $2,700.00, Comstock, Barbara J.; Honorable via Comstock for congress; 9/29/2016, $5,000.00, Okstrong PAC; 5/25/2017, $5,000.00, Chamber of Commerce of the United States of America PAC (US Chamber PAC).

Contributions to Independent Expenditure-Only Committees: 5/4/2013, $100,000.00, Kentuckians for Strong Leadership, 12/20/2013, $500,000.00, American Crossroads; 3/28/2014, $100,000.00, Kentuckians for Strong Leadership; 3/28/2014, $500,000.00, American Crossroads; 5/6/2014, $25,000.00, USA Super PAC; 6/27/2014, $300,000.00, Ending Spending Action Fund; 9/30/2014, $500,000.00, Congressional Leadership Fund; 09/30/2014, $250,000.00, American Crossroads; 9/30/2014, $250,000.00, Priorities for Iowa Political Fund; 06/06/16, $1,000,000.00, American Crossroads; 08/05/2016, $100,000.00, Kentuckians for Strong Leadership; 9/28/2016, $125,000.00, Congressional Leadership Fund; 9/28/2016, $750,000.00, Future45.

Contributions to Joint Fundraising Committees: 5/21/2013, $50,000.00, Boehner for Speaker; 10/16/2013, $5,200.00, McConnell Victory Kentucky; 6/27/2014, $10,000.00, McConnell Victory Kentucky; 9/30/2014, $47,400.00, Boehner for Speaker; 4/16/2015, $5,400.00, Burr Toomey Victory Fund; 9/14/2015, $43,800,00, Boehner for Speaker; 12/7/2015, $5,400.00, Scalise Leadership Fund; 3/31/2016, $43,800.00, Team Ryan; 7/11/2016, $100,000.00, Trump Victory; 9/13/2016, $65,400.00, Trump Victory.

Final Recipients of Joint Fundraising Committee Contributions: 5/28/2013, $7,400.00, Ohio Republican Party State Central & Executive Committee; 5/31/2013, $2,600.00, Boehner, John A. via Friends of John Boehner; 5/31/2013, $2,600.00, Boehner, John A. via Friends of John Boehner; 5/31/2013, $5,000.00 Freedom Project, The; 5/31/2013, $32,400.00, NRCC; 12/29/2013, $2,600.00, Cotton, Thomas via Cotton for Senate; 12/29/2013, $2,600.00, Cotton, Thomas via Cotton for Senate; 12/31/2013, $2,600.00, Daines, Steven via Steve Daines for Montana; 12/31/2013, $2,600.00, Daines, Steven via Steve Daines for Montana; 12/31/2013, $2,600.00, Sullivan, Dan via Sullivan for US Senate; 12/31/2013, $2,600.00, Sullivan, Dan via Sullivan for US Senate; 3/31/2014, $5,200.00, Republican Party of Kentucky; 9/3/2014, $10,000.00, Republican Party of Kentucky; 9/30/2014, $5,000.00, Freedom Project, The; 9/30/2014, $32,400.00, NRCC; 9/30/2014, $10,000.00, Ohio Republican Party State Central & Executive Committee, 6/10/2015, $2,700.00, Burr, Richard M via Richard Burr Committee, The; 9/18/2015, $2,700.00, Boehner, John A. via Friends of John Boehner; 9/18/2015, $2,700.00, Boehner, John A. via Friends of John Boehner; 9/18/2015, $5,000.00, Freedom Project, The; 9/18/2015, $5,000.00, Freedom Project, The; 9/18/2015, $33,400,00, NRCC; 9/18/2015, $33,400.00, NRCC; 12/28/2015, $2,700.00, Scalise, Steve Mr via Scalise for Congress; 12/28/2015, $2,700.00, Scalise, Steve Mr via Scalise for Congress; 12/28/2015, $2,700.00, Scalise, Steve Mr via Scalise for Congress; 4/13/2016, $10,800.00, NRCC; 4/13/2016, $33,400.00, NRCC; 4/13/2016, $5,000.00, Prosperity Action Inc.; 4/13/2016, $2,700.00, Ryan, Paul D. via Ryan for Congress, Inc.; 4/13/2016, $2,700.00, Ryan, Paul D. via Ryan for Congress, Inc.; 7/11/2016, $5,912.50, Alabama Republican Party; 7/11/2016, $5,912.50, California Republican Party Federal Acct; 7/11/2016, $6,327.50, Illinois Republican Party; 7/11/2016, $5,912.50, Kansas Republican Party; 7/11/2016, $3,036.36, Mississippi Republican Party; 7/11/2016, $6,327.50, Missouri Republican State Committee-Federal; 7/11/2016, $5,912.50, North Dakota Republican Party; 7/11/2016, $3,036.36, NY Republican Federal Campaign Committee; 7/11/2016, $4,087.50, NY Republican Federal Campaign Committee; 7/11/2016, $6,327.50, Republican Federal Committee of Pennsylvania; 7/11/2016, $3,036.36, Republican Party of Arkansas; 7/11/2016, $3,036.36, Republican Party of Louisiana; 7/11/2016, $3,036.36, Republican Party of Virginia Inc.; 7/11/2016, $6,327.50, Republican Party of Wisconsin; 7/11/2016, $2,700.00, Trump, Donald J via Donald J. Trump for President, Inc.; 7/11/2016, $2,700.00, Trump, Donald J via Donald J. Trump for President 5 Inc.; 7/11/2016, $3,036.36, West Virginia Republican Party, Inc.; 9/15/2016, $4,087.50, California Republican Party Federal Acct; 9/15/2016, $4,087.50, Kansas Republican Party; 9/15/2016, $4,087.50, Mississippi Republican Party; 9/15/2016, $4,087.50, Republican Party of Arkansas; 9/15/2016, $4,087.50, Republican Party of Louisiana; 9/15/2016, $4,087.50, Republican Party of Virginia Inc; 9/15/2016, $4,087.50, West Virginia Republican Party, Inc.; 9/27/2016, $3,036.36, South Carolina Republican Party; 9/30/2016, $3,036.36, Connecticut Republican Party; 9/30/2016, $4,087.50, Connecticut Republican Party; 9/30/2016, $2,700.00, McConnell,

Mitch via McConnell Senate Committee; 9/30/2016, $3,036.36, New Jersey Republican State Committee; 9/30/2016, $4,087.50, New Jersey Republican State Committee; 9/30/2016, $4,087.50, Republican Party of Minnesota—Federal; 9/30/2016, $4,087.50, South Carolina Republican Party; 9/30/2016, $3,036.36, Tennessee Republican Party Federal Election Account; 9/30/2016, $4,087.50, Tennessee Republican Party Federal Election Account; 10/17/2016, $6,327.50, North Carolina Republican Party; 10/17/2016, $5,912.50, Republican Party of Minnesota—Federal.

3. Joseph W ''JW'' Craft IV—Stepson—Direct Contributions to Federal Committees: 3/19/2013, $2,500.00, Capito, Shelley Moore MS via Capito for West Virginia; 10/23/2013, $2,600.00, McConnell, Mitch via McConnell Senate Committee; 10/23/2013, $2,600.00, McConnell, Mitch via McConnell Senate Committee; 3/18/2014, $15,000.00, NRSC; 7/17/2014, $2,600.00, Wehby, Monica via Dr Monica Wehby for US Senate; 7/24/2014, $2,600.00, Tillis, Thom R via Thom Tillis Committee; 7/25/2014, $2,600.00, Joni Ernst for US Senate; 7/25/2014, $17,400.00, NRSC; 9/3/2014, $2,600.00, Cassidy, William M via Bill Cassidy for US Senate; 11/2/2014, $2,600.00, Cory Gardner for Senate; 4/24/2015, $5,000.00, Oklahoma Strong Leadership PAC; 12/8/2015, $1,000.00, Whitney Westerfield for Attorney General; 2/29/2016, $2,700.00, Rubio, Marco via Marco Rubio for President; 3/15/2016, $5,400.00, Blunt, Roy via Friends of Roy Blunt; 3/28/2016, $5,400.00, Cole, Tom via Cole for Congress; 4/12/2016, $2,700.00, Comer, James via Comer for Congress.

Contributions to Joint-Fundraising Committees: 6/13/2013, $50,000.00, Boehner for Speaker; 12/29/2013, $15,600.00, Friends for an American Majority; 9/26/2014, $10,000.00, McConnell Victory Kentucky; 9/18/2015, $43,800.00, Boehner for Speaker; 4/13/2016, $10,800.00, Team Ryan; 8/1/2016, $2,700.00, McConnell for Majority Leader Committee.

Final Recipients of Joint-Fundraising Committee Contributions: 6/5/2013, $7,400.00, Ohio Republican Party State Central & Executive Committee; 6/30/2013, $2,600.00, Boehner, John A. via Friends of John Boehner; 6/30/2013, $2,600.00, Boehner, John A. via Friends of John Boehner; 6/30/2013, $5,000.00, Freedom Project; The; 6/30/2013, $32,400.00, NRCC; 9/30/2014, $2,600.00, McConnell, Mitch via McConnell Senate Committee; 10/3/2014, $7,400.00, Republican Party of Kentucky.

3. Mollie Craft (Stepdaughter-in-Law)—Direct Contributions to Federal Committees: 10/23/2013, $2,600.00, McConnell, Mitch via McConnell Senate Committee; 10/23/2013, $2,600.00, McConnell, Mitch via McConnell Senate Committee; 3/19/2014, $15,000.00, NRSC; 7/16/2014, $2,600.00, Wehby, Monica via Dr Monica Wehby for US Senate; 7/24/2014, $17,400.00, NRSC; 7/25/2014, $2,600.00, Joni Ernst for US Senate; 9/3/2014, $2,600.00, Cassidy, William M via Bill Cassidy for US Senate; 10/30/2014, $2,600.00, Gardner, Cory via Cory Gardner for Senate; 4/24/2015, $5,000.00, Oklahoma Strong Leadership PAC; 3/3/2016, $2,700.00, Rubio, Marco via Marco Rubio for President; 3/15/2016, $2,100.00, Blunt, Roy via Friends of Roy Blunt; 3/29/2016, $2,100.00, Cole, Tom via Cole for Congress.

Contributions to Joint-Fundraising Committees: 6/13/2013, $50,000.00, Boehner for Speaker; 12/29/2013, $15,600.00, Friends for an American Majority; 9/26/2014, $10,000.00, McConnell Victory Kentucky; 9/18/2015, $43,800.00, Boehner for Speaker.

Final Recipients of Joint-Fundraising: 6/5/2013, $7,400.00, Ohio Republican Party State Central & Executive Committee.

Committee Contributions: 6/30/2013, $2,600.00, Boehner, John A. via Friends of John Boehner; 6/30/2013, $2,600.00, Boehner, John A. via Friends of John Boehner; 6/30/2013, $5,000.00, Freedom Project, The; 6/30/2013, $32,400,00, NRCC; 12/29/2013, $2,600.00, Cotton, Thomas via Cotton for Senate; 12/29/2013, $2,600.00, Cotton, Thomas via Cotton for Senate; 12/31/2013, $2,600.00, Sullivan, Dan via Sullivan for US Senate; 2/31/2013, $2,600.00, Sullivan, Dan via Sullivan for US Senate; 12/31/2013, $2,600.00, Daines, Steven via Steve Daines for Montana; 12/31/2013, $2,600.00, Daines, Steven via Steve Daines for Montana; 10/3/2014, $10,000.00, Republican Party of Kentucky; 9/18/2015, $2,700.00, NRCC; 9/18/2015, $2,700.00, Boehner, John A. via Friends of John Boehner; 9/18/2015, $5,000.00, Freedom Project, The; 9/18/2015, $33,400.00, NRCC.

3. Ryan Edward Craft—Stepson—Direct Contributions to Federal Committees: 3/18/2013, $2,500.00, Capito, Shelley Moore via Capito for West Virginia; 10/16/2013, $2,600.00, McConnell, Mitch via McConnell Senate Committee; 10/16/2013, $2,600.00, McConnell, Mitch via McConnell Senate Committee; 7/8/2014, $5,200.00, Joni Ernst for US Senate; 7/14/2014, $2,600.00, Tillis, Thom R via Thom Tillis Committee; 8/2014, $32,400.00, NRSC; 8/27/2014, $2,600.00, Cassidy, William M via Bill Cassidy for US Senate; 10/30/2014, $2,600.00, Gardner, Cory via Cory Gardner for Senate; 4/22/2015, $5,000.00, Oklahoma Strong Leadership PAC; 4/18/2016, $2,700.00, Comer, James via Comer for Congress; 8/7/2016, $5,400.00, Rubio, Marco via Marco Rubio for Senate.

Contributions to Joint Fundraising Committees: 4/24/2015, $5,400.00, Burr Toomey Victory Fund; 5/5/2016, $5,400.00, Team Ryan.

Final Recipients of Joint Fundraising Committee Contributions: 6/4/2015, $2,700.00, Toomey, Patrick Joseph via Friends of Pat Toomey; 6/10/2015, $2,700.00, Burr, Richard M via Richard Burr Committee, The; 5/5/2016, $2,700.00, Ryan, Paul D. via Ryan for Congress, Inc.; 5/5/2016, $2,700.00, Ryan, Paul D. via Ryan for Congress, Inc.

3. Lauren Craft—Stepdaughter-in-law—Direct Contributions to Federal Committees: 10/16/2013, $2,600.00, McConnell, Mitch via McConnell Senate Committee; 10/16/2013, $2,600.00, McConnell, Mitch via McConnell Senate Committee; 7/8/2014, $5,200.00, Joni Ernst for US Senate; 7/14/2014, $2,600.00, Tillis, Thom R via Thom Tillis Committee; 8/2014, $32,400.00, NRSC; 8/27/2014, $2,600.00, Cassidy, William M via Bill Cassidy for US Senate; 4/22/2015, $5,000.00, Oklahoma Strong Leadership PAC; 4/18/2016, $2,700.00, Comer, James via Comer for Congress; 8/7/2016, $5,400.00, Rubio, Marco via Marco Rubio for Senate.

Contributions to Joint Fundraising Committees: 4/24/2015, $5,400.00, Burr Toomey Victory Fund; 5/5/2016, $5,400.00, Team Ryan.

Final Recipients of Joint Fundraising Committee Contributions: 6/4/2015, $2,700.00, Toomey, Patrick Joseph via Friends of Pat Toomey; 6/10/2015, $2,700.00, Burr, Richard M via Richard Burr Committee, The; 5/5/2016, $2,700.00, Ryan, Paul D. via Ryan for Congress, Inc.; 5/5/2016, $2,700.00, Ryan, Paul D. via Ryan for Congress, Inc.

3. Daughter—Mia Alexandra Moross: No contributions to report.

3. Daughter—Jane Brady Knight: No contributions to report.

3. Stepdaughter—Caroline Craft Fiddes: No contributions to report.

3. Stepson-in-Law—Mark Fiddes: No contributions to report.

3. Kyle O'Keefe Craft—Stepson: No contributions to report.

4. Sherry D. Guilfoil—Mother (deceased): No contributions to report.

4. Bobby Austin Guilfoil—Father (deceased): No contributions to report.

5. Grandparents—N/A (all deceased): No contributions to report.

6. Brother—Marc Guilfoil: No contributions to report.

6. Elisabeth Jensen—Sister-in-law—Direct Contributions to Federal Committees: 5/5/2013, $250.00, Landrieu, Mary L via Friends of Mary Landrieu, Inc.; 5/17/2013, $869.92, Jensen, Elisabeth via Elisabeth Jensen for Congress; 5/24/2013, $2,500.00, Kentucky State Democratic Central Executive Committee; 6/4/2013, $758.63, Jensen, Elisabeth via Elisabeth Jensen for Congress; 6/10/2013, $2,200.00, Jensen, Elisabeth via Elisabeth Jensen for Congress; 6/21/2013, $250.00, Jensen, Elisabeth via Elisabeth Jensen for Congress; 6/26/2013, $2,600.00, Jensen, Elisabeth via Elisabeth Jensen for Congress; 6/26/2013, $2,600.00, Jensen, Elisabeth via Elisabeth Jensen for Congress; 7/1/2013, $6.00, Jensen, Elisabeth via Elisabeth Jensen for Congress; 7/2/2013, $13.80, Jensen, Elisabeth via Elisabeth Jensen for Congress; 7/3/2013, $210.30, Jensen, Elisabeth via Elisabeth Jensen for Congress; 7/11/2013, $47.52, Jensen, Elisabeth via Elisabeth Jensen for Congress; 7/17/2013, $26.95, Jensen, Elisabeth via Elisabeth Jensen for Congress; 12/31/2013, 2,100.00, Vernon, Monica W via Monica Vernon for Congress; 2/28/2015, $98,142.43, Jensen, Elisabeth via Elisabeth Jensen for Congress.

7. Sister—Micah Guilfoil—No contributions to report.

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*Sharon Day, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

Nominee: Sharon Day.

Post: San Jose, Costa Rica.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

Sharon Day: $2000.00, 2/24/2012, Allen West via Deep Strike PAC; $500.00, 5/1/2012, Kelly for Congress; $1000.00, 1/27/2013, Maggie's List; $10,000.00, 6/28/2013, Republican National Committee; $1000.00, 1/28/2014, Terri Lynn Land for Senate; $1000.00, 2/3/2014, Maggie's List; $1000.00, 3/18/2016, Ron Johnson for Senate Inc; $625.00, 5/16/2016, Republican Party of Florida.

Spouse—deceased.

*Nathan Alexander Sales, of Ohio, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large.

Nominee: Nathan Alexander Sales.

Post: Coordinator for Counterterrorism, with the rank and status of Ambassador at Large.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $1,000.00, 3/17/2014, Tom Cotton for Senate; $500.00, 6/30/2012, Ted Cruz for Senate; $500.00, 5/4/2012, David McIntosh for Congress.

2. Spouse: $500.00, 3/15/2016, Hillary for America; $250.00, 10/18/2016, Denise Gitsham for Congress.

3. Children and Spouses: Anna R. Sales, None; Catherine E. Sales, None.

4. Parents: Alex D. Sales, None; Marsha G. Sales, None.

5. Grandparents: Deceased.

6. Brothers and Spouses: Benjamin D. Sales, None.

7. Sisters and Spouses: n/a.

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*George Edward Glass, of Oregon, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Portuguese Republic.

Nominee: George Edward Glass.

Post: Portugal.

(The following is a list of all members of my immediate family and their spouses. I

have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $2700, 6/22/15, Jeb Bush; $2700, 10/28/15, Ron Wyden; $2700, 7/12/16, Donald Trump for President; $50,000, 7/12/16, Trump Victory Campaign; $33,400, 7/12/16, Republican National Committee; $27,500, 9/29/16, Trump Victory Campaign; $2700, 12/20/16, Ed Royce; $2700, 12/21/16, Devin Nunes.

2. Spouse: Mary F. Glass: $2700, 6/22/15, Jeb Bush; $2700, 10/28/15, Ron Wyden; $2700, 7/12/16, Donald Trump for President.

3. Children and Spouses: George F. Glass: $2700, 6/30/15, Jeb Bush; Emily Grimmitt: $2700, 6/30/15, Jeb Bush; Andrew J Glass: $2700, 6/30/15, Jeb Bush.

4. Parents: Mary O'Leary: $2700, 6/26/15, Jeb Bush; Jay O'Leary: $2700, 6/26/15, Jeb Bush; Robert M. Glass—Deceased.

5. Grandparents: Gordon Wilson—Deceased; Ruth Wilson—Deceased; Robert Glass—Deceased; Adaline Glass—Deceased.

6. Brothers and Spouses: Robert and Katy Glass—None; Richard and Brigid Glass—None.

7. Sisters and Spouses: N/A.

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*Robert Wood Johnson IV, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Kingdom of Great Britain and Northern Ireland.

Nominee: Robert Wood Johnson IV.

Post: U.S. Ambassador to the United Kingdom of Great Britain and Northern Ireland.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, donee, date, and amount:

1. Self: Trump Victory*, 11/10/2016, $249,200.00; Trump Victory*, 10/27/2016, $100,000.00; Friends Of Joe Heck, 10/19/2016, $2,700.00; Gridiron PAC, 10/14/2016, $5,000.00; Portman, Rob Via Portman for Senate Committee, 8/3/2016, $2,700.00; Donald J. Trump for President, Inc., 6/29/2016, $2,700.00; Donald J. Trump for President, Inc., 6/29/2016, $2,700.00; Trump Victory*, 6/29/2016, $100,000.00; Friends of Kelly Ayotte, Inc., 6/29/2016, $2,700.00; Friends of Kelly Ayotte, Inc., 6/29/2016, $2,700.00; Liz Cheney for Wyoming, 5/27/2016, $2,700.00; Liz Cheney for Wyoming, 5/27/2016, $2,700.00; Heaney, Andrew via Heaney for Congress, 3/23/2016, $2,700.00; Graham, Lindsey O via Lindsey Graham 2016, 3/21/2016, $2,700.00; Right To Rise Pac, Inc., 2/1/2016, $5,000.00; Gridiron PAC, 8/5/2015, $5,000.00; Bush, Jeb via Jeb 2016, Inc., 6/15/2015, $2,700.00; Right To Rise USA, 5/29/2015, $1,604.27; Right To Rise USA, 3/31/2015, $500,000.00; Republican National Committee, 10/7/2014, $32,400.00; McCain, John S via Friends of John McCain Inc., 9/30/2014, $5,200.00; McConnell Senate Committee '14**, 4/29/2014, $10,000.00; Texans for Senator John Cornyn Inc, 12/23/2013, $2,600.00; McConnell Senate Committee '14, 11/20/2013, $2,600.00; McConnell Senate Committee '14, 11/20/2013, $2,400.00; Portman, Rob via Portman for Senate Committee, 9/20/2013, $2,600.00; Republican National Committee, 5/8/2013, $32,400.00.

* Trump Victory is a joint fundraising committee composed of Donald J. Trump for President, Inc., the Republican National Committee, and the official Republican state parties in Alabama, Arkansas, California, Connecticut, Illinois, Kansas, Louisiana, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and Wyoming. Contributions made to Trump Victory are allocated by Trump Victory to these component committees.

** McConnell Victory Kentucky was a joint fundraising committee composed of McConnell Senate Committee '14 and the Republican Party of Kentucky. Contributions made to McConnell Victory Kentucky were allocated by the joint fundraising committee to these component committees.

2. Spouse: Suzanne Ircha Johnson: Gridiron PAC, 10/14/2016, $5,000.00; Portman, Rob via Portman for Senate Committee, 8/3/2016, $2,700.00; Friends of Kelly Ayotte, Inc., 6/29/2016, $2,700.00; Friends of Kelly Ayotte, Inc., 6/29/2016, $2,700.00; Liz Cheney for Wyoming, 5/27/2016, $2,700.00; Liz Cheney for Wyoming, 5/27/2016, $2,700.00; Lindsey Graham 2016, 3/21/2016, $2,700.00; Right to Rise PAC, Inc., 2/1/2016, $5,000.00; Gridiron PAC, 8/5/2015, $5,000.00; Jeb 2016, Inc., 7/30/2015, $2,700.00; Republican National Committee, 10/7/2014, $32,400.00; Texans for Senator John Cornyn, Inc., 12/23/2013, $2,600.00; Republican National Committee, 9/24/2013, $32,400.00.

3. Children and Spouses: Jamie Alan Ross Johnson, none; Robert Wood Johnson V, none; Jack Wood Johnson, none; Sale Trotter Case Johnson—deceased; Elizabeth Wood Johnson: Jeb 2016, Inc., 8/12/2015, $2,700.00.

4. Parents: Robert Wood Johnson III—deceased; Betty Wold Johnson: Gridiron PAC, 10/14/2016, $5,000.00; Friends of Kelly Ayotte Inc., 6/24/2016, $2,700.00; Friends of Kelly Ayotte Inc., 6/24/2016, $2,700.00; Lance, Leonard via Lance for Congress, 6/8/2016, $2,700.00; Lance, Leonard via Lance for Congress, 6/8/2016, $2,700.00; Right to Rise USA, 3/17/2015, $500,000.00; Frelinghuysen for Congress, 3/1/2016, $400.00; Frelinghuysen for Congress, 3/1/2016, $2,700.00; Gridiron PAC, 7/29/2015, $5,000.00; Jeb 2016, 6/26/2015, $2,700.00; Lance, Leonard via Lance for Congress, 11/3/2014, $2,600.00; Republican National Committee, 9/19/2014, $32,400.00; New Hampshire for Scott Brown, 8/18/2014, $2,600.00; Frelinghuysen for Congress, 5/12/2014, $300.00; Frelinghuysen for Congress, 5/12/2014, $2,300.00; Frelinghuysen for Congress, 5/12/2014, $2,600.00; Republican National Committee, 9/25/2013, $32,400.00; Lance, Leonard Via Lance for Congress, 9/20/2013, $2,600.00; Lonegan for Senate, 9/13/2013, $2,600.00.

5. Grandparents: Robert Wood Johnson II—deceased; Elizabeth Ross Johnson—deceased; Karl Christian Wold—deceased; Maybelle Wold—deceased.

6. Brothers and Spouses: Keith Wold Johnson—deceased; Willard Trotter Case Johnson—deceased; Christopher Wold Johnson: Country First PAC, 11/4/2016, $2,600.00; John McCain via Sedona PAC, 11/4/2016, $100.00; Gridiron PAC, 1/12/2016, $5,000.00; Kelly Ayotte via Friends of Kelly Ayotte Inc., 10/24/2016, $2,700.00; Jeb Bush via Jeb 2016 Inc., 6/15/2015, $2,700.00; Scott Brown via Strong Country for today and tomorrow, 9/18/2014, $2,600.00; John McCain via Sedona PAC, 4/28/2014, $5,200.00; Liz Cheney via Cheney for Wyoming, 10/25/2013, $2,600.00; Elizabeth Emken for Congress, 9/6/2013, $2,600.00.

7. Sisters and Spouses: Elizabeth Ross Johnson—deceased.

*Luis E. Arreaga, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guatemala.

Nominee: Luis Edmundo Arreaga.

Post: U.S. Embassy, Guatemala.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions: amount, date, and donee:

1. Self: None.

2. Spouse: Mary Fidelis Arreaga: None.

3. Children and Spouses: Melania Rita Arreaga (Daughter): None; Spouse: Vincent Bauermeister: None; Juan Carlos Arreaga (Son): None; Luis Mikel Arreaga (Son): None.

4. Parents: Father: Juan Arreaga: None; Mother: Gloria Arreaga: None.

5. Grandparents: Name Unknown (Grandfather): None; Leocadia Arreaga (Grandmother): None; Urbano Rodas (Grandfather): None; Dolores Rodas: None.

6. Brothers and Spouses: Antonio Arreaga (Brother): None; Loreny Arreaga (spouse): None.

7. Sisters and Spouses: Melania Morales: None; Marcelo Morales (Spouse): None.

*Krishna R. Urs, of Connecticut, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Peru.

Nominee: Krishna Raj Urs.

Post: Lima, Peru.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Kathryn Kamala Urs, None; David Raja Urs, None.

4. Parents: Subaraj Venkataramaraj Urs (Deceased), None; Helen Harriet Urs (Deceased), None.

5. Grandparents: Acutha Subaraj Urs (Deceased), None; Puttama Narashiappa (Deceased), None; Walter Zimmerman (Deceased), None; Hazel Havens, None.

6. Brothers and Spouses: Sheshi Urs (half brother from India, Deceased), None; Walter Krishna Urs (Deceased), None; Jeffrey Ramesh Urs, None; Spouse Allison Urs, None.

7. Sisters and Spouses: Kamala Diane Urs, None; Spouse Juergen Juffa, $50, 2015, Robin LaBedz's campaign for Arlington Heights Village Trustee.

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*Kay Bailey Hutchison, of Texas, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Nominee: Kay (Kathryn) Bailey Hutchison.

Post: Ambassador to NATO.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: (KPAC), $1,875.00, 061/04/13, John Cornyn; $1,875.00, 06/04/13, Mitch McConnell; $1,875.00, 06/04/13, Susan Collins; $1,875.00, 06/04/13, Lamar Alexander; $1,000.00, 12/12/13, Lindsey Graham; $1,000.00, 03/20/14, Susan Collins; $1,000.00, 08/15/14, Kevin Brady; $1,000.00, 09/15/14, Winning Women for the Senate; $1,000.00, 08/31/15, Retain the Senate; $1,000.00, 09/25/15, Rob Portman; $1,000.00, 09/25/15, John McCain; $1,000.00, 04/26/16, Kelly Ayotte; $1,000.00, 10/15/16, Pete Sessions; $2,188.25, 11/01/16, Richard Burr In-Kind; $1,000.00, 06/23/17, Orrin Hatch.

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*Lewis M. Eisenberg, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Italian Republic, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary

of the United States of America to the Republic of San Marino.

Nominee: Lewis Michael Eisenberg.

Post: U.S. Ambassador to Italy.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: $10,000.00, 01/25/13, Cantor Young Guns Victory Fund ($5,000 went to ERICPAC 2013 and $5,000 went to Cantor for Congress); $5,200.00, 03/15/13, McConnell Senate Committee 2014; $2,600.00, 05/30/13, Roger Williams for US Congress Committee; $1,000.00, 06/04/13, Richard Hanna for Congress; $2,600.00, 06/04/13, Gabriel Gomez for Senate; $1,568.00, 06/25/13, Team Graham, Inc.; −$1,568.00, 06/25/13, Team Graham, Inc. (return); $1,668.00, 06/25/13, Team Graham, Inc.; $2,600.00, 08/08/13, Cheney for Wyoming; $2,500.00, 08/22/13, Ryan-Prosperity Action Committee; $2,500.00, 08/22/13, Ryan for Congress, Inc.; $17,500.00, 08/27/13, Republican Jewish Coalition; $200.00, 09/23/13, Team Graham $5,000.00, 10/14/13, Country First PAC; $10,000.00, 10/21/13, Cowboy SuperPAC (1st payment of $20K total); $2,600.00, 10/21/13, Portman for Senate Committee; $5,200.00, 10/23/13, Texans for Senator John Cornyn; $500.00, 11/21/13, Dan Coats for Indiana; $1,000.00, 12/27/13, Together PAC, Inc. (no record on our end and I think it is Democratic which he doesn't contribute to); $2,300.00, 01/16/14, Chris Isola for Congress; $2,600.00, 01/16/14, Portman for Senate Committee; $1,000.00, 01/24/14, Lance for Congress; $5,200.00, 02/12/14, Capito for West Virginia; $25,000.00, 02/12/14, NRCC; $25,000.00, 02/12/14, RNC; $2,000.00, 02/12/14, Scott Garrett for Congress; $2,500.00, 02/21/14, NRSC (John Child's Rob Portman event 2/23/14); $2,600.00, 04/15/14, Shane Osborn for Senate; $2,600.00, 04/25/14, Mark Kirk for Senate; $5,200.00, 05/19/14, Dan Sullivan for U.S. Senate; $1,000.00, 05/20/14, Friends of Bill Posey; $2,600.00, 05/20/14, New Hampshire for Scott Brown; $2,600.00, 05/21/14, French Hill for Arkansas; $25,000.00, 05/21/14, NRSC; −$1,500.00, 6/11/2014, Our records show refund from Chris Isola; $2,500.00, 07/01/14, Patriots in Action PAC (Roger Williams); $5,000.00, 07/03/14, John Bolton PAC; −2,133.84, 8/21/04, Our records show refund from Cantor for Congress; $17,500.00, 09/04/14, Republican Jewish Coalition; $2,600.00, 09/10/14, New Hampshire for Scott Brown; $12,500.00, 09/16/14, Kentuckians for Strong Leadership (McConnell SuperPac); $2,600.00, 09/29/14, Friends of John McCain; $2,600.00, 10/15/14, Collins for Senator; $10,000.00, 02/05/15, Alliance for a Strong America; $500.00, 02/10/15, Zeldin for Congress (Campaign/FEC error); $5,000.00, 02/13/15, PortPac (Promoting Our Republican Team PAC); $5,400.00, 02/17/15, Marco Rubio for Senate; $5,400.00, 03/09/15, Ron Johnson for Senate; $1,000.00, 03/12/15, Scott Garrett for Congress; $10,000.00, 05/21/15, RJC (Republican Jewish Coalition); $5,400.00, 05/27/15, Kelly Ayotte for US Senate; $266.16 06/7/15, Our records show return from Eric Cantor (contribution made in 2013); $5,400.00, 06/18/15, American Security Initiative; $35,000.00, 07/27/2015, RNC; −$2,700.00, 07/28/15, My records show refund from Marco Rubio for Senate, 2015 Gen. Fund; −$2,700.00, 08/1/15, My records show refund from Healey for Congress (gen. election); $5,400.00, 08/11/15, Heaney for Congress; $10,000.00, 09/28/15, Arizona Grassroots Action PAC (John McCain); $17,500.00, 10/07/2015, RJC (Republican Jewish Coalition); $10,000.00, 10/07/2015, RJC (Republican Jewish Coalition) Presidential Candidate Forum; $2,700.00, 12/08/15, Zeldin for Congress; $2,500.00, 12/08/15, Friends of John McCain; $2,700.00, 01/06/16, Jobs for Connecticut-Larry Kudlow exploratory committee; $35.00, 2/19/2016, RNC (sustaining membership); $2,700.00, 01/06/16, Friends of Joe Heck; $2,700.00, 02/19/16, Friends of Joe Heck; $10,800.00, 03/01/16, Liz Cheney for Congress; $500.00, 05/02/16, Friends of Bill Posey; $2,700.00, 05/03/16, Lindsey Graham 2016 (Lindsey Graham 2016 Debt Retirement); $2,700.00, 05/16/16, Wells for Congress; $10,800.00, 06/21/16, Trump Victory-Revenue; $2,700.00, 06/30/16, Kirk Victory 2016; $25,000.00, 06/30/16, Trump Victory-Revenue; $5,000.00, 8/4/2016, Trump for America, Inc. 501(c)(4); $17,500.00, 11/1/2016, Republican Jewish Coalition; $1,000.00, 11/01/16, Barbara Comstock for Congress; $2,700.00, 11/29/16, Scott Walker Inc.; $2,500.00, 01/24/17, Team Josh.

2. Spouse: Judith Eisenberg, $2,600.00, 08/8/13, Cheney for Wyoming; $5,200.00, 09/23/13, Team Graham; $5,200.00, 02/12/14, Capito for West Virginia; $5,000.00, 02/24/14, Collins for Senator; $5,200.00, 03/10/14, Ed Gillepsie for Senate; $2,600.00, 09/29/14, Friends of John McCain; $2,600.00, 02/13/15, PortPac (Promoting Our Republican Team PAC); $2,900.00, 02/17/15, Marco Rubio for Senate; $2,600.00, 02/20/15, Security Through Strength; Lindsey Graham 2016; $5,400.00, 03/09/15, Ron Johnson for Senate; $2,700.00, 07/22/15, Lindsey Graham 2016; $3,333.00, 12/14/15, Lindsey Graham Super PAC; $2,700.00, 03/31/16, Friends of John McCain.

3. Children and Spouses: Richard (Lisa Eisenberg) Goodwyn, None; Richard Goodwyn, $1,000.00, 06/23/16, Trump Victory; Mrs. Laura (Eisenberg) Balestro, None; Mr. & Mrs. Paul (Stacy Eisenberg), None.

4. Parents—Deceased: Seymour Eisenberg; Estelle Ann (Iglitzen) Eisenberg.

5. Grandparents—Deceased: Louis & Lena Eisenberg; Max & Ruth Iglitzen.

6. Brothers and Spouses: Robert Eisenberg-single; None.

7. Sisters and Spouses: n/a.

*Ray Washburne, of Texas, to be President of the Overseas Private Investment Corporation.

*Kelley Eckels Currie, of Georgia, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

*Kelley Eckels Currie, of Georgia, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

*Carl C. Risch, of Pennsylvania, to be an Assistant Secretary of State (Consular Affairs).

*David Steele Bohigian, of Missouri, to be Executive Vice President of the Overseas Private Investment Corporation.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. RUBIO:

S. 1641. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to limit certain administrative actions, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WARNER (for himself, Mr. TOOMEY, Mr. PETERS, and Mr. DAINES):

S. 1642. A bill to amend the Revised Statutes, the Home Owners' Loan Act, the Federal Credit Union Act, and the Federal Deposit Insurance Act to require the rate of interest on certain loans remain unchanged after transfer of the loan, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BURR (for himself, Mr. ISAKSON, Mr. HELLER, Mr. ROBERTS, and Mr. ENZI):

S. 1643. A bill to amend the Internal Revenue Code of 1986 to prohibit the Commissioner of the Internal Revenue Service from rehiring any employee of the Internal Revenue Service who was involuntarily separated from service for misconduct; to the Committee on Finance.

By Mr. CARDIN (for himself and Mr. VAN HOLLEN):

S. 1644. A bill to clarify the status of the Captain John Smith Chesapeake National Historic Trail as a unit of the National Park System; to the Committee on Energy and Natural Resources.

By Mr. CARDIN (for himself and Mr. VAN HOLLEN):

S. 1645. A bill to authorize the Secretary of the Interior to conduct a special resource study of P.S. 103 in West Baltimore, Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CARDIN (for himself and Mr. VAN HOLLEN):

S. 1646. A bill to authorize the Secretary of the Interior to conduct a special resource study of President Station in Baltimore, Maryland, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WICKER (for himself, Ms. DUCKWORTH, Mr. COCHRAN, and Ms. BALDWIN):

S. 1647. A bill to require the appropriate Federal banking agencies to treat certain non-significant investments in the capital of unconsolidated financial institutions as qualifying capital instruments, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LANKFORD:

S. 1648. An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2018, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. LEE (for himself, Mr. CRUZ, and Mr. SASSE):

S. 1649. A bill to help States combat abuse of occupational licensing laws by economic incumbents, to promote competition, to encourage innovation, to protect consumers, and to facilitate the restoration of antitrust immunity to State occupational boards, and for other purposes; to the Committee on the Judiciary.

By Ms. HIRONO (for herself, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. BROWN, Ms. WARREN, Mr. MARKEY, Mr. FRANKEN, and Mr. BOOKER):

S. 1650. A bill to authorize the Secretary of Health and Human Services to award grants to support the access of marginalized youth to sexual health services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Mr. CASEY, Mrs. GILLIBRAND, Ms. HASSAN, and Mr. WHITEHOUSE):

S. 1651. A bill to provide for temporary financing of short-time compensation programs; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. BROWN, Mr. FRANKEN, Mr. DURBIN, Mr. MARKEY, Mr. MERKLEY, Mr. MURPHY, Ms. WARREN, Mr. BLUMENTHAL, Mrs. GILLIBRAND, Ms. HARRIS, Ms. BALDWIN, Mr. LEAHY, Mr. BOOKER, Mr. SANDERS, Ms. HIRONO, Mr. VAN HOLLEN, Mr. CASEY, and Mr. WYDEN):

S. 1652. A bill to amend the Fair Labor Standards Act of 1938 and the Portal-to-Portal Act of 1947 to prevent wage theft and assist in the recovery of stolen wages, to authorize the Secretary of Labor to administer grants to prevent wage and hour violations, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOOKER (for himself, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BROWN, Mr. FRANKEN, Mrs. GILLIBRAND, Ms. HIRONO, Mr. MENENDEZ, Ms. WARREN, and Mr. MARKEY):

S. 1653. A bill to provide for the overall health and well-being of young people, including the promotion of lifelong sexual health and healthy relationships, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEE (for himself, Mr. LEAHY, Mr. HELLER, Mrs. SHAHEEN, Mr. DAINES, Mr. BLUMENTHAL, Mr. GARDNER, and Mr. FRANKEN):

S. 1654. A bill to amend title 18, United States Code, to update the privacy protections for electronic communications information that is stored by third-party service providers in order to protect consumer privacy interests while meeting law enforcement needs, and for other purposes; to the Committee on the Judiciary.

By Ms. COLLINS:

S. 1655. An original bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2018, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BLUMENTHAL:

S. 1656. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide cybersecurity protections for medical devices; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEE (for himself and Mr. LEAHY):

S. 1657. A bill to amend title 18, United States Code, to update the privacy protections for electronic communications information that is stored by third-party service providers and for geolocation information in order to protect consumer privacy interests while meeting law enforcement needs, and for other purposes; to the Committee on the Judiciary.

By Mr. DURBIN (for himself and Ms. DUCKWORTH):

S. 1658. A bill to amend the Carl D. Perkins Career and Technical Education Act of 2006 to give the Department of Education the authority to award competitive grants to eligible entities to establish, expand, or support school-based mentoring programs to assist at-risk students in middle school and high school in developing cognitive and social-emotional skills to prepare them for success in high school, postsecondary education, and the workforce; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. MERKLEY, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mrs. GILLIBRAND, and Mr. FRANKEN):

S. 1659. A bill to amend the Truth in Lending Act to establish a national usury rate for consumer credit transactions; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR (for herself, Mr. BLUNT, Mrs. FEINSTEIN, and Mr. WARNER):

S. 1660. A bill to amend the Federal Election Campaign Act of 1971 to prohibit the acceptance by political committees of online contributions from certain unverified sources, and for other purposes; to the Committee on Rules and Administration.

By Mr. WHITEHOUSE (for himself, Mr. TESTER, Mr. PETERS, Ms. WARREN, and Mr. MENENDEZ):

S. 1661. A bill to make permanent the extended period of protections for members of uniformed services relating to mortgages, mortgage foreclosure, and eviction, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SHELBY:

S. 1662. An original bill making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2018, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. HOEVEN:

S. 1663. A bill to amend the Internal Revenue Code of 1986 to enhance the requirements for secure geological storage of carbon dioxide for purposes of the carbon dioxide sequestration credit; to the Committee on Finance.

By Mr. CORNYN (for himself and Mr. KAINE):

S. 1664. A bill to amend section 5307 of title 49, United States Code, with respect to the treatment of communities as urbanized areas following a major disaster; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH:

S. 1665. A bill to authorize the State of Utah to select certain lands that are available for disposal under the Pony Express Resource Management Plan to be used for the support and benefit of State institutions, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BLUMENTHAL (for himself and Mr. FRANKEN):

S. 1666. A bill to direct the Secretary of Transportation to issue a rule requiring all new passenger motor vehicles to be equipped with a child safety alert system, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself and Ms. DUCKWORTH):

S. 1667. A bill to amend the Public Health Service Act to provide protections for consumers against excessive, unjustified, or unfairly discriminatory increases in premium rates; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 1668. A bill to rename a waterway in the State of New York as the ''Joseph Sanford Jr. Channel''; to the Committee on Commerce, Science, and Transportation.

By Mr. BOOKER:

S. 1669. A bill to provide mandatory funding for the remediation of National Priority List sites, certain abandoned coal mining sites, and formerly used defense sites, and for the Formerly Utilized Sites Remedial Action Program and the Diesel Emissions Reduction Program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BENNET (for himself and Mr. HEINRICH):

S. 1670. A bill to require the Secretary of Energy to establish a program to increase participation in community solar and the receipt of associated benefits, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mr. COONS, and Mr. HELLER):

S. 1671. A bill to amend title 18, United States Code, to safeguard data stored abroad, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. ERNST (for herself, Mr. COTTON, Mrs. SHAHEEN, Mr. INHOFE, Ms. WARREN, Mr. BLUMENTHAL, Mr. KING, Mr. CRUZ, Mrs. GILLIBRAND, Mrs. MCCASKILL, Mr. WICKER, Mr. DONNELLY, Mr. NELSON, Mr. SULLIVAN, Mr. TILLIS, Mr. REED, Mr. ROUNDS, Mr. GRAHAM, Mr. KAINE, Ms. HIRONO, Mr. PETERS, Mr. SASSE, Mr. PERDUE, Mrs. FISCHER, Mr. STRANGE, and Mr. HEINRICH):

S. Res. 234. A resolution recognizing the Sailors and Marines who sacrificed their lives for ship and shipmates while fighting the devastating 1967 fire onboard USS Forrestal and, during the week of the 50th anniversary of the tragic event, commemorating the efforts of those who survived; to the Committee on Armed Services.

By Mr. ROUNDS:

S. Res. 235. A resolution expressing the sense of the Senate that the Secretary of Defense should consider establishing an award program for the cyber community of the Department of Defense; to the Committee on Armed Services.

By Ms. HIRONO (for herself and Mr. CARDIN):

S. Res. 236. A resolution recognizing July 28, 2017, as ''World Hepatitis Day 2017''; to the Committee on Health, Education, Labor, and Pensions.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself, Mr. CASEY, Mrs. GILLIBRAND, Ms. HASSAN, and Mr. WHITEHOUSE):

S. 1651. A bill to provide for temporary financing of short-time compensation programs; to the Committee on Finance.

Mr. REED. Mr. President, today I am joined by Senators CASEY, GILLIBRAND, HASSAN, and WHITEHOUSE to introduce the Layoff Prevention Act of 2017. This bill renews and extends Federal support for State short-time compensation—or work sharing—programs, which help avert layoffs and the economic effects of long-term unemployment.

Work sharing is a proven concept that is endorsed by economists across the political spectrum. When business slows down, employers feel pressure to lay off employees. Under work sharing, employers may instead opt to reduce hours across-the-board, and employees may then collect a pro-rata unemployment compensation check for the hours they lost. This prevents layoffs, lowers employers' rehiring and training expenses, and costs States only a fraction of what they would pay if workers went on full unemployment.

The Middle Class Tax Relief and Job Creation Act of 2012 included my Layoff Prevention Act, which modernized

Federal work sharing laws. Partly as a result of this increased Federal support for work sharing, State work sharing programs helped to save over 130,000 jobs between 2012 and the expiration of Federal incentives in 2015.

The legislation I am introducing today would renew incentives so that States with existing work sharing programs, and those considering enacting a program, can qualify for Federal support. Our economy has come a long way in recent years, and we should invest in proven programs like work sharing to ensure we do not experience again the same scale of job loss that we endured during the Great Recession.

I urge my colleagues to join me in supporting passage of this bill to keep American workers on the job, save taxpayers money, and provide employers with a practical, positive, and cost-effective alternative to layoffs.

By Mr. LEE (for himself, Mr. LEAHY, Mr. HELLER, Mrs. SHAHEEN, Mr. DAINES, Mr. BLUMENTHAL, Mr. GARDNER, and Mr. FRANKEN):

S. 1654. A bill to amend title 18, United States Code, to update the privacy protections for electronic communications information that is stored by third-party service providers in order to protect consumer privacy interests while meeting law enforcement needs, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Six years ago, Senator LEE and I first joined together to reform our outdated digital privacy laws. We recognized that our Nation's privacy rules failed to account for how we live our lives today and provided little protection for Americans' electronic information.

Most Americans are shocked to learn that a law dating back to the Reagan administration governs when the government can read their emails and texts, view their photos, obtain their location information, and even inspect their Internet browsing history. Thirty-one years ago, I led efforts to write the Electronic Communications Privacy Act (ECPA). At the time, computers were an emerging technology and there was little understanding of the Internet, let alone cloud computing. ECPA was significant and forward-looking legislation in 1986, but it was not intended to get us through 30 years of technological innovations. Modern technology and digital communications have transformed our society. It is past time for Congress to catch up.

ECPA no longer makes any sense in our digital world. When Senator LEE and I first set out to modernize the statute, we focused on one critical reform: enacting a clear, uniform rule that the government must obtain a warrant supported by probable cause whenever it seeks the content of our emails, texts, photos, and other electronic documents stored in the cloud. This is what the Constitution requires; and this is what Vermonters, Utahns, and Americans across the Country expect.

But even in the six years since we first introduced legislation to reform ECPA, it has become increasingly clear that broader reforms are necessary to ensure that the statute adequately addresses the privacy and technological challenges of the modern world. When the U.S. Court of Appeals for the Sixth Circuit held in 2010 that email was fully protected by the Fourth Amendment, the court cautioned that ''the Fourth Amendment must keep pace with the inexorable march of technological progress, or its guarantees will wither and perish.'' The bill we introduce today would ensure our laws keep pace.

The ECPA Modernization Act of 2017 introduces a broad set of reforms to our digital privacy statutes. Like legislation we introduced in previous Congresses, this bill would create a foundational requirement that the government obtain a warrant when it seeks the content of our electronic communications from third-party service providers. The bill also goes further by addressing the unique privacy concerns associated with Americans' location information. Following the example set by States like Vermont, Utah, and California, our bill would require that the government obtain a warrant when it seeks stored or real-time location information from third-party service providers, or uses IMSI-catchers or stingrays to get location data from individuals' own cell phones.

The ECPA Modernization Act additionally would require law enforcement to notify individuals when their communications or location information is obtained from third-party service providers. The bill would also add new privacy protections related to government requests for customer records and metadata; a suppression remedy for illegally obtained electronic data; and reform the pen register and trap and trace device statutes to bring them in line with other laws.

Senator LEE and I are proud to introduce this bill with the support of a broad range of stakeholders, including the Center for Democracy & Technology, the ACLU, the Constitution Project, New America's Open Technology Institute, the Electronic Frontier Foundation, the American Library Association, the R Street Institute, TechFreedom, FreedomWorks, Google, Engine, BSA/The Software Alliance, and many others.

Today Senator LEE and I are also introducing the Email Privacy Act, companion legislation to the bill introduced in the House of Representatives by Congressmen YODER and POLIS. The Email Privacy Act passed the House by voice vote earlier this year, and received an overwhelming 419 to 0 vote last congress. I commend Representatives YODER and POLIS for their efforts, and also commend House Judiciary Committee Chairman GOODLATTE and Ranking Member CONYERS for reaching a historic compromise that led to unanimous support for this bill in the House.

When the House passed the Email Privacy Act last year, I was hopeful that the Senate would follow suit to protect Americans' digital privacy and swiftly pass the bill so that it would be enacted into law. I was disappointed when instead of working in a bipartisan fashion, certain Republicans on the Senate Judiciary Committee threatened to use it as a vehicle to push poison pill amendments on controversial National security matters, effectively killing the bill for their own political purposes.

The Email Privacy Act is a good bill that is unanimously supported by the House of Representatives. That legislation does not include all the reforms that I believe are necessary to bring our digital privacy laws into the modern age, but it takes a significant step toward ensuring that ECPA complies with the Fourth Amendment by requiring a warrant whenever the government seeks the contents of Americans' emails and electronic communication. I have worked for years to see this critical reform implemented into law, and I will take every opportunity to see that it reaches the President's desk.

But make no mistake: I believe our work must not stop there. Americans deserve Fourth Amendment protections for their location information, notice when law enforcement obtains their content or location data, and strong protections governing the acquisition of metadata and records. I will keep fighting for the protections we have now set forth in the ECPA Modernization Act. I will keep pushing the Senate to advance legislation that keeps pace with Americans' expectations of privacy. The American people expect these protections, and they deserve them.

By Mr. DURBIN (for himself and Ms. DUCKWORTH):

S. 1658. A bill to amend the Carl D. Perkins Career and Technical Education Act of 2006 to give the Department of Education the authority to award competitive grants to eligible entities to establish, expand, or support school-based mentoring programs to assist at-risk students in middle school and high school in developing cognitive and social-emotional skills to prepare them for success in high school, postsecondary education, and the workforce; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN, Mr. President, today I introduce the Mentoring to Succeed Act, a bill that would break down the walls of access and meet at-risk youth where they are, in school, to give them the support and guidance they need to be successful.

Barriers such as childhood poverty, inadequate schools, chronic absenteeism, adverse childhood experiences,

community violence, exclusionary discipline policies, and juvenile justice involvement can lead to poor academic achievement and life outcomes. Students who grow up facing these challenges without a strong support system often struggle to transition to high school, college, and the workforce. School-based mentoring programs are an effective strategy to help at-risk students thrive in school, careers, and life.

According to a 2014 study, there are an estimated 16 million young people, including 9 million at-risk youth, who will reach the age of 19 without ever having a mentor. As a result, these youth will miss out on the powerful effects of mentoring that are linked to significant outcomes. Youth who have mentors are 52 percent less likely to skip a day of school; 55 percent more likely to be enrolled in college; 81 percent more likely to participate regularly in sports or extracurricular activities; 78 percent more likely to volunteer regularly in their communities; and 130 percent more likely to hold leadership positions.

Researchers at the University of Chicago found that Youth Guidance's school-based mentoring program, Becoming a Man, reduced arrests for violent crime, improved school engagement, and increased high school graduation rates.

Mentoring programs can help youth develop the skills employers are seeking. A 2016 study found that 8 in 10 employers say social and emotional skills are the most important to success, and are the most difficult skills to find in job applicants.

In Illinois, an estimated 55,000 youth are formally matched with a mentor, with 68 percent residing in Metro Chicago. Last year, it cost the State of Illinois an average of $172,000 to incarcerate one youth, compared to an average of $6,000 for one youth in an intensive youth development program, and only $2,300 per youth in a formal mentoring program. In 2012, the University of Chicago Crime Lab found that benefits to society compared to mentoring program costs in Illinois measured as high as $31 for every $1 dollar invested.

Lakeisha Steele, a member of my staff that has been working on this issue, is a testament to the powerful effect mentorship can have. She lost her oldest brother, Lewis Williams III, to gun violence on July 10, 1996. He was 24 years old and studying to become a welder while preparing for the birth of his only son, his namesake, who would be born a month after his death. The loss of her brother's life rocked Lakeisha's family to its core. There were limited resources in her community (she is from Kankakee, Illinois) and her family could not afford to see a grief counselor. She went through her freshman year grieving the loss of her brother and it impacted her school work. A once A-student brought home Cs and Ds. She credits her high school guidance counselor, Paul Meyer of Kankakee High School, for helping her cope with the trauma of losing her brother and keeping her focused on her education and future. She says she wouldn't be here today without his mentorship.

The Mentoring to Succeed Act would help break down the barriers that make it difficult for far too many of our children and youth to succeed, especially our students of color. This bill would provide high-need school districts, schools, and local governments with the funding they need to create, expand, and support school-based mentoring programs to improve the academic, social, and workforce skills of at-risk students. It would support partnerships with non-profit, community-based, and faith-based organizations to serve more at-risk students. In addition, it would support youth job training by partnering with local businesses and private companies to provide at-risk students with internships and career exploration activities. Further, this bill would provide funding to train mentors on trauma and toxic stress to increase student resilience and promote social and emotional development.

Last year, the City of Chicago announced a bold and innovative mentoring initiative to help Chicago's most at-risk youth. By the year 2018, the City's goal is to reach 7,200 8th, 9th, and 10th grade boys in 22 of Chicago's highest poverty and highest violence neighborhoods.

This bill would support the City of Chicago and other local governments, schools, and school districts who have undertaken efforts to help at-risk youth by creating or expanding school-based mentoring programs. I would like to thank my colleague, Senator TAMMY DUCKWORTH from Illinois for joining me in this effort. I hope my other colleagues will join me to strengthen investments in school-based mentoring programs to help at-risk youth develop the academic, social, and workforce skills that lead to success.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1658

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 ''Mentoring to Succeed Act of 2017''.

SEC. 2. PURPOSE.

The purpose of this Act is to make assistance available for school-based mentoring programs for at-risk students in order to—

(1) establish, expand, or support school-based mentoring programs;

(2) assist at-risk students in middle school and high school in developing cognitive and social-emotional skills; and

(3) prepare such at-risk students for success in high school, postsecondary education, and the workforce.

SEC. 3. SCHOOL-BASED MENTORING PROGRAM.

Part C of title I of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2351 et seq.) is amended by adding at the end the following:

''SEC. 136. DISTRIBUTION OF FUNDS FOR SCHOOL-BASED MENTORING PROGRAMS.

''(a) DEFINITIONS.—In this Act:

''(1) AT-RISK STUDENT.—The term 'at-risk student' means a student who—

''(A) is failing academically or at risk of dropping out of school;

''(B) is pregnant or a parent;

''(C) is a gang member;

''(D) is a child or youth in foster care or a youth who has been emancipated from foster care but is still enrolled in high school;

''(E) is or has recently been a homeless child or youth;

''(F) is chronically absent;

''(G) has changed schools 3 or more times in the past 6 months;

''(H) has come in contact with the juvenile justice system in the past;

''(I) has a history of multiple suspensions or disciplinary actions;

''(J) is an English learner;

''(K) has 1 or both parents incarcerated;

''(L) has experienced 1 or more adverse childhood experiences, traumatic events, or toxic stressors, as assessed through an evidence-based screening; or

''(M) lives in a high-poverty area with a high rate of community violence.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity'—

''(A) means a high-need local educational agency, high-need school, or local government entity; and

''(B) may include a partnership between an entity described in subparagraph (A) and a nonprofit, community-based, or faith-based organization, or institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

''(3) ENGLISH LEARNER.—The term 'English learner' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''(4) FOSTER CARE.—The term 'foster care' has the meaning given the term in section 1355.20 of title 45, Code of Federal Regulations.

''(5) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency that serves at least 1 high-need school.

''(6) HIGH-NEED SCHOOL.—The term 'high-need school' has the meaning given the term in section 2211 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6631).

''(7) HOMELESS CHILDREN AND YOUTHS.—The term 'homeless children and youths' has the meaning given the term in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

''(8) SCHOOL-BASED MENTORING.—The term 'school-based mentoring' means a structured, managed, evidenced-based program conducted in partnership with teachers, administrators, school psychologists, school social workers or counselors, and other school staff, in which at-risk students are appropriately matched with screened and trained professional or volunteer mentors who provide guidance, support, and encouragement, involving meetings, group-based sessions, and educational and workforce-related activities on a regular basis to prepare at-risk students for success in high school, postsecondary education, and the workforce.

''(b) SCHOOL-BASED MENTORING COMPETITIVE GRANT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall award grants on a competitive basis to eligible entities to establish, expand, or support school-based mentoring programs that—

''(A) are designed to assist at-risk students in high-need schools in developing cognitive skills and promoting social-emotional learning to prepare them for success in high school, postsecondary education, and the workforce by linking them with mentors who—

''(i) have received mentor training, including on trauma-informed practices and youth engagement; and

''(ii) have been screened using appropriate reference checks and criminal background checks;

''(B) provide coaching and technical assistance to mentors in such mentoring program;

''(C) provide at-risk students with a positive relationship with a skilled adult offering support and guidance;

''(D) improve the academic achievement of at-risk students;

''(E) foster positive relationships between at-risk students and their peers, teachers, other adults, and family members;

''(F) reduce dropout rates and absenteeism and improve school engagement of at-risk students and their families;

''(G) reduce juvenile justice involvement of at-risk students;

''(H) develop the cognitive and social-emotional skills of at-risk students;

''(I) develop the workforce readiness skills of at-risk students;

''(J) encourage at-risk students to participate in community service activities; and

''(K) encourage at-risk students to set goals and plan for their futures, including encouraging such students to make plans for postsecondary education and the workforce.

''(2) DURATION.—The Secretary shall award grants under this section for a period not to exceed 5 years.

''(3) APPLICATION.—To receive a grant under this section, an eligible entity shall submit to the Secretary an application that includes—

''(A) a needs assessment that includes baseline data on the measures described in paragraph (6)(A)(ii); and

''(B) a plan to meet the requirements of paragraph (1).

''(4) PRIORITY.—In selecting grant recipients, the Secretary shall give priority to applicants that—

''(A) serve children and youth with the greatest need living in high-poverty, high-crime areas, rural areas, or who attend schools with high rates of community violence;

''(B) provide at-risk students with opportunities for job training, professional development, work shadowing, internships, networking, resume writing and review, interview preparation, college application assistance, college visits, and leadership development through community service, including through partnerships with the private sector and local businesses to provide internship and career exploration activities and resources; and

''(C) seek to provide match lengths between at-risk students and mentors of not less than 8 months.

''(5) USE OF FUNDS.—An eligible entity that receives a grant under this section may use such funds to—

''(A) develop and carry out regular training for mentors, including on—

''(i) the impact of adverse childhood experiences;

''(ii) trauma-informed practices and interventions;

''(iii) supporting homeless children and youths;

''(iv) supporting children and youth in foster care or youth who have been emancipated from foster care but are still enrolled in high school;

''(v) cultural competency;

''(vi) confidentiality requirements for working with children and youth in foster care; and

''(vii) working in coordination with a public school system;

''(B) recruit, screen, match, and train mentors;

''(C) hire staff to perform or support the objectives of the school-based mentoring program;

''(D) provide youth engagement activities, such as—

''(i) enrichment field trips to cultural destinations; and

''(ii) career or academic exploration activities; and

''(E) conduct program evaluation, including by acquiring and analyzing the data described under paragraph (6).

''(6) REPORTING REQUIREMENTS.—

''(A) IN GENERAL.—Not later than 6 months after the end of each academic year during the grant period, an eligible entity receiving a grant under this section shall submit to the Secretary a report that includes—

''(i) the number of students who participated in the school-based mentoring program that was funded in whole or in part with the grant funds;

''(ii) data on the academic achievement, dropout rates, truancy, absenteeism, outcomes of arrests for violent crime, summer employment, and college enrollment of students in the program;

''(iii) the number of group sessions and number of one-to-one contacts between students in the program and their mentors;

''(iv) the average attendance of students enrolled in the program;

''(v) data on social emotional development of students as assessed with a validated social emotional assessment tool; and

''(vi) any other information that the Secretary may require to evaluate the success of the school-based mentoring program.

''(B) STUDENT PRIVACY.—An eligible entity shall ensure that the report submitted under subparagraph (A) is prepared in a manner that protects the privacy rights of each student in accordance with section 444 of the General Education Provisions Act (commonly referred to as the 'Family Educational Rights and Privacy Act of 1974') (20 U.S.C. 1232g).

''(7) MENTORING RESOURCES AND COMMUNITY SERVICE COORDINATION.—

''(A) BEST PRACTICES.—The Secretary shall work with the Office of Juvenile Justice and Delinquency Prevention to—

''(i) refer grantees under this section to the National Mentoring Resource Center to obtain resources on best practices and research related to mentoring and to request no-cost training and technical assistance; and

''(ii) provide grantees under this section with information to promote positive youth development, including transitional services for at-risk students returning from correctional facilities.

''(B) TECHNICAL ASSISTANCE.—The Secretary shall coordinate with the Corporation for National and Community Service, including through entering into an interagency agreement or a memorandum of understanding, to provide technical assistance and other resources to support grantees under this section as they provide mentoring and community service-related activities for at-risk students.

''(c) AUTHORIZATION OF FUNDS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2018 through 2023.''.

SEC. 4. INSTITUTE OF EDUCATION SCIENCES STUDY ON SCHOOL-BASED MENTORING PROGRAMS.

(a) IN GENERAL.—The Secretary of Education, acting through the Director of the Institute of Education Sciences, shall conduct a study to—

(1) identify successful school-based mentoring programs and effective strategies for administering and monitoring such programs;

(2) evaluate the role of mentors in promoting cognitive development and social-emotional learning to enhance academic achievement and to improve workforce readiness; and

(3) evaluate the effectiveness of the grant program under section 136 of the Carl D. Perkins Career and Technical Education Act of 2006, as added by section 3, on student academic outcomes and youth career development.

(b) TIMING.—Not later than 3 years after the date of enactment of this Act, the Secretary of Education, acting through the Director of the Institute of Education Sciences, shall submit the results of the study to the appropriate Congressional committees.

By Mr. DURBIN (for himself, Mr. MERKLEY, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mrs. GILLIBRAND, and Mr. FRANKEN):

S. 1659. A bill to amend the Truth in Lending Act to establish a national usury rate for consumer credit transactions; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1659

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 Consumers from Unreasonable Credit Rates Act of 2017''.

SEC. 2. FINDINGS.

Congress finds that—

(1) attempts have been made to prohibit usurious interest rates in America since colonial times;

(2) at the Federal level, in 2006, Congress enacted a Federal 36 percent annualized usury cap for servicemembers and their families for covered credit products, as defined by the Department of Defense, which curbed payday, car title, and tax refund lending around military bases;

(3) notwithstanding such attempts to curb predatory lending, high-cost lending persists in all 50 States due to loopholes in State laws, safe harbor laws for specific forms of credit, and the exportation of unregulated interest rates permitted by preemption;

(4) due to the lack of a comprehensive Federal usury cap, consumers annually pay approximately $14,000,000,000 on high-cost overdraft loans, as much as approximately $7,000,000,000 on storefront and online payday loans, $3,800,000,000 on car title loans, and additional amounts in unreported revenues on high-cost online installment loans;

(5) cash-strapped consumers pay on average approximately 400 percent annual interest for payday loans, 300 percent annual interest for car title loans, up to 17,000 percent or higher for bank overdraft loans, and triple-digit rates for online installment loans;

(6) a national maximum interest rate that includes all forms of fees and closes all loopholes is necessary to eliminate such predatory lending; and

(7) alternatives to predatory lending that encourage small dollar loans with minimal

or no fees, installment payment schedules, and affordable repayment periods should be encouraged.

SEC. 3. NATIONAL MAXIMUM INTEREST RATE.

Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following:

''SEC. 140B. MAXIMUM RATES OF INTEREST.

''(a) IN GENERAL.—Notwithstanding any other provision of law, no creditor may make an extension of credit to a consumer with respect to which the fee and interest rate, as defined in subsection (b), exceeds 36 percent.

''(b) FEE AND INTEREST RATE DEFINED.—

''(1) IN GENERAL.—For purposes of this section, the fee and interest rate includes all charges payable, directly or indirectly, incident to, ancillary to, or as a condition of the extension of credit, including—

''(A) any payment compensating a creditor or prospective creditor for—

''(i) an extension of credit or making available a line of credit, such as fees connected with credit extension or availability such as numerical periodic rates, annual fees, cash advance fees, and membership fees; or

''(ii) any fees for default or breach by a borrower of a condition upon which credit was extended, such as late fees, creditor-imposed not sufficient funds fees charged when a borrower tenders payment on a debt with a check drawn on insufficient funds, overdraft fees, and over limit fees;

''(B) all fees which constitute a finance charge, as defined by rules of the Bureau in accordance with this title;

''(C) credit insurance premiums, whether optional or required; and

''(D) all charges and costs for ancillary products sold in connection with or incidental to the credit transaction.

''(2) TOLERANCES.—

''(A) IN GENERAL.—With respect to a credit obligation that is payable in at least 3 fully amortizing installments over at least 90 days, the term 'fee and interest rate' does not include—

''(i) application or participation fees that in total do not exceed the greater of $30 or, if there is a limit to the credit line, 5 percent of the credit limit, up to $120, if—

''(I) such fees are excludable from the finance charge pursuant to section 106 and regulations issued thereunder;

''(II) such fees cover all credit extended or renewed by the creditor for 12 months; and

''(III) the minimum amount of credit extended or available on a credit line is equal to $300 or more;

''(ii) a late fee charged as authorized by State law and by the agreement that does not exceed either $20 per late payment or $20 per month; or

''(iii) a creditor-imposed not sufficient funds fee charged when a borrower tenders payment on a debt with a check drawn on insufficient funds that does not exceed $15.

''(B) ADJUSTMENTS FOR INFLATION.—The Bureau may adjust the amounts of the tolerances established under this paragraph for inflation over time, consistent with the primary goals of protecting consumers and ensuring that the 36 percent fee and interest rate limitation is not circumvented.

''(c) CALCULATIONS.—

''(1) OPEN END CREDIT PLANS.—For an open end credit plan—

''(A) the fee and interest rate shall be calculated each month, based upon the sum of all fees and finance charges described in subsection (b) charged by the creditor during the preceding 1-year period, divided by the average daily balance; and

''(B) if the credit account has been open less than 1 year, the fee and interest rate shall be calculated based upon the total of all fees and finance charges described in subsection (b)(1) charged by the creditor since the plan was opened, divided by the average daily balance, and multiplied by the quotient of 12 divided by the number of full months that the credit plan has been in existence.

''(2) OTHER CREDIT PLANS.—For purposes of this section, in calculating the fee and interest rate, the Bureau shall require the method of calculation of annual percentage rate specified in section 107(a)(1), except that the amount referred to in that section 107(a)(1) as the 'finance charge' shall include all fees, charges, and payments described in subsection (b)(1) of this section.

''(3) ADJUSTMENTS AUTHORIZED.—The Bureau may make adjustments to the calculations in paragraphs (1) and (2), but the primary goals of such adjustment shall be to protect consumers and to ensure that the 36 percent fee and interest rate limitation is not circumvented.

''(d) DEFINITION OF CREDITOR.—As used in this section, the term 'creditor' has the same meaning as in section 702(e) of the Equal Credit Opportunity Act (15 U.S.C. 1691a(e)).

''(e) NO EXEMPTIONS PERMITTED.—The exemption authority of the Bureau under section 105 shall not apply to the rates established under this section or the disclosure requirements under section 127(b)(6).

''(f) DISCLOSURE OF FEE AND INTEREST RATE FOR CREDIT OTHER THAN OPEN END CREDIT PLANS.—In addition to the disclosure requirements under section 127(b)(6), the Bureau may prescribe regulations requiring disclosure of the fee and interest rate established under this section.

''(g) RELATION TO STATE LAW.—Nothing in this section may be construed to preempt any provision of State law that provides greater protection to consumers than is provided in this section.

''(h) CIVIL LIABILITY AND ENFORCEMENT.—In addition to remedies available to the consumer under section 130(a), any payment compensating a creditor or prospective creditor, to the extent that such payment is a transaction made in violation of this section, shall be null and void, and not enforceable by any party in any court or alternative dispute resolution forum, and the creditor or any subsequent holder of the obligation shall promptly return to the consumer any principal, interest, charges, and fees, and any security interest associated with such transaction. Notwithstanding any statute of limitations or repose, a violation of this section may be raised as a matter of defense by recoupment or setoff to an action to collect such debt or repossess related security at any time.

''(i) VIOLATIONS.—Any person that violates this section, or seeks to enforce an agreement made in violation of this section, shall be subject to, for each such violation, 1 year in prison and a fine in an amount equal to the greater of—

''(1) 3 times the amount of the total accrued debt associated with the subject transaction; or

''(2) $50,000.

''(j) STATE ATTORNEYS GENERAL.—An action to enforce this section may be brought by the appropriate State attorney general in any United States district court or any other court of competent jurisdiction within 3 years from the date of the violation, and such attorney general may obtain injunctive relief.''.

SEC. 4. DISCLOSURE OF FEE AND INTEREST RATE FOR OPEN END CREDIT PLANS.

Section 127(b)(6) of the Truth in Lending Act (15 U.S.C. 1637(b)(6)) is amended by striking ''the total finance charge expressed'' and all that follows through the end of the paragraph and inserting ''the fee and interest rate, displayed as 'FAIR', established under section 141.''.

By Mr. CORNYN (for himself and Mr. KAINE):

S. 1664. A bill to amend section 5307 of title 49, United States Code, with respect to the treatment of communities as urbanized areas following a major disaster; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1664

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 ''Relief for Recovering Communities Act''.

SEC. 2. DEFINITION OF URBANIZED AREAS FOLLOWING A MAJOR DISASTER.

Section 5307 of title 49, United States Code, is amended by adding at the end the following:

''(i) URBANIZED AREAS FOLLOWING A MAJOR DISASTER.—

''(1) DEFINED TERM.—In this section, the term 'major disaster' has the meaning given such term in section 102(2) of the Disaster Relief Act of 1974 (42 U.S.C. 5122(2)).

''(2) URBANIZED AREA MAJOR DISASTER POPULATION CRITERIA.—Notwithstanding section 5302, the Secretary shall treat an area as an 'urbanized area' for purposes of this section until the second decennial census conducted after a major disaster in such area if—

''(A) the area was defined and designated as an 'urbanized area' by the Secretary of Commerce in the decennial census immediately preceding such major disaster, effective with the 2000 decennial census; and

''(B) the population of the area fell below 50,000 as a result of such major disaster.

''(3) POPULATION CALCULATION.—An area treated as an 'urbanized area' under this subsection shall be assigned the population and square miles of the urban cluster designated by the Secretary of Commerce in the most recent decennial census.

''(4) SAVINGS PROVISION.—Nothing in this subsection may be construed to affect apportionments made under this chapter before the date of the enactment of this subsection.''.

By Mrs. FEINSTEIN (for herself and Ms. DUCKWORTH):

S. 1667. A bill to amend the Public Health Service Act to provide protections for consumers against excessive, unjustified, or unfairly discriminatory increases in premium rates; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Protecting Consumers from Unreasonable Rates Act. This critical health care reform bill would address the soaring cost of insurance premiums.

Many factors contribute to increasing premiums, from the increased prevalence of chronic disease to the consolidation of the insurance market. But no matter the root cause of premium hikes, it is important that rate increases are reviewed to ensure they are fair. When consumers see insurance premiums increase by double digits, it can add an additional burden on top of

mortgage payments, childcare, and student loans. If rates are unreasonable, they should be blocked or modified.

The Protecting Consumers from Unreasonable Rates Act would allow the Secretary of Health and Human Services to act on behalf of consumers to protect them against egregious increases in health insurance rates in States that do not take this action.

In California and several other States across the Nation, State regulators lack the authority to block or modify extreme health insurance rate increases. This legislation does not change any State's ability to take this action. Rather, it simply allows the Secretary of Health and Human Services to help fill in the gaps in the health care regulatory space so consumers in all States would have adequate protections against this type of price gouging.

The Affordable Care Act slowed the growth of premium increases and improved the value of health insurance—including how much of premiums insurers must spend on actual medical care and ensuring rate increases are at least reviewed. These were good first steps, but more needs to be done. Far too many Americans are facing rate increases and full consumer protections must be in place to ensure that prices reflect true cost and not simply profits. Providing all Americans with affordable, quality healthcare is of the utmost importance and Congress ought to be building on the successes of the Affordable Care Act while making improvements where necessary.

This bill provides a straightforward, direct enforcement mechanism to ensure that insurers may not impose unreasonably high costs on consumers, by empowering the Secretary of Health and Human Services to step in when State regulators do not, or are unable to.

I urge my colleagues to support this legislation to protect Americans from unreasonable rate hikes and move toward real, commonsense health care solutions.

By Mr. SCHUMER:

S. 1668. A bill to rename a waterway in the State of New York as the ''Joseph Sanford Jr. Channel''; to the Committee on Commerce, Science, and Transportation.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1668

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

SECTION 1. JOSEPH SANFORD JR. CHANNEL.

(a) IN GENERAL.—The waterway in the State of New York designated as the ''Negro Bar Channel'' shall be known and redesignated as the ''Joseph Sanford Jr. Channel''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the waterway referred to in subsection (a) shall be deemed to be a reference to the ''Joseph Sanford Jr. Channel''.

ADDITIONAL COSPONSORS

S. 167

At the request of Mr. MORAN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 167, a bill to designate a National Memorial to Fallen Educators at the National Teachers Hall of Fame in Emporia, Kansas.

S. 223

At the request of Ms. COLLINS, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 223, a bill to provide immunity from suit for certain individuals who disclose potential examples of financial exploitation of senior citizens, and for other purposes.

S. 540

At the request of Mr. THUNE, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 540, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

S. 711

At the request of Mr. CARDIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 711, a bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes.

S. 888

At the request of Mr. GRASSLEY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 888, a bill to amend the Higher Education Opportunity Act to add disclosure requirements to the institution financial aid offer form and to amend the Higher Education Act of 1965 to make such form mandatory.

S. 1028

At the request of Ms. COLLINS, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1028, a bill to provide for the establishment and maintenance of a National Family Caregiving Strategy, and for other purposes.

S. 1146

At the request of Mrs. SHAHEEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1146, a bill to enhance the ability of the Office of the National Ombudsman to assist small businesses in meeting regulatory requirements and develop outreach initiatives to promote awareness of the services the Office of the National Ombudsman provides, and for other purposes.

S. 1182

At the request of Mr. YOUNG, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 1182, a bill to require the Secretary of the Treasury to mint commemorative coins in recognition of the 100th anniversary of The American Legion.

S. 1196

At the request of Mr. SULLIVAN, the names of the Senator from Wisconsin (Mr. JOHNSON) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of S. 1196, a bill to expand the capacity and capability of the ballistic missile defense system of the United States, and for other purposes.

S. 1311

At the request of Mr. CORNYN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1311, a bill to provide assistance in abolishing human trafficking in the United States.

S. 1354

At the request of Mr. CARPER, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1354, a bill to establish an Individual Market Reinsurance fund to provide funding for State individual market stabilization reinsurance programs.

S. 1462

At the request of Mrs. SHAHEEN, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1462, a bill to amend the Patient Protection and Affordable Care Act to improve cost sharing subsidies.

S. 1505

At the request of Mr. LEE, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. 1505, a bill to provide that silencers be treated the same as firearms accessories.

S. 1532

At the request of Mr. THUNE, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1532, a bill to disqualify from operating a commercial motor vehicle for life an individual who uses a commercial motor vehicle in committing a felony involving human trafficking.

S. 1536

At the request of Ms. KLOBUCHAR, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1536, a bill to designate a human trafficking prevention coordinator and to expand the scope of activities authorized under the Federal Motor Carrier Safety Administration's outreach and education program to include human trafficking prevention activities, and for other purposes.

S. 1591

At the request of Mr. TOOMEY, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 1591, a bill to impose sanctions with respect to the Democratic People's Republic of Korea, and for other purposes.

S. 1598

At the request of Mr. ISAKSON, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from South Dakota (Mr. THUNE) were added

as cosponsors of S. 1598, a bill to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.

At the request of Mr. TESTER, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1598, supra.

S. 1601

At the request of Mrs. SHAHEEN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1601, a bill to amend the Fair Housing Act to establish that certain conduct, in or around a dwelling, shall be considered to be severe or pervasive for purposes of determining whether a certain type of sexual harassment has occurred under that Act, and for other purposes.

S. 1608

At the request of Mr. FLAKE, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1608, a bill to authorize the Capitol Police Board to make payments from the United States Capitol Police Memorial Fund to employees of the United States Capitol Police who have sustained serious line-of-duty injuries, and for other purposes.

S. 1619

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1619, a bill to amend the Servicemembers Civil Relief Act to extend the interest rate limitation on debt entered into during military service to debt incurred during military service to consolidate or refinance student loans incurred before military service.

S. 1640

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1640, a bill to reform the financing of Senate elections, and for other purposes.

S.J. RES. 47

At the request of Mr. CRAPO, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Alaska (Mr. SULLIVAN), the Senator from Wisconsin (Mr. JOHNSON), and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S.J. Res. 47, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to ''Arbitration Agreements''.

S. RES. 162

At the request of Mr. LANKFORD, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. Res. 162, a resolution reaffirming the commitment of the United States to promoting religious freedom, and for other purposes.

S. RES. 233

At the request of Mr. REED, the names of the Senator from Arkansas (Mr. COTTON), the Senator from Georgia (Mr. ISAKSON), the Senator from Alaska (Mr. SULLIVAN), the Senator from West Virginia (Mr. MANCHIN), the Senator from Tennessee (Mr. CORKER), and the Senator from Georgia (Mr. PERDUE) were added as cosponsors of S. Res. 233, a resolution designating August 16, 2017, as ''National Airborne Day''.

AMENDMENT NO. 274

At the request of Mr. SASSE, his name was added as a cosponsor of amendment No. 274 intended to be proposed to H.R. 1628, a bill to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017.

AMENDMENT NO. 275

At the request of Mr. SASSE, his name was added as a cosponsor of amendment No. 275 intended to be proposed to H.R. 1628, a bill to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017.

AMENDMENT NO. 276

At the request of Mr. KAINE, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of amendment No. 276 intended to be proposed to H.R. 1628, a bill to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017.

AMENDMENT NO. 290

At the request of Ms. WARREN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 290 intended to be proposed to H.R. 1628, a bill to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017.

AMENDMENT NO. 329

At the request of Ms. BALDWIN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of amendment No. 329 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 333

At the request of Mr. COONS, the names of the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 333 intended to be proposed to H.R. 1628, a bill to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017.

AMENDMENT NO. 341

At the request of Mr. UDALL, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of amendment No. 341 intended to be proposed to H.R. 1628, a bill to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017.

AMENDMENT NO. 366

At the request of Mr. KAINE, the names of the Senator from Maryland (Mr. VAN HOLLEN) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of amendment No. 366 intended to be proposed to H.R. 1628, a bill to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017.

AMENDMENT NO. 378

At the request of Mr. MARKEY, the names of the Senator from Vermont (Mr. LEAHY), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Maryland (Mr. VAN HOLLEN), and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of amendment No. 378 intended to be proposed to H.R. 1628, a bill to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017.

AMENDMENT NO. 383

At the request of Mr. FRANKEN, the names of the Senator from Massachusetts (Ms. WARREN), the Senator from Illinois (Ms. DUCKWORTH), and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of amendment No. 383 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 391

At the request of Mr. GRAHAM, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of amendment No. 391 intended to be proposed to H.R. 1628, a bill to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017.

AMENDMENT NO. 523

At the request of Mr. CORNYN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of amendment No. 523 intended to be proposed to H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 234—RECOGNIZING THE SAILORS AND MARINES WHO SACRIFICED THEIR LIVES FOR SHIP AND SHIPMATES WHILE FIGHTING THE DEVASTATING 1967 FIRE ONBOARD USS FORRESTAL AND, DURING THE WEEK OF THE 50TH ANNIVERSARY OF THE TRAGIC EVENT, COMMEMORATING THE EFFORTS OF THOSE WHO SURVIVED

Mrs. ERNST (for herself, Mr. COTTON, Mrs. SHAHEEN, Mr. INHOFE, Ms. WARREN, Mr. BLUMENTHAL, Mr. KING, Mr. CRUZ, Mrs. GILLIBRAND, Mrs. MCCASKILL, Mr. WICKER, Mr. DONNELLY, Mr. NELSON, Mr. SULLIVAN, Mr. TILLIS, Mr. REED, Mr. ROUNDS, Mr. GRAHAM, Mr. KAINE, Ms. HIRONO, Mr. PETERS, Mr. SASSE, Mr. PERDUE, Mrs. FISCHER, Mr. STRANGE, and Mr. HEINRICH) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 234

Whereas, in 1967, the ongoing naval bombing campaign against North Vietnam from Yankee Station in the Gulf of Tonkin was the most intense and sustained air attack operation in the history of the United States Navy;

Whereas, in June 1967, *USS Forrestal* and *Carrier Air Wing Seventeen* departed Norfolk, Virginia, for duty in the Gulf of Tonkin;

Whereas, on July 28, 1967, during an underway replenishment, the crew of *USS Forrestal* reluctantly onloaded volatile bombs that were not intended for carrier use in order to meet the combat requirements for strikes the next day;

Whereas, despite safety precautions taken by the crew, a devastating fire erupted on *USS Forrestal* after—

(1) an electrical surge in a parked aircraft caused the aircraft to fire a Zuni rocket that ruptured a fuel tank on another aircraft; and

(2) the burning fuel ignited a chain reaction of 9 bomb explosions on the flight deck;

Whereas the explosions destroyed multiple aircraft and tore massive holes in the armored flight deck of *USS Forrestal*, and burning fuel dripped into the living quarters of the crew and the below-decks aircraft hangar;

Whereas, for 18 hours, Sailors and Marines on *USS Forrestal*, assisted by others from accompanying destroyers, fought to bring the fire under control while hospital corpsmen navigated the mangled flight deck and tended to the wounded; and

Whereas, the fire onboard *USS Forrestal* ultimately—

(1) left 134 men dead and 161 men severely injured;

(2) destroyed more than 21 aircraft; and

(3) caused *USS Forrestal* to terminate its support to the fight in Vietnam and return to Norfolk, Virginia, for repairs: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that—

(A) if not for the heroic actions of the crew of *USS Forrestal*, the consequences of the fire would have been far more devastating to the Sailors and Marines onboard and the aircraft carrier itself; and

(B) the selfless sacrifices of those who came to the rescue of fellow shipmates and *USS Forrestal* represent, and are consistent with, the highest traditions of the United States Navy;

(2) commemorates the 50th anniversary of the *USS Forrestal* fire; and

(3) expresses gratitude to the Sailors and Marines who served aboard *USS Forrestal* for their faithful service.

SENATE RESOLUTION 235—EXPRESSING THE SENSE OF THE SENATE THAT THE SECRETARY OF DEFENSE SHOULD CONSIDER ESTABLISHING AN AWARD PROGRAM FOR THE CYBER COMMUNITY OF THE DEPARTMENT OF DEFENSE

Mr. ROUNDS submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 235

Now, therefore, be it

Resolved, That the Secretary of Defense should consider—

(1) establishing an award program for employees of the Department of Defense who carry out the cyber missions or functions of the Department of Defense;

(2) all award options under law or policy, including compensation, time off, and status awards;

(3) awards based upon operational impact and meritorious service;

(4) providing the largest possible opportunity for such members or employees to earn such rewards without regard to type of position, grade, years of service, experience or past performance;

(5) individual and organization rewards; and

(6) other factors, as the Secretary considers appropriate, that would reward and provide incentive to cyber personnel or organizations.

SENATE RESOLUTION 236—RECOGNIZING JULY 28, 2017, AS ''WORLD HEPATITIS DAY 2017''

Ms. HIRONO (for herself and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 236

Whereas Hepatitis B, Hepatitis C, and the incidence of liver disease caused by those viruses, have become urgent problems of a global proportion;

Whereas the World Health Organization has identified viral hepatitis as an international public health challenge comparable to human immunodeficiency virus (in this preamble referred to as ''HIV''), tuberculosis, and malaria;

Whereas, in 2016, the World Health Organization released a global health sector strategy on viral hepatitis that aims to eliminate viral hepatitis as a public health threat by 2030;

Whereas an estimated 240,000,000 individuals worldwide are chronically infected with Hepatitis B and an estimated 686,000 individuals worldwide die each year due to Hepatitis B;

Whereas an estimated 150,000,000 individuals worldwide are chronically infected with Hepatitis C and an estimated 700,000 individuals worldwide die each year due to Hepatitis C-related liver disease;

Whereas an estimated 1,000,000 individuals worldwide die each year due to liver failure or primary liver cancer resulting from a chronic infection of hepatitis;

Whereas an estimated 5,300,000 individuals in the United States are infected with either Hepatitis B or Hepatitis C, including 1,400,000 individuals who are chronically infected with Hepatitis B and 2,700,000 individuals who are chronically infected with Hepatitis C;

Whereas, in 2014, the Centers for Disease Control and Prevention estimated that there were 19,200 new Hepatitis B infections and 30,500 new Hepatitis C infections, respectively, in the United States;

Whereas, since 2010, the Centers for Disease Control and Prevention has found significant increases in the transmission of new hepatitis cases in the United States, including a 151 percent increase in new transmissions of Hepatitis C in the United States between 2010 and 2013;

Whereas chronic viral hepatitis claims thousands of lives in the United States each year, and in 2014 alone, there were 19,659 deaths due to Hepatitis C in the United States;

Whereas an individual who has become chronically infected with Hepatitis B or Hepatitis C may not have symptoms for up to 40 years after being infected;

Whereas some groups of individuals in the United States have a higher rate of chronic viral hepatitis infection than other groups of individuals in the United States, including African-Americans, Asian Americans, Pacific Islanders, Latinos, Native Americans, Alaska Natives, gay and bisexual men, and individuals who inject drugs intravenously;

Whereas Asian Americans and Pacific Islanders have the highest rate of Hepatitis B-related deaths in the United States;

Whereas Hepatitis B is 50 to 100 times more infectious than HIV;

Whereas Hepatitis C is 10 times more infectious than HIV;

Whereas an estimated 25 percent of individuals in the United States who are infected with HIV are also infected with Hepatitis C;

Whereas life expectancies for individuals infected with HIV have increased with antiretroviral treatment, and liver disease (largely attributed to Hepatitis B and Hepatitis C infections) has become the most common cause of death among this population, aside from acquired immune deficiency syndrome;

Whereas, despite the fact that chronic viral hepatitis is the most common bloodborne infection in the United States, an estimated 65 percent of individuals with Hepatitis B and an estimated 75 percent of individuals with Hepatitis C are unaware of the infection;

Whereas Hepatitis B is preventable through vaccination, and both Hepatitis B and Hepatitis C are preventable with proper public health interventions, including programs that offer access to sterile injection equipment for individuals who inject drugs intravenously;

Whereas effective and safe treatment is available for individuals with Hepatitis B and Hepatitis C, including new curative treatments for Hepatitis C; and

Whereas ''World Hepatitis Day 2017'' will promote the elimination of viral hepatitis through greater awareness, increased diagnosis, and key interventions: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes July 28, 2017, as ''World Hepatitis Day 2017'';

(2) supports broad access to Hepatitis B and Hepatitis C treatments;

(3) supports raising awareness of the risks and consequences of undiagnosed chronic Hepatitis B and Hepatitis C infections; and

(4) calls for a robust governmental and public health response to protect the health of the approximately 5,300,000 individuals in

the United States, and 390,000,000 individuals worldwide, who suffer from chronic viral hepatitis.

AMENDMENTS SUBMITTED AND PROPOSED

SA 392. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 393. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 394. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 395. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 396. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 397. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 398. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 399. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 400. Mr. MCCAIN (for himself and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 401. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 402. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 403. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 404. Ms. WARREN (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 405. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 406. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 407. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 408. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 409. Mr. FLAKE (for himself, Mr. PAUL, Mr. DONNELLY, and Mr. MURPHY) proposed an amendment to the bill H.R. 3298, to authorize the Capitol Police Board to make payments from the United States Capitol Police Memorial Fund to employees of the United States Capitol Police who have sustained serious line-of-duty injuries, and for other purposes.

SA 410. Mr. BOOKER (for himself, Mrs. FISCHER, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 411. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 412. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 413. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 414. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 415. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 416. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 417. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 418. Mr. CRUZ (for himself and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 419. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 420. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 421. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 422. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 423. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 424. Mr. NELSON (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 425. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 426. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 427. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 428. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 429. Mr. LANKFORD (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 430. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 431. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 432. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 433. Mr. TESTER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 434. Mr. TESTER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 435. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 436. Mr. ROUNDS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 437. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 438. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 439. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 440. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 441. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 442. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 443. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 444. Ms. HIRONO (for herself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 445. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 446. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 447. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 448. Mr. TESTER (for himself, Mrs. MCCASKILL, Mr. FRANKEN, Mrs. MURRAY, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 449. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 450. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 451. Mr. BLUMENTHAL (for himself, Mr. WHITEHOUSE, Mr. DURBIN, and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 452. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 453. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 454. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 455. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 456. Mr. COTTON submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 457. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 458. Mr. TILLIS submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 459. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 460. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 461. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 462. Mr. MORAN (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 463. Mr. FLAKE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 464. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 465. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 466. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 467. Mr. LEE (for himself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. WHITEHOUSE, and Mr. CRUZ) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 468. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 469. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 470. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 471. Mr. LEE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 472. Mr. LEE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 473. Mr. LEE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 474. Mr. LEE (for himself and Mr. SASSE) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 475. Mr. LEE (for himself and Mr. SASSE) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 476. Mr. SULLIVAN (for himself, Mr. HOEVEN, Ms. MURKOWSKI, and Mr. ROUNDS) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 477. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 478. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 479. Ms. HEITKAMP (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 480. Mr. UDALL (for himself, Mr. ROUNDS, Mr. HEINRICH, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 481. Mr. UDALL (for himself, Mr. ROUNDS, Mr. HEINRICH, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 482. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 483. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 484. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 485. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 486. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 487. Mr. CARPER (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 488. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 489. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 490. Mr. WARNER (for himself, Mr. SULLIVAN, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 491. Mr. SCHATZ (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 492. Mr. SCHATZ (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 493. Mr. DAINES submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 494. Mr. DAINES submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 495. Mr. THUNE (for himself, Mr. SULLIVAN, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 496. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 497. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 498. Mr. MCCAIN (for himself and Mr. REED) submitted an amendment intended to

be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 499. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 500. Mr. CARDIN (for himself, Mr. BOOKER, Ms. HIRONO, Mr. NELSON, Mr. VAN HOLLEN, Mr. MARKEY, Mr. BROWN, Mr. CARPER, Mr. BLUMENTHAL, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 501. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 502. Mr. ENZI (for Mr. HELLER (for himself and Mrs. FISCHER)) proposed an amendment to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra.

SA 503. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 504. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 505. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 506. Mr. SCHATZ (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 507. Mr. CARDIN (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 508. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 509. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 510. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 511. Mr. SULLIVAN (for himself, Mr. PETERS, Mr. CORNYN, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 512. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 513. Mr. MCCAIN (for himself and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 514. Mr. REED (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 515. Mr. MARKEY (for himself, Mr. CARDIN, Mr. VAN HOLLEN, and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 516. Mr. BENNET submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 517. Mr. BENNET (for himself and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 518. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 519. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 520. Ms. COLLINS (for herself and Mr. KING) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 521. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 522. Mr. CORNYN (for himself, Mr. BLUMENTHAL, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 523. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 524. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 525. Mr. WHITEHOUSE (for himself, Mr. DAINES, Mr. PETERS, and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 526. Mr. WHITEHOUSE (for himself, Mr. PETERS, Mr. TESTER, Ms. WARREN, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 527. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 528. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 529. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 530. Mrs. MCCASKILL (for herself and Mr. TESTER) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 531. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 532. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 533. Mrs. CAPITO (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 534. Mrs. CAPITO (for herself, Mr. CORNYN, and Mr. WICKER) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 535. Mrs. CAPITO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 536. Mrs. CAPITO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 537. Mr. CRUZ (for himself and Mr. TILLIS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 538. Mr. CRUZ (for himself, Mr. GARDNER, Mr. SULLIVAN, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 539. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 540. Mr. CRUZ (for himself, Mr. LEAHY, Mr. TILLIS, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 541. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 542. Mr. TILLIS (for himself and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 543. Mr. SULLIVAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 544. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 545. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 546. Mrs. SHAHEEN (for herself, Mr. CARPER, Mr. REED, Mr. MURPHY, Ms. BALDWIN, Ms. HIRONO, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. HEINRICH, Mr. COONS, Ms. HEITKAMP, Ms. STABENOW, Mr. CARDIN, Mr. MARKEY, Mr. WARNER, Mr. VAN HOLLEN, and Ms. WARREN) submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 547. Mrs. SHAHEEN (for herself, Mr. CARPER, Mr. REED, Mr. MURPHY, Ms. BALDWIN, Ms. HIRONO, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. HEINRICH, Mr. COONS, Ms. HEITKAMP, Ms. STABENOW, Mr. CARDIN, Mr. MARKEY, Mr. WARNER, Mr. VAN HOLLEN, and Ms. WARREN) submitted an amendment intended to be proposed by her to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 548. Mrs. SHAHEEN (for herself, Mr. CARPER, Mr. REED, Mr. MURPHY, Ms. BALDWIN, Ms. HIRONO, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. HEINRICH, Mr. COONS, Ms. HEITKAMP, Ms. STABENOW, Mr. CARDIN, Mr. MARKEY, Mr. WARNER, Mr. VAN HOLLEN, and Ms. WARREN) submitted an amendment intended to be proposed by her to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 549. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 550. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 551. Mr. HOEVEN (for himself and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 552. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 553. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 554. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 555. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 556. Mr. INHOFE (for himself and Mr. LANKFORD) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 557. Mr. GARDNER (for himself, Mr. WARNER, and Mr. COONS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 558. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 559. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 560. Mr. GARDNER (for himself and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 561. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 562. Mr. UDALL submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 563. Mr. UDALL (for himself, Mr. ROUNDS, Mr. HEINRICH, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 564. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 565. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 566. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 567. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 568. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 569. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 570. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 571. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 572. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 573. Mr. DONNELLY (for himself and Mr. YOUNG) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 574. Ms. HEITKAMP (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 575. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 576. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 577. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 578. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 579. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 580. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 581. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 582. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 583. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 584. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 585. Mr. YOUNG submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 586. Mr. GRAHAM (for himself, Mr. CASSIDY, and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 587. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 588. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 589. Mr. JOHNSON (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 590. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 591. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 592. Mr. DURBIN (for himself, Mr. BLUNT, Mr. CASEY, Mr. COCHRAN, Ms. BALDWIN, Mr. SHELBY, Mr. BROWN, Ms. MURKOWSKI, Mr. CARDIN, Mr. MORAN, Mr. COONS, Ms. DUCKWORTH, Ms. HASSAN, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mrs. MURRAY, Mr. NELSON, Mr. PETERS, Mr. REED, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL, Mr. VAN HOLLEN, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WYDEN, Ms. HIRONO, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 593. Ms. DUCKWORTH (for herself, Mr. DURBIN, Mr. BLUMENTHAL, Mr. WHITEHOUSE, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 594. Ms. KLOBUCHAR (for herself, Mr. TILLIS, Mr. BROWN, Mrs. GILLIBRAND, Ms. WARREN, Mr. WHITEHOUSE, Mr. NELSON, Ms. BALDWIN, Mr. ROUNDS, Mr. FRANKEN, and Mr. COONS) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 595. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 596. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 597. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 598. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 599. Mr. MORAN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 600. Mr. MORAN (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 601. Mr. MORAN (for himself and Mr. TESTER) submitted an amendment intended

to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 602. Mr. MCCAIN (for himself, Mr. FLAKE, Ms. MURKOWSKI, and Mr. DAINES) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 603. Mr. KING (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 604. Mr. KING submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 605. Mr. MARKEY (for himself and Mr. VAN HOLLEN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 606. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 607. Mr. MARKEY (for himself, Mr. GARDNER, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 608. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 609. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 610. Ms. HIRONO (for herself and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 611. Ms. HIRONO (for herself and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 612. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 613. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 614. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 615. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 616. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 617. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 618. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 619. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 620. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 621. Mr. TILLIS submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 622. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 623. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 624. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 625. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 626. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 627. Mr. CARDIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 628. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 629. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 630. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 631. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 632. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 633. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 634. Mr. BENNET (for himself and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 635. Mr. KAINE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 636. Mr. PERDUE (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 637. Mr. HELLER (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 638. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 639. Mr. HELLER (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 640. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 641. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 642. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 643. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 644. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 645. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 646. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 647. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 648. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 649. Mr. ALEXANDER (for himself, Mr. BARRASSO, Mr. GRASSLEY, and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 650. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 651. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 652. Mr. WYDEN (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 653. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 654. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 655. Ms. KLOBUCHAR (for herself, Mr. WHITEHOUSE, Mr. DURBIN, and Ms. WARREN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 656. Ms. KLOBUCHAR (for herself and Mr. GRAHAM) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 657. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 658. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 659. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 660. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 661. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 662. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 663. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 664. Mrs. SHAHEEN (for herself and Mr. SASSE) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 665. Mr. BROWN (for himself, Mr. BOOKER, and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 666. Mr. BROWN (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 667. Mr. MCCONNELL proposed an amendment to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017.

SA 668. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 669. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 670. Mr. TESTER (for himself and Mr. DONNELLY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 671. Ms. DUCKWORTH (for herself and Mr. DURBIN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 672. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 673. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 674. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 675. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 676. Mr. CASEY (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 677. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 678. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 679. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 680. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 681. Mr. JOHNSON (for himself, Mrs. ERNST, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 682. Mr. PERDUE (for himself, Mr. WYDEN, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 683. Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 684. Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 685. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 686. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 687. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 688. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 689. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 690. Ms. MURKOWSKI (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 691. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 692. Mr. BLUMENTHAL (for himself, Mr. MURPHY, Mrs. GILLIBRAND, Mr. PETERS, Mr. MARKEY, and Mr. COONS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 693. Mr. BOOKER (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 694. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 695. Mr. BOOKER (for himself, Mrs. CAPITO, Mr. BLUMENTHAL, Mr. PORTMAN, and Mr. PETERS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 696. Mr. BOOKER (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 697. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 698. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 699. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 700. Ms. HARRIS submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 701. Ms. HARRIS (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 702. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 703. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 704. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 705. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 706. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 707. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 708. Mr. COCHRAN (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 709. Mr. STRANGE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 710. Mr. STRANGE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 711. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 712. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 713. Mr. PORTMAN (for himself and Mr. MURPHY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 714. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 715. Mr. MORAN (for himself and Mr. UDALL) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 716. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 717. Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 718. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 719. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 720. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 721. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 667 proposed by Mr. MCCONNELL to the amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628 , to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 722. Mr. UDALL (for himself and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, supra; which was ordered to lie on the table.

SA 723. Mr. BENNET submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 724. Mr. BENNET submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 725. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 726. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 727. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 728. Mrs. GILLIBRAND (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 729. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table.

SA 730. Mr. NELSON (for himself and Mr. COTTON) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 731. Mr. NELSON (for himself, Mr. CORNYN, Mr. WARNER, Mr. TILLIS, and Mr. MARKEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 732. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

SA 733. Mr. STRANGE submitted an amendment intended to be proposed by him to the bill H.R. 2810, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 392. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXVIII, add the following:

SEC. 2816. TREATMENT AS IN-KIND CONSIDERATION OF FINANCIAL SUPPORT AND SERVICES PROVIDED BY FINANCIAL INSTITUTIONS ON LAND LEASED ON MILITARY INSTALLATIONS.

Section 2667 of title 10, United States Code, is amended—

(1) in subsection (b)(4), by inserting '', except as otherwise provided in subsection (c)(4),'' after ''amount that''; and

(2) in subsection (c), by adding at the end the following new paragraph:

''(4)(A) In the case of a lease under this section that is entered into during the period described in subparagraph (C) with an insured depository institution chartered by the Federal Government or a State, the Secretary concerned may deem financial support and services provided by the insured depository institution to members of the armed forces, civilian employees of the Department of Defense, and their dependents as sufficient in-kind consideration to cover all lease, services, and utilities costs assessed with regard to the leased property.

''(B) The Secretary concerned may renegotiate the terms of a lease under this section that was entered into prior to the period described in subparagraph (C) with an insured depository institution to apply subparagraph (A) to the lease as if such subparagraph were in effect at the time the Secretary entered into the lease.

''(C) The period described in this subparagraph is the period that begins on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018 and ends on September 30, 2023.''.

SA 393. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle J of title VIII, add the following:

SEC. 899D. USE OF COMMERCIAL ITEMS FOR PHYSICAL ACCESS CONTROL SYSTEMS OR IDENTITY MANAGEMENT SYSTEMS.

(a) IN GENERAL.—The procurement process for any covered Physical Access Control System or Identity Management System shall be carried out in accordance with section 2377 of title 10, United States Code.

(b) CERTIFICATION.—Not later than 30 days after the date of the enactment of this Act, the Service Acquisition Executive responsible for each covered Physical Access Control System or Identity Management System shall certify to the congressional defense committees that the procurement process for any covered Physical Access Control System or Identity Management System procured after the date of the enactment of this Act will be carried out in accordance with section 2377 of title 10, United States Code.

(c) COVERED PHYSICAL ACCESS CONTROL SYSTEM OR IDENTITY MANAGEMENT SYSTEM DEFINED.—In this section, the term ''covered Physical Access Control System or Identity Management System'' includes the following:

(1) The Defense Biometric Identification System (DBIDS).

(2) The Automated Installation Entry (AIE) system.

(3) The Biometric Automated Access Control System (BAACS).

(4) The Navy Access Control Management System (NACMS).

SA 394. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE INSTALLATION ACCESS CONTROL INITIATIVES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report evaluating Department of Defense installation access control initiatives.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) An assessment of Department of Defense requirements for managing access to military installations and the extent to

which the Department has taken an enterprise-wide approach to developing those requirements and identifying capability gaps.

(2) A description of capabilities (processes and systems) that are in place at military installations that currently meet these requirements.

(3) A summary of which options, including business process reengineering, the development or acquisition of business systems, and the acquisition of commercial solutions, are being are being pursued to close those gaps.

(4) A description of how the Department of Defense is assessing which options to pursue in terms of cost, schedule, and potential performance and to what extent the Department's assessments follow directives under the Federal Acquisition Regulation and Defense Supplement to the Federal Acquisition Regulation to consider commercial products and services.

SA 395. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. USE OF ROBOTIC SERVICING OF GEOSYNCHRONOUS SATELLITES PROGRAM OF DEFENSE ADVANCED RESEARCH PROJECTS AGENCY.

(a) RETENTION OF OWNERSHIP.—The Secretary of Defense shall ensure that the United States retains all ownership of and rights to systems developed under the robotic servicing of geosynchronous satellites program of the Defense Advanced Research Projects Agency.

(b) PROHIBITION ON OPERATION BY CONTRACTOR.—The Secretary may not transfer ownership or the operation of systems resulting from the robotic servicing of geosynchronous satellites program to a commercial entity.

(c) USE OF PROGRAM.—The Secretary may use the robotic servicing of geosynchronous satellites program only if—

(1) such use services assets of the United States; and

(2) the Secretary determines that such use is more cost effective than any commercial alternative.

SA 396. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. _____. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON UNITED STATES INTERESTS IN THE FREELY ASSOCIATED STATES.

(a) REPORT REQUIRED.—Not later than December 1, 2018, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the results of a study, conducted by the Comptroller General for purposes of the report, on United States security and foreign policy interests in the Freely Associated States of the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia.

(b) ELEMENTS.—The study required pursuant to subsection (a) shall address the following:

(1) The role of the Compacts of Free Association in promoting United States defense and foreign policy interests, and the status of the obligations of the United States and the Freely Associated States under the Compacts of Free Association.

(2) The economic assistance practices of the People's Republic of China in the Freely Associated States, and the implications of such practices for United States defense and foreign policy interests in the Freely Associated States and the Pacific region.

(3) The economic assistance practices of other countries in the Freely Associated States, as determined by the Comptroller General, and the implications of such practices for United States defense and foreign policy interests in the Freely Associated States and the Pacific region.

(4) Any other matters the Comptroller General considers appropriate.

(c) CONSULTATION.—The Comptroller General shall consult in the preparation of the report with other departments and agencies of the United States Government, including elements of the intelligence community.

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified for, but may include a classified annex.

SA 397. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXVIII, add the following:

SEC. 2803. ANNUAL LOCALITY ADJUSTMENT OF DOLLAR THRESHOLDS APPLICABLE TO UNSPECIFIED MINOR MILITARY CONSTRUCTION AUTHORITIES.

Section 2805 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) ADJUSTMENT OF DOLLAR LIMITATIONS FOR LOCATION.—Each fiscal year, the Secretary concerned shall adjust the dollar limitations specified in this section applicable to an unspecified minor military construction project to reflect the area construction cost index for military construction projects published by the Department of Defense during the prior fiscal year for the location of the project.''.

SA 398. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1049. ACCESS OF VETERANS SERVICE ORGANIZATIONS TO MILITARY INSTALLATIONS IN THE UNITED STATES FOR SUPPORT OF PROVISION OF PRESEPARATION COUNSELING AND RELATED BENEFITS TO MEMBERS OF THE ARMED FORCES.

(a) ACCESS TO BE AUTHORIZED.—

(1) IN GENERAL.—Under regulations prescribed by the Secretary of Defense for purposes of this section, commanders of military installations in the United States shall permit representatives of veterans service organization reasonable and regular access to such military installations in order to permit such representatives to support and facilitate efforts of the Department of Defense to provide preseparation counseling and related benefits under chapter 58 of title 10, United States Code, to members of the Armed Forces stationed at such installations.

(2) SCOPE OF ACCESS.—Any access to an installation under this subsection shall occur only in a manner fully consistent with the maintenance of security and safety at such installation.

(b) VETERANS SERVICE ORGANIZATIONS.—For purposes of this section, veterans service organizations are organizations recognized by the Secretary of Veterans Affairs pursuant to section 5902 of title 38, United States Code.

(c) REGULATIONS.—In prescribing regulations for purposes of this section, the Secretary of Defense shall avoid the following:

(1) The recommendation or endorsement of a particular veterans service organization over another veterans service organization in the support or facilitation of efforts described in subsection (a).

(2) The encouragement, support, or other suggestion that a member of the Armed Forces seek membership in a veterans service organization.

(d) COMMENCEMENT OF ACCESS.—Access to installations under this section shall commence upon the date specified by the Secretary of Defense in the regulations prescribed for purposes of this section, which date shall be not later than one year after the date of the enactment of this Act.

SA 399. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXVIII, add the following:

SEC. 2803. REVITALIZATION OF JUNGLE OPERATIONS TRAINING RANGES.

(a) AUTHORITY.—For the revitalization of jungle operations training ranges under the jurisdiction of the Secretary of the Army, the Secretary may obligate and expend—

(1) from appropriations available to the Secretary for operation and maintenance, amounts necessary to carry out an unspecified minor military construction project costing not more than $6,600,000, notwithstanding section 2805(c) of title 10, United States Code; or

(2) from appropriations available to the Secretary for military construction not otherwise authorized by law, amounts necessary to carry out an unspecified minor military construction project costing not more than $6,600,000.

(b) NOTIFICATION REQUIREMENT.—When a decision is made to carry out an unspecified

minor military construction project to which subsection (a) is applicable, the Secretary shall notify in writing the congressional defense committees of that decision, of the justification for the project, and of the estimated cost of the project in accordance with section 2805(b) of title 10, United States Code.

(c) SUNSET.—The authority to carry out a project under subsection (a) shall expire at the close of September 30, 2019.

SA 400. Mr. MCCAIN (for himself and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Beginning on page 35, strike lines 8 through 23 and insert the following:

''(3) APPLICABLE ANNUAL INFLATION FACTOR.—In paragraph (2), the term 'applicable annual inflation factor' means, for a fiscal year—

''(A) for each of the 1903A enrollee categories described in subparagraphs (C), (D), and (E) of subsection (e)(2), the percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average) from September of the previous fiscal year to September of the fiscal year involved, plus 1 percentage point; and

''(B) for each of the 1903A enrollee categories described in subparagraphs (A) and (B) of subsection (e)(2), the percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average) from September of the previous fiscal year to September of the fiscal year involved, plus 2 percentage points.

SA 401. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Beginning on page 10, strike lines 21 and all that follows through page 11, line 5, and insert the following:

(ii) in subparagraph (B)(ii)—

(I) in subclause (IV), by striking the semicolon and inserting ''; and'';

(II) in subclause (V), by striking ''2018 is 90 percent; and'' and inserting ''2018 and each subsequent year is 90 percent.''; and

(III) by striking subclause (VI).

SA 402. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 107 and insert the following:

SEC. 107. MEDICAID EXPANSION.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) in section 1902 (42 U.S.C. 1396a)—

(A) in subsection (a)(10)(A)—

(i) in clause (i)(VIII), by inserting ''and ending December 31, 2019,'' after ''2014,''; and

(ii) in clause (ii), in subclause (XX), by inserting ''and ending December 31, 2017,'' after ''2014,'', and by adding at the end the following new subclause:

''(XXIII) beginning January 1, 2020, who are expansion enrollees (as defined in subsection (nn)(1));''; and

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

''(nn) EXPANSION ENROLLEES.—

''(1) IN GENERAL.—In this title, the term 'expansion enrollee' means an individual—

''(A) who is under 65 years of age;

''(B) who is not pregnant;

''(C) who is not entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of title XVIII;

''(D) who is not described in any of subclauses (I) through (VII) of subsection (a)(10)(A)(i); and

''(E) whose income (as determined under subsection (e)(14)) does not exceed 133 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved.

''(2) APPLICATION OF RELATED PROVISIONS.—Any reference in subsection (a)(10)(G), (k), or (gg) of this section or in section 1903, 1905(a), 1920(e), or 1937(a)(1)(B) to individuals described in subclause (VIII) of subsection (a)(10)(A)(i) shall be deemed to include a reference to expansion enrollees.''; and

(2) in section 1905 (42 U.S.C. 1396d)—

(A) in subsection (y)(1)—

(i) in the matter preceding subparagraph (A), by striking '', with respect to'' and all that follows through ''shall be equal to'' and inserting ''and that has elected to cover newly eligible individuals before March 1, 2017, with respect to amounts expended by such State before January 1, 2020, for medical assistance for newly eligible individuals described in subclause (VIII) of section 1902(a)(10)(A)(i), and, with respect to amounts expended by such State after December 31, 2019, and before January 1, 2030, for medical assistance for expansion enrollees (as defined in section 1902(nn)(1)), shall be equal to the higher of the percentage otherwise determined for the State and year under subsection (b) (without regard to this subsection) and'';

(ii) in subparagraph (D), by striking ''and'' after the semicolon;

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

''(E) 90 percent for calendar quarters in 2020;

''(F) 88 percent for calendar quarters in 2021;

''(G) 86 percent for calendar quarters in 2022;

''(H) 84 percent for calendar quarters in 2023;

''(I) 82 percent for calendar quarters in 2024;

''(J) 80 percent for calendar quarters in 2025;

''(K) 78 percent for calendar quarters in 2026;

''(L) 76 percent for calendar quarters in 2027;

''(M) 74 percent for calendar quarters in 2028; and

''(N) 72 percent for calendar quarters in 2029.''; and

(iv) by adding after and below subparagraph (H) (as added by clause (iii)), the following flush sentence:

''The Federal medical assistance percentage determined for a State and year under subsection (b) shall apply to expenditures for medical assistance to newly eligible individuals (as so described) and expansion enrollees (as so defined), in the case of a State that has elected to cover newly eligible individuals before March 1, 2017, for calendar quarters after 2029, and, in the case of any other State, for calendar quarters (or portions of calendar quarters) after February 28, 2017.''; and

(B) in subsection (z)(2)—

(i) in subparagraph (A)—

(I) by inserting ''through 2023'' after ''each year thereafter''; and

(II) by striking ''shall be equal to'' and inserting ''and, for periods after December 31, 2019 and before January 1, 2024, who are expansion enrollees (as defined in section 1902(nn)(1)) shall be equal to the higher of the percentage otherwise determined for the State and year under subsection (b) (without regard to this subsection) and''; and

(ii) in subparagraph (B)(ii)—

(I) in subclause (IV), by striking the semicolon and inserting ''; and'';

(II) in subclause (V), by striking ''2018 is 90 percent; and'' and inserting ''2018 and each subsequent year through 2029 is 90 percent.''; and

(III) by striking subclause (VI).

(b) SUNSET OF MEDICAID ESSENTIAL HEALTH BENEFITS REQUIREMENT.—Section 1937(b)(5) of the Social Security Act (42 U.S.C. 1396u–7(b)(5)) is amended by adding at the end the following: ''This paragraph shall not apply after December 31, 2019.''.

SA 403. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 112 and insert the following:

SEC. 112. MEDICAID EXPANSION.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) in section 1902 (42 U.S.C. 1396a)—

(A) in subsection (a)(10)(A)—

(i) in clause (i)(VIII), by inserting ''and ending December 31, 2019,'' after ''2014,''; and

(ii) in clause (ii), in subclause (XX), by inserting ''and ending December 31, 2017,'' after ''2014,'', and by adding at the end the following new subclause:

''(XXIII) beginning January 1, 2020, who are expansion enrollees (as defined in subsection (nn)(1));''; and

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

''(nn) EXPANSION ENROLLEES.—

''(1) IN GENERAL.—In this title, the term 'expansion enrollee' means an individual—

''(A) who is under 65 years of age;

''(B) who is not pregnant;

''(C) who is not entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of title XVIII;

''(D) who is not described in any of subclauses (I) through (VII) of subsection (a)(10)(A)(i); and

''(E) whose income (as determined under subsection (e)(14)) does not exceed 133 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved.

''(2) APPLICATION OF RELATED PROVISIONS.—Any reference in subsection (a)(10)(G), (k), or (gg) of this section or in section 1903, 1905(a), 1920(e), or 1937(a)(1)(B) to individuals described in subclause (VIII) of subsection (a)(10)(A)(i) shall be deemed to include a reference to expansion enrollees.''; and

(2) in section 1905 (42 U.S.C. 1396d)—

(A) in subsection (y)(1)—

(i) in the matter preceding subparagraph (A), by striking '', with respect to'' and all that follows through ''shall be equal to'' and inserting ''and that has elected to cover newly eligible individuals before March 1, 2017, with respect to amounts expended by such State before January 1, 2020, for medical assistance for newly eligible individuals

described in subclause (VIII) of section 1902(a)(10)(A)(i), and, with respect to amounts expended by such State after December 31, 2019, and before January 1, 2030, for medical assistance for expansion enrollees (as defined in section 1902(nn)(1)), shall be equal to the higher of the percentage otherwise determined for the State and year under subsection (b) (without regard to this subsection) and'';

(ii) in subparagraph (D), by striking ''and'' after the semicolon;

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

''(E) 90 percent for calendar quarters in 2020;

''(F) 88 percent for calendar quarters in 2021;

''(G) 86 percent for calendar quarters in 2022;

''(H) 84 percent for calendar quarters in 2023;

''(I) 82 percent for calendar quarters in 2024;

''(J) 80 percent for calendar quarters in 2025;

''(K) 78 percent for calendar quarters in 2026;

''(L) 76 percent for calendar quarters in 2027;

''(M) 74 percent for calendar quarters in 2028; and

''(N) 72 percent for calendar quarters in 2029.''; and

(iv) by adding after and below subparagraph (H) (as added by clause (iii)), the following flush sentence:

''The Federal medical assistance percentage determined for a State and year under subsection (b) shall apply to expenditures for medical assistance to newly eligible individuals (as so described) and expansion enrollees (as so defined), in the case of a State that has elected to cover newly eligible individuals before March 1, 2017, for calendar quarters after 2029, and, in the case of any other State, for calendar quarters (or portions of calendar quarters) after February 28, 2017.''; and

(B) in subsection (z)(2)—

(i) in subparagraph (A)—

(I) by inserting ''through 2023'' after ''each year thereafter''; and

(II) by striking ''shall be equal to'' and inserting ''and, for periods after December 31, 2019 and before January 1, 2024, who are expansion enrollees (as defined in section 1902(nn)(1)) shall be equal to the higher of the percentage otherwise determined for the State and year under subsection (b) (without regard to this subsection) and''; and

(ii) in subparagraph (B)(ii)—

(I) in subclause (IV), by striking the semicolon and inserting ''; and'';

(II) in subclause (V), by striking ''2018 is 90 percent; and'' and inserting ''2018 and each subsequent year through 2029 is 90 percent.''; and

(III) by striking subclause (VI).

(b) SUNSET OF MEDICAID ESSENTIAL HEALTH BENEFITS REQUIREMENT.—Section 1937(b)(5) of the Social Security Act (42 U.S.C. 1396u–7(b)(5)) is amended by adding at the end the following: ''This paragraph shall not apply after December 31, 2019.''.

SA 404. Ms. WARREN (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1070 and insert the following:

SEC. _____. REPORTS ON CIVILIAN CASUALTIES IN CONNECTION WITH UNITED STATES MILITARY OPERATIONS.

(a) BIANNUAL REPORTS.—

(1) IN GENERAL.—Not later than April 1, 2018, and every six months thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on civilian casualties caused as a result of United States military operations during the preceding six months.

(2) ELEMENTS.—Each report under paragraph (1) shall set forth the following:

(A) A list of all the United States military operations during the six month covered by such report that were confirmed to have resulted in civilian casualties.

(B) For each military operation listed pursuant to subparagraph (A), the following:

(i) The date.

(ii) The location.

(iii) The type of operation.

(iv) The confirmed number of civilian casualties.

(b) ANNUAL REPORT.—Not later than April 1 each year, the Secretary shall submit to the congressional defense committees a report setting forth the following:

(1) The information required under subsection (a)(2) for the preceding year, including any changes to such information as submitted previously in a report under subsection (a).

(2) Details on trends of civilian casualties caused as a result of United States military operations during the preceding year, as well as changes made or intended to be made to mitigate future civilian casualties as a result of United States military operations.

(c) FORM.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

(d) SUNSET.—The requirements to submit reports under this section shall expire on the date that is five years after the date of the enactment of this Act.

SA 405. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INCREASING COMPETITION IN MULTIPLE-AWARD TASK OR DELIVERY ORDER CONTRACTS AND CERTAIN FEDERAL SUPPLY SCHEDULE CONTRACTS.

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

(1) in paragraph (1)—

(A) in subparagraph (B), by inserting ''except as provided in paragraph (3),'' before ''include cost or price''; and

(B) in subparagraph (C), by inserting ''except as provided in paragraph (3),'' before ''disclose to offerors''; and

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

''(3) INCREASING COMPETITION FOR CERTAIN MULTIPLE-AWARD CONTRACTS AND CERTAIN FEDERAL SUPPLY SCHEDULE CONTRACTS FOR SERVICES ACQUIRED ON AN HOURLY RATE.—If the head of an executive agency issues a solicitation for two or more contracts for services to be acquired on an hourly rate basis under the authority of sections 4103 and 4106 of this title (multiple award task or delivery order contracts) or section 152(3) of this title and section 501(b) of title 40 (Federal Supply Schedule contracts), then—

''(A) when the contract or contracts feature individually competed task or delivery orders based on or built up from hourly rates, the contracting officer need not consider cost or price as an evaluation factor for contract award;

''(B) the disclosure requirement of subparagraph (C) of paragraph (1) shall not apply; and

''(C) cost or price to the Federal Government shall be considered in conjunction with the issuance of any task pursuant to section 4106(c) of this title.''.

SA 406. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XI, add the following:

SEC. _____. PILOT PROGRAM ON APPOINTMENT OF GRADUATE AND UNDERGRADUATE STUDENTS IN POSITIONS IN THE DEFENSE ACQUISITION WORKFORCES OF THE MILITARY DEPARTMENTS.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics and the service acquisition executives of the military departments, carry out a pilot program to assess the feasibility and advisability of appointing graduate and undergraduate students described in subsection (b) to positions in the defense acquisition workforce of the military departments in accordance with the provisions of this section.

(b) GRADUATE AND UNDERGRADUATE STUDENTS.—

(1) IN GENERAL.—The graduate and undergraduate students described in this subsection are individuals who—

(A) are citizens of the United States;

(B) are currently enrolled in a qualifying educational institution on a full-time basis in a course of academic study leading to a graduate degree or baccalaureate degree in a field that is related to acquisition; and

(C) are in good academic standing at the qualifying educational institution concerned.

(2) QUALIFYING EDUCATIONAL INSTITUTIONS.—For purposes of this subsection, a qualifying educational institution is any educational institution awarding graduate or baccalaureate degrees that is accredited by an appropriate accrediting body recognized by the Secretary of Education.

(c) LIMITATION.—The number of positions in the defense acquisition workforce of a military department that are filled under the pilot program in any fiscal year may not exceed the number equal to one percent of the total number of positions in the defense acquisition workforce of the military department that are filled as of the end of the preceding fiscal year.

(d) AGREEMENTS.—

(1) IN GENERAL.—Each graduate or undergraduate student selected for participation

in the pilot program shall enter into an agreement with the Under Secretary regarding participation in the pilot program.

(2) ELEMENTS.—A graduate or undergraduate student shall agree in the agreement under this subsection as follows:

(A) To accept a term appointment with the Department of Defense as described in subsection (e).

(B) To obtain and maintain a security clearance at the secret level or higher during participation in the pilot program.

(C) To successfully complete the course of academic study of the student as described in subsection (b)(1)(B).

(3) PARTICIPANTS.—Each graduate or undergraduate student participating in the pilot program may be known as an ''Acquisition Collegiate Program Intern'' or ''ACPI''.

(e) APPOINTMENT.—

(1) IN GENERAL.—Each graduate or undergraduate student participating in the pilot program shall be appointed to a renewable term appointment in a position in the defense acquisition workforce of a military department performing such acquisition or acquisition-related duties, and for such term, as the performance plan of the student under subsection (h) shall specify.

(2) SCOPE OF APPOINTMENT AUTHORITY.—Appointments under the pilot program may be made without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code.

(f) COMPENSATION.—

(1) IN GENERAL.—The rates of compensation for graduate and undergraduate students in a position under the pilot program pursuant to an initial appointment under the pilot program shall be established in accordance with guidance issued by the Secretary for purposes of the pilot program.

(2) FUNDS.—Funds for the compensation of graduate and undergraduate students appointed to positions under the pilot program may be derived from amounts in the Department of Defense Acquisition Workforce Development Fund.

(g) WORK SCHEDULES.—The work schedule of a graduate or undergraduate student participating in the pilot program shall include a formal schedule of work and study designed to ensure that periods of work do not interfere with the taking of courses.

(h) PERFORMANCE EVALUATION.—Each graduate or undergraduate student participating in the pilot program shall be evaluated for performance in the position to which appointed under the pilot program using a performance plan issued to the student upon appointment under the pilot program.

(i) PROMOTION.—A graduate or undergraduate student participating in the pilot program who performs successfully in a position under the pilot program, and who otherwise successfully meets all other requirements applicable to the student under the pilot program, may be promoted.

(j) TERMINATION.—A graduate or undergraduate student participating in the pilot program may be terminated from the pilot program, and a position under the pilot program, for misconduct, poor performance in position, or lack of suitability for continuation in a position in the defense acquisition workforce of a military department or any other department, agency, organization, or element of the Department of Defense.

(k) CONVERSION TO COMPETITIVE SERVICE.—

(1) IN GENERAL.—The term appointment in a position under the pilot program of a graduate or undergraduate student participating in the pilot program may be converted on a noncompetitive basis to a renewable term appointment in a competitive service position upon the student's successful completion of participation in the pilot program if the student meets such conditions as the Secretary shall establish at the commencement of the term appointment.

(2) SCOPE OF CONVERSION.—A conversion under paragraph (1) may be made to an appropriate position in any department, agency, organization, or other element of the Department.

(3) NO RIGHT OF EMPLOYMENT.—Participation in the pilot program confers no right on a student for further employment by the Department of Defense in the competitive or excepted service.

(4) ACCRUAL OF CAREER TENURE.—The tenure of a student in a position under the pilot program shall count the toward the career tenure of the student in Department after a conversation of the student's position under paragraph (1), whether with or without an intervening term appointment in the competitive service.

(l) TERMINATION.—

(1) IN GENERAL.—The authority to appoint graduate or undergraduate students to positions under the pilot program shall expire on the date that is five years after the date of the enactment of this Act.

(2) EFFECT ON EXISTING APPOINTMENTS.—The termination by paragraph (1) of the authority referred to in that paragraph shall not affect any appointment made under that authority before the termination date specified in that paragraph in accordance with the terms of such appointment.

SA 407. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. ____. EXPANSION OF AVAILABILITY FROM DEPARTMENT OF VETERANS AFFAIRS OF SEXUAL TRAUMA COUNSELING AND TREATMENT FOR MEMBERS OF THE RESERVE COMPONENTS.

Section 1720D(a)(2)(A) of title 38, United States Code, is amended—

(1) by striking ''on active duty''; and

(2) by inserting before the period at the end the following: ''that was suffered by the member while serving on active duty, active duty for training, or inactive duty training''.

SA 408. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike sections 123 through 139.

SA 409. Mr. FLAKE (for himself, Mr. PAUL, Mr. DONNELLY, and Mr. MURPHY) proposed an amendment to the bill H.R. 3298, to authorize the Capitol Police Board to make payments from the United States Capitol Police Memorial Fund to employees of the United States Capitol Police who have sustained serious line-of-duty injuries, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Wounded Officers Recovery Act of 2017''.

SEC. 2. PAYMENTS FROM UNITED STATES CAPITOL POLICE MEMORIAL FUND FOR EMPLOYEES KILLED IN THE LINE OF DUTY OR SUSTAINING SERIOUS LINE-OF-DUTY INJURIES.

(a) AUTHORIZING PAYMENTS FROM FUND.—Section 2 of Public Law 105–223 (2 U.S.C. 1952) is amended—

(1) in the section heading, by inserting ''**AND CERTAIN OTHER UNITED STATES CAPITOL POLICE EMPLOYEES**'' before the period at the end;

(2) by striking ''Subject to the regulations'' and inserting ''(a) IN GENERAL.—Except to the extent used or reserved for use under subsection (b) and subject to the regulations''; and

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

''(b) PAYMENTS FOR EMPLOYEES KILLED IN THE LINE OF DUTY OR SUSTAINING SERIOUS LINE-OF-DUTY INJURIES.—In addition to the amounts paid under subsection (a), and in accordance with the regulations issued under section 4(b), amounts in the Fund may be paid to—

''(1) families of employees of the United States Capitol Police who were killed in the line of duty; or

''(2) employees of the United States Capitol Police who have sustained serious line-of-duty injuries.''.

(b) REGULATIONS OF CAPITOL POLICE BOARD.—Section 4 of Public Law 105–223 (2 U.S.C. 1954) is amended—

(1) by striking ''The Capitol Police Board'' and inserting ''(a) IN GENERAL.—The Capitol Police Board''; and

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

''(b) REGULATIONS GOVERNING PAYMENTS FOR EMPLOYEES KILLED IN THE LINE OF DUTY OR SUSTAINING SERIOUS LINE-OF-DUTY INJURIES.—In carrying out subsection (a), the Capitol Police Board shall issue specific regulations governing the use of the Fund for making payments to families of employees of the United States Capitol Police who were killed in the line of duty and employees of the United States Capitol Police who have sustained serious line-of-duty injuries (as authorized under section 2(b)), including regulations—

''(1) establishing the conditions under which the family of an employee or an employee is eligible to receive such a payment;

''(2) providing for the amount, timing, and manner of such payments; and

''(3) ensuring that any such payment is in addition to, and does not otherwise affect, any other form of compensation payable to the family of an employee or the employee, including benefits for workers' compensation under chapter 81 of title 5, United States Code.''.

(c) TREATMENT OF AMOUNTS RECEIVED IN RESPONSE TO INCIDENT OF JUNE 14, 2017.—The second sentence of section 1 of Public Law 105–223 (2 U.S.C. 1951) is amended by striking ''deposit into the Fund'' and inserting ''deposit into the Fund, including amounts received in response to the shooting incident at the practice for the Congressional Baseball Game for Charity on June 14, 2017,''.

SA 410. Mr. BOOKER (for himself, Mrs. FISCHER, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy,

to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike title XXXV and insert the following:

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. AUTHORIZATION OF THE MARITIME ADMINISTRATION.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of Transportation for fiscal year 2018, to be available without fiscal year limitation if so provided in appropriations Acts, for programs associated with maintaining the United States merchant marine, the following amounts:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $100,802,000, of which—

(A) $75,751,000 shall be for Academy operations, including—

(i) the implementation of section 3514(b) of the National Defense Authorization Act for Fiscal Year 2017, as added by section 3508; and

(ii) staffing, training, and other actions necessary to prevent and respond to sexual harassment and sexual assault; and

(B) $25,051,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, $29,550,000, of which—

(A) $2,400,000 shall remain available until September 30, 2018, for the Student Incentive Program;

(B) $3,000,000 shall remain available until expended for direct payments to such academies;

(C) $22,000,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels;

(D) $1,800,000 shall remain available until expended for training ship fuel assistance; and

(E) $350,000 shall remain available until expended for expenses to improve the monitoring of the service obligations of graduates.

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, $36,000,000, which shall remain available until expended.

(4) For expenses necessary to support Maritime Administration operations and programs, $58,694,000.

(5) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $20,000,000, which shall remain available until expended.

(6) For expenses necessary for the loan guarantee program authorized under chapter 537 of title 46, United States Code, $33,000,000, of which—

(A) $30,000,000 may be used for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $3,000,000 may be used for administrative expenses relating to loan guarantee commitments under the program.

(b) ASSISTANCE FOR SMALL SHIPYARDS AND MARITIME COMMUNITIES.—Section 54101(i) of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''2015 through 2017'' and inserting ''2018 through 2020'';

(2) in paragraph (1), by striking ''$5,000,000'' and inserting ''$7,500,000''; and

(3) in paragraph (2), by striking ''$25,000,000'' and inserting ''$27,500,000''.

SEC. 3502. REMOVAL ADJUNCT PROFESSOR LIMIT AT UNITED STATES MERCHANT MARINE ACADEMY.

Section 51317 of title 46, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''and'' at the end; and

(B) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(2) by striking subsections (c) and (d).

SEC. 3503. ACCEPTANCE OF GUARANTEES IN CONJUNCTION WITH PARTIAL DONATIONS FOR MAJOR PROJECTS OF THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) GUARANTEES.—Chapter 513 of title 46, United States Code, is amended by adding at the end the following:

''§ 51320. Acceptance of guarantees with gifts for major projects

''(a) DEFINITIONS.—In this section:

''(1) MAJOR PROJECT.—The term 'major project' means a project estimated to cost at least $1,000,000 for—

''(A) the purchase or other procurement of real or personal property; or

''(B) the construction, renovation, or repair of real or personal property.

''(2) MAJOR UNITED STATES COMMERCIAL BANK.—The term 'major United States commercial bank' means a commercial bank that—

''(A) is an insured bank (as defined in section 3(h) of the Federal Deposit Insurance Act (12 U.S.C. 1813(h)));

''(B) is headquartered in the United States; and

''(C) has total net assets of an amount considered by the Maritime Administrator to qualify the bank as a major bank.

''(3) MAJOR UNITED STATES INVESTMENT MANAGEMENT FIRM.—The term 'major United States investment management firm' means—

''(A) any broker or dealer (as such terms are defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c));

''(B) any investment adviser or provider of investment supervisory services (as such terms are defined in section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2)); or

''(C) a major United States commercial bank that—

''(i) is headquartered in the United States; and

''(ii) holds for the account of others investment assets in a total amount considered by the Maritime Administrator to qualify the bank as a major investment management firm.

''(4) QUALIFIED GUARANTEE.—The term 'qualified guarantee', with respect to a major project, means a guarantee that—

''(A) is made by 1 or more persons in connection with a donation for the project of a total amount in cash or securities that the Maritime Administrator determines is sufficient to defray a substantial portion of the total cost of the project;

''(B) is made to facilitate or expedite the completion of the project in reasonable anticipation that other donors will contribute sufficient funds or other resources in amounts sufficient to pay for completion of the project;

''(C) is set forth as a written agreement providing that the donor will furnish in cash or securities, in addition to the donor's other gift or gifts for the project, any additional amount that may become necessary for paying the cost of completing the project by reason of a failure to obtain from other donors or sources funds or other resources in amounts sufficient to pay the cost of completing the project; and

''(D) is accompanied by—

''(i) an irrevocable and unconditional standby letter of credit for the benefit of the United States Merchant Marine Academy that is in the amount of the guarantee and is issued by a major United States commercial bank; or

''(ii) a qualified account control agreement.

''(5) QUALIFIED ACCOUNT CONTROL AGREEMENT.—The term 'qualified account control agreement', with respect to a guarantee of a donor, means an agreement among the donor, the Maritime Administrator, and a major United States investment management firm that—

''(A) ensures the availability of sufficient funds or other financial resources to pay the amount guaranteed during the period of the guarantee;

''(B) provides for the perfection of a security interest in the assets of the account for the United States for the benefit of the United States Merchant Marine Academy with the highest priority available for liens and security interests under applicable law;

''(C) requires the donor to maintain in an account with the investment management firm assets having a total value that is not less than 130 percent of the amount guaranteed; and

''(D) requires the investment management firm, whenever the value of the account is less than the value required to be maintained under subparagraph (C), to liquidate any noncash assets in the account and reinvest the proceeds in Treasury bills issued under section 3104 of title 31.

''(b) ACCEPTANCE AUTHORITY.—Subject to subsection (d), the Maritime Administrator may accept a qualified guarantee from a donor or donors for the completion of a major project for the benefit of the United States Merchant Marine Academy.

''(c) OBLIGATION AUTHORITY.—The amount of a qualified guarantee accepted under this section shall be considered as contract authority to provide obligation authority for purposes of Federal fiscal and contractual requirements. Funds available for a project for which such a guarantee has been accepted may be obligated and expended for the project without regard to whether the total amount of funds and other resources available for the project (not taking into account the amount of the guarantee) is sufficient to pay for completion of the project.

''(d) NOTICE.—The Maritime Administrator may not accept a qualified guarantee under this section for the completion of a major project until 30 days after the date on which a report of the facts concerning the proposed guarantee is submitted to Congress.

''(e) PROHIBITION ON COMMINGLING FUNDS.—The Maritime Administrator may not enter into any contract or other transaction involving the use of a qualified guarantee and appropriated funds in the same contract or transaction.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 513 of title 46, United States Code, is amended by adding at the end the following:

''51320. Acceptance of guarantees with gifts for major projects.''.

SEC. 3504. AUTHORITY TO PAY CONVEYANCE OR TRANSFER EXPENSES IN CONNECTION WITH ACCEPTANCE OF A GIFT TO THE UNITED STATES MERCHANT MARINE ACADEMY.

Section 51315 of title 46, United States Code, is amended by inserting at the end the following:

''(f) PAYMENT OF EXPENSES.—The Maritime Administrator may pay all necessary expenses in connection with the conveyance or transfer of a gift, devise, or bequest accepted under this section.''.

SEC. 3505. AUTHORITY TO PARTICIPATE IN FEDERAL, STATE OR OTHER RESEARCH GRANTS.

(a) RESEARCH GRANTS.—Chapter 513 of title 46, United States Code, as amended by sections 3503 through 3505, is further amended by adding at the end the following:

''§ 51321. Grants for scientific and educational research

''(a) DEFINED TERM.—In this section, the term 'qualifying research grant' is a grant that—

''(1) is awarded on a competitive basis by the Federal Government (except for the Department of Transportation), a State, a corporation, a fund, a foundation, an educational institution, or a similar entity that is organized and operated primarily for scientific or educational purposes; and

''(2) is to be used to carry out a research project with a scientific or educational purpose.

''(b) ACCEPTANCE OF QUALIFYING RESEARCH GRANTS.—Notwithstanding any other provision of law, the United States Merchant Marine Academy may compete for and accept qualifying research grants if the work under the grant is to be carried out by a professor or instructor of the United States Merchant Marine Academy.

''(c) ADMINISTRATION OF GRANT FUNDS.—

''(1) ESTABLISHMENT OF ACCOUNT.—The Maritime Administrator shall establish a separate account for administering funds received from research grants under this section.

''(2) USE OF GRANT FUNDS.—The Superintendent shall use grant funds deposited into the account established pursuant to paragraph (1) in accordance with applicable regulations and the terms and conditions of the respective grants.

''(d) RELATED EXPENSES.—Subject to such limitations as may be provided in appropriations Acts, appropriations available for the United States Merchant Marine Academy may be used to pay expenses incurred by the Academy in applying for, and otherwise pursuing, a qualifying research grant.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 513 of title 46, United States Code, as amended by section 3504(b), is further amended by adding at the end the following:

''51321. Grants for scientific and educational research.''.

SEC. 3506. ASSISTANCE FOR SMALL SHIPYARDS AND MARITIME COMMUNITIES.

Section 54101 of title 46, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

''(b) AWARDS.—

''(1) IN GENERAL.—In providing assistance under the program, the Administrator shall take into account—

''(A) the economic circumstances and conditions of maritime communities;

''(B) projects that would be effective in fostering efficiency, competitive operations, and quality ship construction, repair, and reconfiguration; and

''(C) projects that would be effective in fostering employee skills and enhancing productivity.

''(2) TIMING OF AWARD.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Administrator shall award grants under this section not later than 120 days after the date of the enactment of the appropriations Act for the fiscal year concerned.

''(B) REALLOCATION OF UNUSED FUNDS.—If a grant is awarded under this section and, for any reason, the grant funds, or any portion thereof, are not used by the grantee—

''(i) such funds shall remain available until expended; and

''(ii) the Administrator may use such unused funds to award, in any fiscal year, another grant under this section to an applicant who submitted an application under the initial or any subsequent notice of availability of funds.''; and

(2) in subsection (c), by adding at the end the following:

''(3) BUY AMERICA.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation shall not obligate any funds authorized to be appropriated to carry out this chapter unless the steel, iron, and manufactured products used in such project are produced in the United States.

''(B) EXCEPTIONS.—The provisions of subparagraph (A) shall not apply if the Secretary finds that—

''(i) their application would be inconsistent with the public interest;

''(ii) such materials and products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

''(iii) inclusion of domestic material will increase the cost of the overall project by more than 25 percent.''.

SEC. 3507. DOMESTIC MARITIME CENTERS OF EXCELLENCE.

(a) DESIGNATION AUTHORITY.—The Secretary of Transportation is authorized to designate community and technical colleges with a maritime training program and maritime training centers operated by or under the supervision of a State, if located in the United States along the Gulf of Mexico, Atlantic Ocean, Pacific Ocean, Arctic Ocean, Bering Sea, Gulf of Alaska, or Great Lakes, as centers of excellence for domestic maritime workforce training and education.

(b) ASSISTANCE.—

(1) TYPES.—The Secretary may provide to an entity designated as a center of excellence under subsection (a)—

(A) technical assistance; and

(B) surplus Federal equipment and assets.

(2) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance under paragraph (1) to assist an entity designated as a center of excellence under subsection (a) to expand the capacity of the entity to train the domestic maritime workforce of the United States, including by—

(A) admitting additional students;

(B) recruiting and training faculty;

(C) expanding facilities;

(D) creating new maritime career pathways; and

(E) awarding students credit for prior experience, including military service.

SEC. 3508. ACCESS TO SATELLITE COMMUNICATION DEVICES DURING SEA YEAR PROGRAM.

Section 3514 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) is amended—

(1) by striking ''Not later than'' and inserting the following:

''(a) VESSEL OPERATOR REQUIREMENTS.—Not later than''; and

(2) by adding at the end the following:

''(b) SATELLITE PHONE ACCESS.—The Maritime Administrator shall ensure that each student participating in the Sea Year program is provided or has access to a functional satellite communication device. A student may not be denied from using such device whenever the student determines that such use is necessary to prevent or report sexual harassment or assault.''.

SEC. 3509. ACTIONS TO ADDRESS SEXUAL HARASSMENT, DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING AT THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) REQUIRED POLICY.—Subsection (a) of section 51318 of title 46, United States Code, as added by section 3510 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2782), is amended—

(1) in paragraph (1), by striking ''harassment and sexual assault'' and inserting ''harassment, dating violence, domestic violence, sexual assault, and stalking'';

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''harassment and sexual assault'' and inserting ''harassment, dating violence, domestic violence, sexual assault, and stalking'';

(B) in subparagraph (A), by inserting ''domestic violence, dating violence, stalking,'' after ''acquaintance rape,'';

(C) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking ''harassment or sexual assault,'' and inserting ''harassment, dating violence, domestic violence, sexual assault, or stalking,'';

(ii) in clause (i), by striking ''harassment or sexual assault'' and inserting ''harassment, dating violence, domestic violence, sexual assault, or stalking''; and

(iii) in clause (iii), by striking ''criminal sexual assault'' and inserting ''a criminal sexual offense'';

(D) in subparagraph (D), by striking ''harassment or sexual assault'' and inserting ''harassment, dating violence, domestic violence, sexual assault, or stalking'';

(E) in subparagraph (E)—

(i) in clause (i), by striking ''harassment or sexual assault'' and inserting ''harassment, dating violence, domestic violence, sexual assault, or stalking'';

(ii) in clause (ii), by striking ''sexual assault'' and inserting ''sexual harassment, dating violence, domestic violence, sexual assault, or stalking''; and

(iii) in clause (iii), by striking ''harassment and sexual assault'' and inserting ''harassment, dating violence, domestic violence, sexual assault, or stalking''; and

(F) in subparagraph (F), by striking ''harassment or sexual assault'' and inserting ''harassment, dating violence, domestic violence, sexual assault, or stalking'';

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(4) by inserting after paragraph (2) the following:

''(3) MINIMUM TRAINING REQUIREMENTS FOR CERTAIN INDIVIDUALS REGARDING SEXUAL HARASSMENT, DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING.—

''(A) REQUIREMENT.—The Maritime Administrator shall direct the Superintendent of the United States Merchant Marine Academy to develop a mandatory training program at the United States Merchant Marine Academy for each individual who is involved in implementing the Academy's student disciplinary grievance procedures, including each individual who is responsible for—

''(i) resolving complaints of reported sexual harassment, dating violence, domestic violence, sexual assault, and stalking;

''(ii) resolving complaints of reported violations of the sexual misconduct policy of the Academy; or

''(iii) conducting an interview with a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

''(B) CONSULTATION.—The Superintendent shall develop the training program described in subparagraph (A) in consultation with national, State, or local sexual assault, dating violence, domestic violence, or stalking victim advocacy, victim services, or prevention organizations.

''(C) ELEMENTS.—The training required by subparagraph (A) shall include the following:

''(i) Information on working with and interviewing persons subjected to sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

''(ii) Information on particular types of conduct that would constitute sexual harassment, dating violence, domestic violence, sexual assault, or stalking, regardless of gender, including same-sex sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

''(iii) Information on consent and the effect that drugs or alcohol may have on an individual's ability to consent.

''(iv) Information on the effects of trauma, including the neurobiology of trauma.

''(v) Training regarding the use of trauma-informed interview techniques, which means asking questions of an individual who has been a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking in a manner that is focused on the experience of the victim, does not judge or blame the victim, and is informed by evidence-based research on the neurobiology of trauma.

''(vi) Training on cultural awareness regarding how dating violence, domestic violence, sexual assault, or stalking may impact midshipmen differently depending on their cultural background.

''(vii) Information on sexual assault dynamics, sexual assault perpetrator behavior, and barriers to reporting.

''(D) IMPLEMENTATION.—

''(i) DEVELOPMENT AND APPROVAL SCHEDULE.—The training program required by subparagraph (A) shall be developed not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018.

''(ii) COMPLETION OF TRAINING.—Each individual who is required to complete the training described in subparagraph (A) shall complete such training not later than—

''(I) 270 days after enactment of the National Defense Authorization Act for Fiscal Year 2018; or

''(II) 180 days after starting a position with responsibilities that include the activities described clause (i), (ii), or (iii) of subparagraph (A).''; and

(5) by inserting after paragraph (5), as so redesignated, the following:

''(6) CONSISTENCY WITH THE HIGHER EDUCATION ACT OF 1965.—The Secretary shall ensure that the policy developed under this subsection meets the requirements set out in paragraph (8) of section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)(8)).''.

(b) MINIMUM PROCEDURES FOR HANDLING REPORTS OF SEXUAL HARASSMENT, DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING.—Subsection (b) of section 51318 of title 46, United States Code, as added by section 3510 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2782), is amended to read as follows:

''(b) DEVELOPMENT PROGRAM.—

''(1) IN GENERAL.—The Maritime Administrator shall ensure that the development program of the Academy includes a section that—

''(A) describes the relationship between honor, respect, and character development and the prevention of sexual harassment, dating violence, domestic violence, sexual assault, and stalking at the Academy;

''(B) includes a brief history of the problem of sexual harassment, dating violence, domestic violence, sexual assault, and stalking in the merchant marine, in the Armed Forces, and at the Academy; and

''(C) includes information relating to reporting sexual harassment, dating violence, domestic violence, sexual assault, and stalking, victims' rights, and dismissal for offenders.

''(2) MINIMUM REQUIREMENTS TO COMBAT RETALIATION.—

''(A) REQUIREMENT FOR PLAN.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018, the Maritime Administrator shall direct the Superintendent of the United States Merchant Marine Academy to implement and maintain a plan to combat retaliation against midshipmen at the United States Merchant Marine Academy who report sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

''(B) VIOLATION OF CODE OF CONDUCT.—The Superintendent shall consider an act of retaliation against a midshipman at the Academy who reports sexual harassment, dating violence, domestic violence, sexual assault, or stalking as a Class I violation of the Academy's Midshipman Regulations or equivalent code of conduct.

''(C) RETALIATION DEFINITION.—The Superintendent shall work with the sexual assault prevention and response staff of the Academy to define 'retaliation' for purposes of this subsection.

''(3) MINIMUM RESOURCE REQUIREMENTS.—

''(A) IN GENERAL.—The Maritime Administrator shall ensure the staff at the United States Merchant Marine Academy are provided adequate and appropriate sexual harassment, dating violence, domestic violence, sexual assault, and stalking prevention and response training materials and resources. Such resources shall include staff as follows:

''(i) Sexual assault response coordinator.

''(ii) Prevention educator.

''(iii) Civil rights officer.

''(iv) Staff member to oversee Sea Year.

''(B) COMMUNICATION.—The Director of the Office of Civil Rights of the Maritime Administration shall create and maintain a direct line of communication to the sexual assault response staff of the Academy that is outside of the chain of command of the Academy.

''(4) MINIMUM TRAINING REQUIREMENTS.—The Superintendent shall ensure that all cadets receive training on the sexual harassment, dating violence, domestic violence, sexual assault, and stalking prevention and response sections of the development program of the Academy, as described in paragraph (1), as follows:

''(A) An initial training session, which shall occur not later than 7 days after a cadet's initial arrival at the Academy.

''(B) Additional training sessions, which shall occur biannually following the cadet's initial training session until the cadet graduates or leaves the Academy.''.

(c) AGGREGATE REPORTING.—Section 51318 of title 46, United States Code, as added by section 3510 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2782), is amended by adding at the end the following:

''(e) DATA FOR AGGREGATE REPORTING.—

''(1) IN GENERAL.—No requirement related to confidentiality in this section or section 51319 may be construed to prevent a sexual assault response coordinator from providing information for any report required by law regarding sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

''(2) IDENTITY PROTECTION.—Any information provided for a report referred to in paragraph (1) shall be provided in a manner that protects the identity of the victim or witness.''.

(d) DEFINITIONS.—Section 51318 of title 46, United States Code, as added by section 3510 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2782), as amended by subsection (c), is further amended by adding at the end the following:

''(f) DEFINITIONS.—In this section and section 51319:

''(1) DATING VIOLENCE; DOMESTIC VIOLENCE; STALKING.—The terms 'dating violence', 'domestic violence', and 'stalking' have the meanings given those terms is section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

''(2) SEXUAL ASSAULT.—The term 'sexual assault' means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.''.

(e) CONFORMING AMENDMENTS.—

(1) HEADING.—Section 51318 of title 46, United States Code, as added by section 3510 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2782), is amended by striking the section heading and inserting the following:

''§ 51318. Policy on sexual harassment, dating violence, domestic violence, sexual assault, and stalking''.

(2) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 513 of title 46, United States Code, as amended by subtitle A of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2774), is amended by striking the item relating to section 51318 and inserting the following:

''51318. Policy on sexual harassment, dating violence, domestic violence, sexual assault, and stalking.''.

SEC. 3510. SEXUAL ASSAULT PREVENTION AND RESPONSE STAFF.

(a) IN GENERAL.—Section 51319 of title 46, United States Code, as added by section 3511 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2785), is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by striking subsection (a) and inserting the following:

''(a) SEXUAL ASSAULT RESPONSE COORDINATORS.—

''(1) REQUIREMENT FOR COORDINATORS.—The United States Merchant Marine Academy shall employ or contract with at least 1 full-time sexual assault response coordinator who shall reside at or near the Academy. The Secretary of Transportation may assign additional full-time or part-time sexual assault response coordinators at the Academy as necessary.

''(2) SELECTION CRITERIA.—Each sexual assault response coordinator shall be selected based on—

''(A) experience and a demonstrated ability to effectively provide victim services related to sexual harassment, dating violence, domestic violence, sexual assault, and stalking; and

''(B) protection of the individual under applicable law to provide privileged communication.

''(3) CONFIDENTIALITY.—A sexual assault response coordinator shall, to the extent authorized under applicable law, provide confidential services to a midshipman who reports being a victim of, or witness to, sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

''(4) TRAINING.—

''(A) VERIFICATION.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018, the Maritime Administrator, in consultation with the Director of the Maritime Administration Office of Civil Rights, shall develop a process to verify that each sexual assault response coordinator has completed proper training.

''(B) TRAINING REQUIREMENTS.—The training referred to in subparagraph (A) shall include training in—

''(i) working with victims of sexual harassment, dating violence, domestic violence, sexual assault, and stalking;

''(ii) the policies, procedures, and resources of the Academy related to responding to sexual harassment, dating violence, domestic violence, sexual assault, and stalking; and

''(iii) national, State, and local victim services and resources available to victims of sexual harassment, dating violence, domestic violence, sexual assault, and stalking.

''(C) COMPLETION OF TRAINING.—A sexual assault response coordinator shall complete the training referred to in subparagraphs (A) and (B) not later than—

''(i) 270 days after enactment of the National Defense Authorization Act for Fiscal Year 2018; or

''(ii) 180 days after starting in the role of sexual assault response coordinator.

''(5) DUTIES.—A sexual assault response coordinator shall—

''(A) confidentially receive a report from a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking;

''(B) inform the victim of—

''(i) the victim's rights under applicable law;

''(ii) options for reporting an incident of sexual harassment, dating violence, domestic violence, sexual assault, or stalking to the Academy and law enforcement;

''(iii) how to access available services, including emergency medical care, medical forensic or evidentiary examinations, legal services, services provided by rape crisis centers and other victim service providers, services provided by the volunteer sexual assault victim advocates at the Academy, and crisis intervention counseling and ongoing counseling;

''(iv) such coordinator's ability to assist in arranging access to such services, with the consent of the victim;

''(v) available accommodations, such as allowing the victim to change living arrangements and obtain accessibility services;

''(vi) such coordinator's ability to assist in arranging such accommodations, with the consent of the victim;

''(vii) the victim's rights and the Academy's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by the Academy or a criminal, civil, or tribal court; and

''(viii) privacy limitations under applicable law;

''(C) represent the interests of any midshipmen who reports being a victim of sexual harassment, dating violence, domestic violence, sexual assault, or stalking, even if such interests are in conflict with the interests of the Academy;

''(D) advise the victim of, and provide written materials regarding, the information described in subparagraph (B);

''(E) liaise with appropriate staff at the Academy, with the victim's consent, to arrange reasonable accommodations through the Academy to allow the victim to change living arrangements, obtain accessibility services, or access other accommodations;

''(F) maintain the privacy and confidentiality of the victim, and shall not notify the Academy or any other authority of the identity of the victim or the alleged circumstances surrounding the reported incident unless—

''(i) otherwise required by applicable law;

''(ii) requested to do so by the victim who has been fully and accurately informed about what procedures shall occur if the information is shared; or

''(iii) notwithstanding clause (i) or clause (ii), there is risk of imminent harm to other individuals;

''(G) assist the victim in contacting and reporting an incident of sexual harassment, dating violence, domestic violence, sexual assault, or stalking to the Academy or law enforcement, if requested to do so by the victim who has been fully and accurately informed about what procedures shall occur if information is shared; and

''(H) submit to the Director of the Maritime Administration Office of Civil Rights an annual report summarizing how the resources supplied to the coordinator were used during the prior year, including the number of victims assisted by the coordinator.

''(b) OVERSIGHT.—

''(1) IN GENERAL.—

''(A) REPORTING.—Each sexual assault response coordinator shall—

''(i) report directly to the Superintendent; and

''(ii) have concurrent reporting responsibility to the Executive Director of the Maritime Administration on matters related to the Maritime Administration and the Department of Transportation and upon belief that the Academy leadership is acting inappropriately regarding sexual assault prevention and response matters.

''(B) SUPPORT.—The Maritime Administration Office of Civil Rights shall provide support to the sexual assault response coordinator at the Academy on all sexual harassment, dating violence, domestic violence, sexual assault, or stalking prevention matters.

''(2) PROHIBITION ON INVESTIGATION BY THE ACADEMY.—Any request by a victim for an accommodation, as described in subsection (a)(5)(F), made by a sexual assault response coordinator shall not trigger an investigation by the Academy, even if such coordinator deals only with matters relating to sexual harassment, dating violence, domestic violence, sexual assault, or stalking.

''(3) PROHIBITION ON RETALIATION.—A sexual assault response coordinator, victim advocate, or companion may not be disciplined, penalized, or otherwise retaliated against by the Academy for representing the interests of the victim, even if such interests are in conflict with the interests of the Academy.''.

(b) ACCESS OF ACADEMY MIDSHIPMEN TO DEPARTMENT OF DEFENSE SAFE HELPLINE.—

(1) IN GENERAL.—The Secretary of Transportation, acting through the Superintendent of the United States Merchant Marine Academy, and the Secretary of Defense shall jointly provide for the access to and use of the Department of Defense SAFE Helpline by midshipmen at the Merchant Marine Academy.

(2) TRAINING.—The training provided to personnel of the Department of Defense SAFE Helpline shall include training on the resources available to midshipmen at the Merchant Marine Academy in connection with sexual assault, sexual harassment, domestic violence, dating violence, and stalking.

(c) REPEAL OF DUPLICATE REQUIREMENT.—Subsection (c) of section 51319 of title 46, United States Code, as redesignated by subsection (a)(1)—

(1) by striking paragraph (5);

(2) redesignating paragraph (6) as paragraph (5); and

(3) in paragraph (5), as so redesignated, by striking ''(3), (4), and (5)'' and inserting ''(3) and (4)''.

SEC. 3511. PROTECTION OF STUDENTS FROM SEXUAL ASSAULT ONBOARD VESSELS .

(a) IN GENERAL.—Chapter 513 of title 46, United States Code, as amended by subtitle A of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), is amended by adding at the end the following new section:

''§ 51320. Protection of students from sexual assault onboard vessels

''(a) PROVISION OF INDIVIDUAL SATELLITE COMMUNICATION DEVICES DURING SEA YEAR.—

''(1) IN GENERAL.—The Maritime Administrator shall ensure that each midshipman at the United States Merchant Marine Academy is provided a functional satellite communication device during the midshipman's Sea Year.

''(2) CHECK-IN.—Not less often than once each week, each such midshipman shall check-in with designated personnel at the Academy via the midshipman's personal satellite communication device. A text message sent via the midshipman's personal satellite device shall meet the requirement for a weekly check-in for purposes of this paragraph.

''(b) RIDING GANGS.—The Maritime Administrator shall—

''(1) require the owner or operator of any commercial vessel carrying a midshipman of the Academy to certify their compliance with the International Convention for Safety of Life at Sea, 1974, with annex, done at London November 1, 1974 (32 UST 47) and section 8106; and

''(2) ensure the Academy informs midshipmen preparing for Sea Year of the obligations that vessel owners and operators have to provide for the security of individuals aboard a vessel under United States law, including chapter 81 and section 70103(c).

''(c) CHECKS OF COMMERCIAL VESSELS.—

''(1) REQUIREMENT.—Not less frequently than biennially, the staff of the United States Merchant Marine Academy or the Maritime Administration shall conduct both random and targeted unannounced checks of not less than 10 percent of the commercial vessels that host a midshipman from the Academy.

''(2) REMOVAL OF STUDENTS.—If such staff determine that such a commercial vessel is in violation of the sexual assault policy developed by the Academy through such a check, such staff are authorized to remove any midshipman of the Academy from the vessel and report any such violation to the company that owns the vessel.

''(d) MAINTENANCE OF SEXUAL ASSAULT TRAINING RECORDS.—The Maritime Administrator shall require each company or seafarer union for a commercial vessel to maintain records of sexual assault training for the crew and passengers of any vessel hosting a midshipman from the Academy.

''(e) SEA YEAR SURVEY.—

''(1) REQUIREMENT.—The Maritime Administrator shall require each midshipman from the Academy upon completion of the midshipman's Sea Year to complete a survey regarding the environment and conditions during the Sea Year.

''(2) AVAILABILITY.—The Maritime Administrator shall make available to the public for each year—

''(A) the questions used in the survey required by paragraph (1); and

''(B) the aggregated data received from such surveys.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 513 of title 46, United States Code, as amended by subtitle A of title XXXV of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), is amended by adding at the end the following:

''51320. Protection of students from sexual assault onboard vessels.''.

SEC. 3512. TRAINING REQUIREMENT FOR SEXUAL ASSAULT INVESTIGATORS.

Each employee of the Office of Inspector General of the Department of Transportation

who conducts investigations and who is assigned to the Regional Investigations Office in New York, New York—

(1) to participate in specialized training in conducting sexual assault investigations; and

(2) to attend at least 1 Federal Law Enforcement Training Center (FLETC) sexual assault investigation course, or equivalent sexual assault investigation training course, as determined by the Inspector General, each year.

SA 411. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. _____. PROHIBITION ON THE INDEFINITE DETENTION OF PERSONS BY THE UNITED STATES.

(a) LIMITATION ON DETENTION.—Section 4001 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) No person shall be imprisoned or otherwise detained by the United States except consistent with the Constitution.'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b)(1) A general authorization to use military force, a declaration of war, or any similar authority, on its own, shall not be construed to authorize the imprisonment or detention without charge or trial of a person apprehended in the United States.

''(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018.

''(3) This section shall not be construed to authorize the imprisonment or detention of any person who is apprehended in the United States.''.

(b) REPEAL OF AUTHORITY OF THE ARMED FORCES OF THE UNITED STATES TO DETAIN COVERED PERSONS PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.—Section 1021 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 801 note) is repealed.

SA 412. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. _____. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AND AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002.

(a) FINDING.—Congress finds that neither the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) or the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 50 U.S.C. 1541 note) authorize the use of military force against the Islamic State in Iraq and al-Sham (ISIS).

(b) REPEAL.—Effective as of the date that is six months after the date of the enactment of this Act, the following are repealed:

(1) The Authorization for Use of Military Force.

(2) The Authorization for Use of Military Force Against Iraq Resolution of 2002.

SA 413. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SMALL BUSINESS HEALTH PLANS.

(a) TAX TREATMENT OF SMALL BUSINESS HEALTH PLANS.—A small business health plan (as defined in section 801(a) of the Employee Retirement Income Security Act of 1974) shall be treated—

(1) as a group health plan (as defined in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91)) for purposes of applying title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) and title XXII of such Act (42 U.S.C. 300bb-1);

(2) as a group health plan (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986) for purposes of applying sections 4980B and 5000 and chapter 100 of the Internal Revenue Code of 1986; and

(3) as a group health plan (as defined in section 733(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(a)(1))) for purposes of applying parts 6 and 7 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.).

(b) RULES.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021 et seq.) is amended by adding at the end the following new part:

''PART 8—RULES GOVERNING SMALL BUSINESS RISK SHARING POOLS

''SEC. 801. SMALL BUSINESS HEALTH PLANS.

''(a) IN GENERAL.—For purposes of this part, the term 'small business health plan' means a fully insured group health plan, offered by a health insurance issuer in the large group market, whose sponsor is described in subsection (b).

''(b) SPONSOR.—The sponsor of a group health plan is described in this subsection if such sponsor—

''(1) is a qualified sponsor and receives certification by the Secretary;

''(2) is organized and maintained in good faith, with a constitution or bylaws specifically stating its purpose and providing for periodic meetings on at least an annual basis;

''(3) is established as a permanent entity;

''(4) is established for a purpose other than providing health benefits to its members, such as an organization established as a bona fide trade association, franchise, or section 7705 organization; and

''(5) does not condition membership on the basis of a minimum group size.

''SEC. 802. FILING FEE AND CERTIFICATION OF SMALL BUSINESS HEALTH PLANS.

''(a) FILING FEE.—A small business health plan shall pay to the Secretary at the time of filing an application for certification under subsection (b) a filing fee in the amount of $5,000, which shall be available to the Secretary for the sole purpose of administering the certification procedures applicable with respect to small business health plans.

''(b) CERTIFICATION.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of this part, the Secretary shall prescribe by interim final rule a procedure under which the Secretary—

''(A) will certify a qualified sponsor of a small business health plan, upon receipt of an application that includes the information described in paragraph (2);

''(B) may provide for continued certification of small business health plans under this part;

''(C) shall provide for the revocation of a certification if the applicable authority finds that the small business health plan involved fails to comply with the requirements of this part;

''(D) shall conduct oversight of certified plan sponsors, including periodic review, and consistent with section 504, applying the requirements of sections 518, 519, and 520; and

''(E) will consult with a State with respect to a small business health plan domiciled in such State regarding the Secretary's authority under this part and other enforcement authority under sections 502 and 504.

''(2) INFORMATION TO BE INCLUDED IN APPLICATION FOR CERTIFICATION.—An application for certification under this part meets the requirements of this section only if it includes, in a manner and form which shall be prescribed by the applicable authority by regulation, at least the following information:

''(A) Identifying information.

''(B) States in which the plan intends to do business.

''(C) Bonding requirements.

''(D) Plan documents.

''(E) Agreements with service providers.

''(3) REQUIREMENTS FOR CERTIFIED PLAN SPONSORS.—Not later than 6 months after the date of enactment of this part, the Secretary shall prescribe by interim final rule requirements for certified plan sponsors that include requirements regarding—

''(A) structure and requirements for boards of trustees or plan administrators;

''(B) notification of material changes; and

''(C) notification for voluntary termination.

''(c) FILING NOTICE OF CERTIFICATION WITH STATES.—A certification granted under this part to a small business health plan shall not be effective unless written notice of such certification is filed by the plan sponsor with the applicable State authority of each State in which the small business health plan operates.

''(d) EXPEDITED AND DEEMED CERTIFICATION.—

''(1) IN GENERAL.—If the Secretary fails to act on a complete application for certification under this section within 90 days of receipt of such complete application, the applying small business health plan sponsor shall be deemed certified until such time as the Secretary may deny for cause the application for certification.

''(2) PENALTY.—The Secretary may assess a penalty against the board of trustees, plan administrator, and plan sponsor (jointly and severally) of a small business health plan sponsor that is deemed certified under paragraph (1) of up to $500,000 in the event the Secretary determines that the application for certification of such small business health plan sponsor was willfully or with gross negligence incomplete or inaccurate.

''SEC. 803. PARTICIPATION AND COVERAGE REQUIREMENTS.

''(a) COVERED EMPLOYERS AND INDIVIDUALS.—The requirements of this subsection

are met with respect to a small business health plan if, under the terms of the plan—

''(1) each participating employer must be—

''(A) a member of the sponsor;

''(B) the sponsor; or

''(C) an affiliated member of the sponsor, except that, in the case of a sponsor which is a professional association or other individual-based association, if at least one of the officers, directors, or employees of an employer, or at least one of the individuals who are partners in an employer and who actively participates in the business, is a member or such an affiliated member of the sponsor, participating employers may also include such employer; and

''(2) all individuals commencing coverage under the plan after certification under this part must be—

''(A) active or retired owners (including self-employed individuals with or without employees), officers, directors, or employees of, or partners in, participating employers; or

''(B) the dependents of individuals described in subparagraph (A).

''(b) PARTICIPATING EMPLOYERS.—In applying requirements relating to coverage renewal, a participating employer shall not be deemed to be a plan sponsor.

''(c) PROHIBITION OF DISCRIMINATION AGAINST EMPLOYERS AND EMPLOYEES ELIGIBLE TO PARTICIPATE.—The requirements of this subsection are met with respect to a small business health plan if—

''(1) under the terms of the plan, no participating employer may provide health insurance coverage in the individual market for any employee not covered under the plan, if such exclusion of the employee from coverage under the plan is based on a health status-related factor with respect to the employee and such employee would, but for such exclusion on such basis, be eligible for coverage under the plan; and

''(2) information regarding all coverage options available under the plan is made readily available to any employer eligible to participate.

''SEC. 804. DEFINITIONS; RENEWAL.

''For purposes of this part:

''(1) AFFILIATED MEMBER.—The term 'affiliated member' means, in connection with a sponsor—

''(A) a person who is otherwise eligible to be a member of the sponsor but who elects an affiliated status with the sponsor, or

''(B) in the case of a sponsor with members which consist of associations, a person who is a member or employee of any such association and elects an affiliated status with the sponsor.

''(2) APPLICABLE STATE AUTHORITY.—The term 'applicable State authority' means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the requirements of title XXVII of the Public Health Service Act for the State involved with respect to such issuer.

''(3) FRANCHISOR; FRANCHISEE.—The terms 'franchisor' and 'franchisee' have the meanings given such terms for purposes of sections 436.2(a) through 436.2(c) of title 16, Code of Federal Regulations (including any such amendments to such regulation after the date of enactment of this part) and, for purposes of this part, franchisor or franchisee employers participating in such a group health plan shall not be treated as the employer, co-employer, or joint employer of the employees of another participating franchisor or franchisee employer for any purpose.

''(4) HEALTH PLAN TERMS.—The terms 'group health plan', 'health insurance coverage', and 'health insurance issuer' have the meanings given such terms in section 733.

''(5) INDIVIDUAL MARKET.—

''(A) IN GENERAL.—The term 'individual market' means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

''(B) TREATMENT OF VERY SMALL GROUPS.—

''(i) IN GENERAL.—Subject to clause (ii), such term includes coverage offered in connection with a group health plan that has fewer than 2 participants as current employees or participants described in section 732(d)(3) on the first day of the plan year.

''(ii) STATE EXCEPTION.—Clause (i) shall not apply in the case of health insurance coverage offered in a State if such State regulates the coverage described in such clause in the same manner and to the same extent as coverage in the small group market (as defined in section 2791(e)(5) of the Public Health Service Act) is regulated by such State.

''(6) PARTICIPATING EMPLOYER.—The term 'participating employer' means, in connection with a small business health plan, any employer, if any individual who is an employee of such employer, a partner in such employer, or a self-employed individual who is such employer with or without employees (or any dependent, as defined under the terms of the plan, of such individual) is or was covered under such plan in connection with the status of such individual as such an employee, partner, or self-employed individual in relation to the plan.

''(7) SECTION 7705 ORGANIZATION.—The term 'section 7705 organization' means an organization providing services for a customer pursuant to a contract meeting the conditions of subparagraphs (A), (B), (C), (D), and (E) (but not (F)) of section 7705(e)(2) of the Internal Revenue Code of 1986, including an entity that is part of a section 7705 organization control group . For purposes of this part, any reference to 'member' shall include a customer of a section 7705 organization except with respect to references to a 'member' or 'members' in paragraph (1).''.

(c) PREEMPTION RULES.—Section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144) is amended by adding at the end the following:

''(f) The provisions of this title shall supersede any and all State laws insofar as they may now or hereafter preclude a health insurance issuer from offering health insurance coverage in connection with a small business health plan which is certified under part 8.''.

(d) PLAN SPONSOR.—Section 3(16)(B) of such Act (29 U.S.C. 102(16)(B)) is amended by adding at the end the following new sentence: ''Such term also includes a person serving as the sponsor of a small business health plan under part 8.''.

(e) SAVINGS CLAUSE.—Section 731(c) of such Act is amended by inserting ''or part 8'' after ''this part''.

(f) TREATMENT OF INCOME FROM SMALL BUSINESS HEALTH PLANS.—Section 513 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(k) SMALL BUSINESS HEALTH PLANS.—The term 'unrelated trade or business' does not include the sponsoring of a small business health plan (as defined in section 801 of the Employee Retirement Income Security Act of 1974).''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act. The Secretary of Labor shall first issue all regulations necessary to carry out the amendments made by this section within 6 months after the date of the enactment of this Act.

SA 414. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TREATMENT OF DIRECT PRIMARY CARE SERVICE ARRANGEMENTS.

(a) IN GENERAL.—Section 223(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) TREATMENT OF DIRECT PRIMARY CARE SERVICE ARRANGEMENTS.—An arrangement under which an individual is provided coverage restricted to primary care services in exchange for a fixed periodic fee or payment for such services—

''(A) shall not be treated as a health plan for purposes of paragraph (1)(A)(ii), and

''(B) shall not be treated as insurance for purposes of subsection (d)(2)(B).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 415. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MAXIMUM CONTRIBUTION LIMIT TO HEALTH SAVINGS ACCOUNT INCREASED.

(a) SELF-ONLY COVERAGE.—Section 223(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking ''$2,250'' and inserting ''$10,800''.

(b) FAMILY COVERAGE.—Section 223(b)(2)(B) of the Internal Revenue Code of 1986 is amended by striking ''$4,500'' and inserting ''$29,500''.

(c) COST-OF-LIVING ADJUSTMENT.—Section 223(g) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (1), by striking ''subsections (b)(2) and'' both places it appears and inserting ''subsection'',

(2) in paragraph (1)(B), by striking ''determined by'' and all that follows through '' 'calendar year 2003'.'' and inserting ''determined by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.'',

(3) by redesignating paragraph (2) as paragraph (3),

(4) by inserting ''or (2)'' after ''paragraph (1)'' in paragraph (3), as so redesignated, and

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

''(2) CONTRIBUTION LIMITS.—In the case of any taxable year beginning after December 31, 2018, each dollar amount in subsection (b)(2) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such taxable year begins, determined by substituting '2017' for '1992' in subparagraph (B) thereof.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SA 416. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INCREASED FMAP FOR STATES THAT ADOPT MEDICAL LIABILITY REFORM LEGISLATION.

Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (b), in the first sentence, by striking ''and (aa)'' and inserting ''(aa), and (ee)'';

(2) in subsection (cc)—

(A) by striking ''and (aa)'' and inserting ''(aa), and (ee)''; and

(B) by inserting ''(or, in the case of an increase under subsection (ee), for the fiscal quarter occurring immediately prior to the first fiscal quarter during which the State is eligible for such increase)'' after ''December 31, 2009,''; and

(3) by adding at the end the following:

''(ee) INCREASED FMAP FOR MEDICAL LIABILITY REFORM.—

''(1) IN GENERAL.—For fiscal years beginning on or after October 1, 2017, notwithstanding subsection (b), for a State that is one of the 50 States or the District of Columbia and meets the requirement of paragraph (2) for the entire fiscal year, the Federal medical assistance percentage otherwise determined under such subsection and subsections (y), (z), and (aa) for the State and year shall be increased by 1 percentage point.

''(2) LIMITATIONS ON NONECONOMIC DAMAGES IN MEDICAL LIABILITY CASES.—A State meets the requirement of this paragraph if State law provides that, in any action on a health care liability claim where judgment is rendered for a claimant, regardless of the number of defendants against whom judgment is rendered or the number of separate causes of action on which the claim is based—

''(A) the maximum collective amount of noneconomic damages recoverable from one or more physicians or health care providers that are not health care institutions (inclusive of all persons and entities associated with the physician or provider for which vicarious liability theories may apply) against whom judgment is rendered shall not exceed $250,000 for each claimant;

''(B) the maximum amount of noneconomic damages recoverable from any single health care institution (inclusive of all persons and entities associated with the institution for which vicarious liability theories may apply) against whom judgment is rendered shall not exceed $250,000 for each claimant; and

''(C) the maximum collective amount of noneconomic damages recoverable from all health care institutions (inclusive of all persons and entities associated with the institution for which vicarious liability theories may apply) against whom judgment is rendered shall not exceed $500,000 for each claimant.

''(3) NONECONOMIC DAMAGES.—In this subsection, the term 'noneconomic damages' means damages awarded for the purpose of compensating a claimant for physical pain and suffering, mental or emotional pain or anguish, loss of consortium, disfigurement, physical impairment, loss of companionship and society, inconvenience, loss of enjoyment of life, injury to reputation, and all other nonpecuniary losses of any kind other than exemplary or punitive damages.''.

SA 417. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RECIPROCAL MARKETING APPROVAL FOR CERTAIN DRUGS, BIOLOGICAL PRODUCTS, AND DEVICES.

The Federal Food, Drug, and Cosmetic Act is amended by inserting after section 524A of such Act (21 U.S.C. 360n–1) the following:

''SEC. 524B. RECIPROCAL MARKETING APPROVAL.

''(a) IN GENERAL.—A covered product with reciprocal marketing approval in effect under this section is deemed to be subject to an application or premarket notification for which an approval or clearance is in effect under section 505(c), 510(k), or 515 of this Act or section 351(a) of the Public Health Service Act, as applicable.

''(b) ELIGIBILITY.—The Secretary shall, with respect to a covered product, grant reciprocal marketing approval if—

''(1) the sponsor of the covered product submits a request for reciprocal marketing approval; and

''(2) the request demonstrates to the Secretary's satisfaction that—

''(A) the covered product is authorized to be lawfully marketed in one or more of the countries included in the list under section 802(b)(1);

''(B) absent reciprocal marketing approval, the covered product is not approved or cleared for marketing, as described in subsection (a);

''(C) the Secretary has not, because of any concern relating to the safety or effectiveness of the covered product, rescinded or withdrawn any such approval or clearance;

''(D) the authorization to market the covered product in one or more of the countries included in the list under section 802(b)(1) has not, because of any concern relating to the safety or effectiveness of the covered product, been rescinded or withdrawn;

''(E) the covered product is not a banned device under section 516; and

''(F) there is a public health or unmet medical need for the covered product in the United States.

''(c) SAFETY AND EFFECTIVENESS.—

''(1) IN GENERAL.—The Secretary—

''(A) may decline to grant reciprocal marketing approval under this section with respect to a covered product if the Secretary affirmatively determines that the covered product—

''(i) is a drug that is not safe and effective; or

''(ii) is a device for which there is no reasonable assurance of safety and effectiveness; and

''(B) may condition reciprocal marketing approval under this section on the conduct of specified postmarket studies, which may include such studies pursuant to a risk evaluation and mitigation strategy under section 505–1.

''(2) REPORT TO CONGRESS.—Upon declining to grant reciprocal marketing approval under this section with respect to a covered product, the Secretary shall—

''(A) include the denial in a list of such denials for each month; and

''(B) not later than the end of the respective month, submit the list to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate.

''(d) REQUEST.—A request for reciprocal marketing approval shall—

''(1) be in such form, be submitted in such manner, and contain such information as the Secretary deems necessary to determine whether the criteria listed in subsection (b)(2) are met; and

''(2) include, with respect to each country included in the list under section 802(b)(1) where the covered product is authorized to be lawfully marketed, as described in subsection (b)(2)(A), an English translation of the dossier issued by such country to authorize such marketing.

''(e) TIMING.—The Secretary shall issue an order granting, or declining to grant, reciprocal marketing approval with respect to a covered product not later than 30 days after the Secretary's receipt of a request under subsection (b)(1) for the product. An order issued under this subsection shall take effect subject to Congressional disapproval under subsection (g).

''(f) LABELING; DEVICE CLASSIFICATION.—During the 30-day period described in subsection (e)—

''(1) the Secretary and the sponsor of the covered product shall expeditiously negotiate and finalize the form and content of the labeling for a covered product for which reciprocal marketing approval is to be granted; and

''(2) in the case of a device for which reciprocal marketing approval is to be granted, the Secretary shall—

''(A) classify the device pursuant to section 513; and

''(B) determine whether, absent reciprocal marketing approval, the device would need to be cleared pursuant to section 510(k) or approved pursuant to section 515 to be lawfully marketed under this Act.

''(g) CONGRESSIONAL DISAPPROVAL OF FDA ORDERS.—

''(1) IN GENERAL.—A decision of the Secretary to decline to grant reciprocal marketing approval under this section shall not take effect if a joint resolution of disapproval of the decision is enacted.

''(2) PROCEDURE.—

''(A) IN GENERAL.—Subject to subparagraph (B), the procedures described in subsections (b) through (g) of section 802 of title 5, United States Code, shall apply to the consideration of a joint resolution under this subsection.

''(B) TERMS.—For purposes of this subsection—

''(i) the reference to 'section 801(a)(1)' in section 802(b)(2)(A) of title 5, United States Code, shall be considered to refer to subsection (c)(2); and

''(ii) the reference to 'section 801(a)(1)(A)' in section 802(e)(2) of title 5, United States Code, shall be considered to refer to subsection (c)(2).

''(3) EFFECT OF CONGRESSIONAL DISAPPROVAL.—Reciprocal marketing approval under this section with respect to the applicable covered product shall take effect upon enactment of a joint resolution of disapproval under this subsection.

''(h) APPLICABILITY OF RELEVANT PROVISIONS.—The provisions of this Act shall apply with respect to a covered product for which reciprocal marketing approval is in effect to the same extent and in the same manner as such provisions apply with respect to a product for which approval or clearance of an application or premarket notification under section 505(c), 510(k), or 515 of this Act or section 351(a) of the Public Health Service Act, as applicable, is in effect.

''(i) FEES FOR REQUEST.—For purposes of imposing fees under chapter VII, a request for reciprocal marketing approval under this section shall be treated as an application or premarket notification for approval or clearance under section 505(c), 510(k), or 515 of

this Act or section 351(a) of the Public Health Service Act, as applicable.

''(j) OUTREACH.—The Secretary shall conduct an outreach campaign to encourage the sponsors of covered products that are potentially eligible for reciprocal marketing approval to request such approval.

''(k) COVERED PRODUCT DEFINED.—In this section, the term 'covered product' means a drug, biological product, or device.''.

SA 418. Mr. CRUZ (for himself and Mr. HELLER) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. HEALTH INSURANCE COVERAGE OFFERED ACROSS STATE LINES.

Subpart I of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–41 et seq.) is amended by adding at the end the following:

''SEC. 2746. HEALTH INSURANCE COVERAGE OFFERED ACROSS STATE LINES.

''(a) IN GENERAL.—A health insurance issuer that is licensed in, and qualified to offer health insurance coverage in, a primary State may offer such health insurance coverage in a secondary State regardless of whether the issuer is licensed to sell insurance in such secondary State. In offering such health insurance coverage in the secondary State, all laws governing health insurance coverage of the primary State shall apply and the laws governing health insurance coverage of the secondary State shall not apply.

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

''(1) PRIMARY STATE.—The term 'primary State' means, with respect to health insurance coverage offered by a health insurance issuer, the State designated by the issuer as the State whose covered laws shall govern the health insurance issuer in the sale of such coverage under this title. An issuer, with respect to a particular policy, may designate only one such State as its primary State with respect to all such coverage it offers. Such an issuer may not change the designated primary State with respect to health insurance coverage once the policy is issued, except that such a change may be made upon renewal of the policy. With respect to such designated State, the issuer is deemed to be doing business in that State.

''(2) SECONDARY STATE.—The term 'secondary State' means, with respect to health insurance coverage offered by a health insurance issuer, any State that is not the primary State. In the case of a health insurance issuer that is selling a policy in, or to a resident of, a secondary State, the issuer is deemed to be doing business in that secondary State.

''(3) STATE.—The term 'State' means the 50 States and includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.''.

SA 419. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

1. REPEAL OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT AND THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.

(a) PATIENT PROTECTION AND AFFORDABLE CARE ACT.—Effective on January 1, 2018, the Patient Protection and Affordable Care Act (Public Law 111–148) is repealed and the provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted.

(b) HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.—Effective on January 1, 2018, the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152) is repealed and the provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted.

SA 420. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. OPTIONAL MEDICAID PRICE TRANSPARENCY.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a), as previously amended, is further amended by adding at the end the following new subsection:

''(pp) OPTIONAL MEDICAID PRICE TRANSPARENCY.—

''(1) IN GENERAL.—At the option of a State, the State may require as a condition for a hospital to be a participating provider under the State plan under this title or under a waiver of such plan, for the State to establish a system to collect and make publically available and accessible a database that contains the average, aggregate value of the total cost for such medical procedures as the State may specify that are incurred at the hospital. For purposes of the preceding sentence, the 'average, aggregate value of the total cost of a procedure' shall not include a patient's expected cost-sharing contribution for the procedure.

''(2) HIPAA PROTECTION.—A State establishing a database under this subsection shall establish procedures to protect the privacy of patients in accordance with regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.''.

(b) INCREASE IN MATCHING RATE FOR IMPLEMENTATION.—Section 1903 of the Social Security Act (42 U.S.C. 1396b)as previously amended, is further amended by adding at the end the following:

''(bb) The Federal matching percentage otherwise applicable under subsection (a) with respect to State administrative expenditures during a calendar quarter for which the State receives payment under such subsection shall, in addition to any other increase to such Federal matching percentage, be increased for such calendar quarter by 5 percentage points with respect to State expenditures attributable to activities carried out by the State (and approved by the Secretary) to implement subsection (pp) of section 1902.''.

SA 421. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ALLOWING ALL INDIVIDUALS PURCHASING HEALTH INSURANCE IN THE INDIVIDUAL MARKET THE OPTION TO PURCHASE A LOWER PREMIUM CATASTROPHIC PLAN.

(a) IN GENERAL.—Section 1302(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(e)) is amended by adding at the end the following:

''(4) CONSUMER FREEDOM.—For plan years beginning on or after January 1, 2018, paragraph (1)(A) shall not apply with respect to any plan offered in the State.''.

(b) RISK POOLS.—Section 1312(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18032(c)) is amended—

(1) in paragraph (1), by inserting ''and including, with respect to plan years beginning on or after January 1, 2018, enrollees in catastrophic plans described in section 1302(e)'' after ''Exchange''; and

(2) in paragraph (2), by inserting ''and including, with respect to plan years beginning on or after January 1, 2018, enrollees in catastrophic plans described in section 1302(e)'' after ''Exchange''.

(c) ALLOWANCE OF PREMIUM TAX CREDIT FOR CATASTROPHIC PLANS.—

(1) IN GENERAL.—Section 36B(c)(3)(A) of the Internal Revenue Code of 1986 is amended by striking '', except that such term shall not include a qualified health plan that is a catastrophic plan described in section 1302(e) of such Act''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2017.

SA 422. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 686, line 7, strike ''or'' and all that follows through page 687, line 2, and insert the following:

(B) in accordance with the Quality Standards for Inspection and Evaluation issued by the Council of the Inspectors General on Integrity and Efficiency (commonly referred to as the ''CIGIE Blue Book''); or

(C) if not prepared in accordance with the standards referred to in subparagraphs (A) or (B), in accordance with the Quality Standards for Federal Offices of Inspector General (commonly referred to as the ''CIGIE Silver Book'').

(2) SPECIFICATION OF QUALITY STANDARDS FOLLOWED.—Each product published or issued by an Inspector General relating to the oversight of programs and activities funded under the Afghanistan Security Forces Fund shall cite within such product the quality standards followed in conducting and reporting the work concerned.

(3) WAIVER.—An Inspector General may waive the applicability of paragraph (1) to a specific product relating to the oversight by an Inspector General of activities and programs funded under the Afghanistan Security Forces Fund if the Inspector General

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SA 423. Mr. NELSON submitted an amendment intended to be proposed by

him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 737. STUDY ON SAFE OPIOID PRESCRIBING PRACTICES.

(a) STUDY.—The Secretary of Defense shall conduct a study on the effectiveness of the training provided to health care providers of the Department of Defense regarding opioid prescribing practices, initiatives in opioid safety, the use of the VA/DOD Clinical Practice Guideline for Management of Opioid Therapy for Chronic Pain, and other related training.

(b) ELEMENTS.—The study under subsection (a) shall address the effectiveness of training with respect to the following:

(1) Identifying and treating individuals with chronic pain.

(2) Prescribing opioid analgesics, including—

(A) reducing average dosages;

(B) reducing average number of dosages;

(C) reducing initial and average durations of opioid analgesic therapy;

(D) reducing dose escalation when opioid analgesic therapy has resulted in adequate pain reduction; and

(E) reducing the average number of prescription opioid analgesics dispensed by the Department of Defense.

(3) Reducing the number of overdoses due to prescription opioids for patients with acute pain and patients undergoing opioid therapy for chronic pain.

(4) Developing validated opioid dependence screening tools for health care providers of the Department.

(5) Communicating to health care providers of the Department changes in policies of the Department regarding opioid safety and prescribing practices.

(6) Providing education on the risks of opioid medications to individuals for whom such medications are prescribed and to their families, with special consideration given to raising awareness among adolescents on such risks.

(7) Providing counseling and referrals for, and expanding access to, treatment alternatives to opioid analgesics.

(8) Developing and implementing a physician advisory committee of the Department relating to education programs for prescribers of opioid analgesics.

(9) Developing methods to incentivize health care providers of the Department to use physical therapy or alternative methods to treat acute or chronic pain.

(10) Developing curricula on pain management and safe opioid analgesic prescribing that incorporates opioid analgesic prescribing guidelines issued by the Centers for Disease Control and Prevention.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the results of the study conducted under subsection (a).

SA 424. Mr. NELSON (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 710. ELIGIBILITY FOR TRICARE FOR VETERANS ENTITLED TO MEDICARE BENEFITS DUE TO CONDITIONS OR INJURIES INCURRED DURING SERVICE IN THE ARMED FORCES.

(a) TRICARE PROVISIONS.—

(1) IN GENERAL.—Paragraph (2) of section 1086(d) of title 10, United States Code, is amended—

(A) in subparagraph (A), by striking ''is enrolled'' and inserting ''(i) is enrolled'';

(B) by redesignating subparagraph (B) as clause (ii);

(C) in clause (ii), as redesignated by paragraph (2), by striking the period at the end and inserting ''; or''; and

(D) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) is a person described in subparagraph (A)(ii) who—

''(i) is retired for disability under chapter 61 of this title as a result of an injury or condition suffered during service in the armed forces;

''(ii)(I) is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to subparagraph (A) or (C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2)) and is entitled to a benefit described in subparagraph (A) of such section; or

''(II) is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to subparagraph (A) or (C) of such section and whose entitlement to a benefit described in subparagraph (A) of such section terminated due to performance of substantial gainful activity; and

''(iii) has declined to enroll in the supplementary medical insurance program under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.).''.

(2) ALLOWANCE OF ONE CHANGE OF ENROLLMENT.—Such section is further amended by adding at the end the following new paragraph:

''(6)(A) Except as provided in subparagraph (B), after the end of the special enrollment period provided under section 2(a)(3) of the National Defense Authorization Act for Fiscal Year 2018, an individual described in paragraph (2)(B) may switch only once from enrollment under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) to enrollment in a plan contracted for under subsection (a).

''(B) The limitation under subparagraph (A) does not apply to enrollment by an individual in a plan contracted for under subsection (a) by reason of termination of the entitlement of the individual to a benefit described in subparagraph (A) of section 226(b)(2) of the Social Security Act (42 U.S.C. 426(b)(2)) due to the performance of substantial gainful activity.''.

(3) SPECIAL ENROLLMENT PERIOD.—

(A) IN GENERAL.—The Secretary of Defense shall provide for a special enrollment period during which an individual described in subsection (d)(2)(B) of section 1086 of title 10, United States Code, may enroll in a health care plan under such section. Such period shall begin as soon as possible after the date of the enactment of this Act and shall end 12 months later.

(B) COVERAGE PERIOD.—In the case of an individual who enrolls during the special enrollment period provided under subparagraph (A), the coverage period under section 1086 of title 10, United States Code, shall begin on the first day of the month following the month in which the individual enrolls.

(4) CONFORMING AMENDMENTS.—Section 1086(d) of title 10, United States Code, is amended—

(A) in paragraph (4)(A), in the matter preceding clause (i), by striking ''paragraph (2)(B)'' and inserting ''paragraph (2)(A)(ii)''; and

(B) in paragraph (5)—

(i) by striking ''subparagraph (B)'' and inserting ''subparagraph (A)(ii)''; and

(ii) by striking ''subparagraph (A)'' and inserting ''subparagraph (A)(i)''.

(b) MEDICARE PROVISIONS.—

(1) WAIVER OF MEDICARE PART B LATE ENROLLMENT PENALTY.—

(A) IN GENERAL.—Section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) is amended by adding at the end the following new sentences: ''No increase in the premium shall be effected for a month in the case of an individual who demonstrates to the Secretary that the individual, with respect to such month, is an individual described in section 1086(d)(2)(B) of title 10, United States Code. The Secretary of Health and Human Services shall consult with the Secretary of Defense in identifying individuals described in the previous sentence.''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to premiums for months beginning after the date of the enactment of this Act. The Secretary shall establish a method for providing rebates of premium penalties paid for months after the date of the enactment of this Act for which a penalty does not apply under such amendment but for which a penalty was previously collected.

(2) MEDICARE PART B SPECIAL ENROLLMENT PERIOD.—

(A) IN GENERAL.—In the case of any individual who, as of the date of the enactment of this Act, is eligible to enroll but is not enrolled under part B of title XVIII of the Social Security Act and is an individual described in section 1086(d)(2)(B) of title 10, United States Code, the Secretary of Health and Human Services shall provide for a special enrollment period during which the individual may enroll under such part. Such period shall begin as soon as possible after the date of the enactment of this Act and shall end 12 months later.

(B) COVERAGE PERIOD.—In the case of an individual who enrolls during the special enrollment period provided under subparagraph (A), the coverage period under part B of title XVIII of the Social Security Act shall begin on the first day of the month following the month in which the individual enrolls.

(c) NOTIFICATION AND INFORMATION TO BENEFICIARIES.—

(1) NOTIFICATION REGARDING INSURANCE OPTIONS.—The Secretary of Defense shall coordinate with the Secretary of Health and Human Services to identify individuals described in section 1086(d)(2)(B) of title 10, United States Code, as added by subsection (a), and notify those individuals about their health insurance options under the TRICARE program, as defined in section 1072 of such title, and the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(2) PROVISION OF INFORMATION TO BENEFICIARIES.—

(A) IN GENERAL.—The Secretary of Defense shall provide to individuals described in paragraph (1) educational materials, information, and counseling regarding the effects of not enrolling in the supplementary medical insurance program under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.), including information comparing premiums, copayments, deductibles,

provider networks, future enrollment opportunities, and penalties for the various health insurance plans available to assist those individuals in making appropriate health insurance choices.

(B) TIMING.—The Secretary shall provide the educational materials, information, and counseling described in subparagraph (A) to an individual described in paragraph (1) before the individual elects to change enrollment between the TRICARE program, as defined in section 1072 of title 10, United States Code, and the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

SA 425. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle C of title VI, add the following:

SEC. _____. REPEAL OF REQUIREMENT OF REDUCTION OF SURVIVOR BENEFITS PLAN SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking ''does not apply—'' and all that follows and inserting ''does not apply in the case of a deduction made through administrative error.''; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking '', 1450(k)(2),''.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking ''Except as provided in paragraph (2)(B), the Secretary concerned'' and inserting ''The Secretary concerned''; and

(2) in paragraph (2)—

(A) by striking ''DEPENDENT CHILDREN.—'' and all that follows through ''In the case of a member described in paragraph (1),'' and inserting ''DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1)''; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SA 426. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1088. CREDITABLE SERVICE FOR FEDERAL RETIREMENT FOR CERTAIN INDIVIDUALS AFFILIATED WITH AIR AMERICA.

(a) AMENDMENTS.—

(1) IN GENERAL.—Section 8332(b) of title 5, United States Code, is amended—

(A) in paragraph (16), by striking ''and'' at the end;

(B) in paragraph (17), by striking the period at the end and inserting ''; and'';

(C) by adding after paragraph (17) the following:

''(18) any period of service performed not later than 1977, while a citizen of the United States, in the employ of Air America, Inc., or any associated company (including any entity associated with, predecessor to, or subsidiary to Air America, Inc., including Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport), during the period that Air America, Inc., or such other company or entity, was owned and controlled by the United States Government.''; and

(D) by adding at the end the following: ''For purposes of this subchapter, service of the type described in paragraph (18) of this subsection shall be considered to have been service as an employee.''.

(2) EXEMPTION FROM DEPOSIT REQUIREMENT.—Section 8334(g) of title 5, United States Code, is amended—

(A) in paragraph (5), by striking ''or'' at the end;

(B) in paragraph (6), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(7) any service for which credit is allowed under section 8332(b)(18) of this title.''.

(b) APPLICABILITY.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to an annuity commencing on or after the effective date of this section.

(2) PROVISIONS RELATING TO CURRENT ANNUITANTS.—

(A) IN GENERAL.—Any individual who is entitled to an annuity for the month in which this section becomes effective may, upon submitting an application to the Office of Personnel Management not later than 2 years after the effective date of this section, have the amount of that annuity recomputed as if the amendments made by this section had been in effect throughout all periods of service on the basis of which that annuity is or may be based.

(B) RECOMPUTATION.—Any recomputation made under subparagraph (A) shall be effective as of the commencement date of the annuity, and any additional amounts becoming payable for periods before the first month for which the recomputation is reflected in the regular monthly annuity payments of an individual shall be payable to the individual in the form of a lump-sum payment.

(3) PROVISIONS RELATING TO INDIVIDUALS ELIGIBLE FOR (BUT NOT CURRENTLY RECEIVING) AN ANNUITY.—

(A) IN GENERAL.—Any individual not described in paragraph (2) who becomes eligible for an annuity or for an increased annuity as a result of the enactment of this section may elect to have the rights of the individual under subchapter III of chapter 83 of title 5, United States Code, determined as if the amendments made by this section had been in effect, throughout all periods of service on the basis of which that annuity is or would be based, by submitting an application to the Office of Personnel Management not later than 2 years after—

(i) the effective date of this section; or

(ii) if later, the date on which the individual separates from service.

(B) COMMENCEMENT DATE, ETC.—

(i) IN GENERAL.—Any entitlement to an annuity, or to an increased annuity resulting from an application submitted under subparagraph (A), for an individual shall be effective as of the commencement date of that annuity (subject to clause (ii), if applicable), and any amounts becoming payable for periods before the first month for which regular monthly annuity payments begin to be made in accordance with the amendments made by this section shall be payable to the individual in the form of a lump-sum payment.

(ii) RETROACTIVITY.—Any determination of the amount, or of the commencement date, of any annuity, all the requirements for entitlement to which (including separation, but disregarding any application requirement) would have been satisfied before the effective date of this section if this section had been in effect (but would not then otherwise have been satisfied absent this section), shall be made as if an application for that annuity had been submitted as of the earliest date that would have been allowable, after the separation of the individual from service, if the amendments made by this section had been in effect throughout the periods of service described in subparagraph (A).

(4) RIGHT TO FILE ON BEHALF OF A DECEDENT.—

(A) IN GENERAL.—The regulations under subsection (d)(1) shall include provisions, consistent with the order of precedence set

forth in section 8342(c) of title 5, United States Code, under which a survivor of an individual who performed service described in section 8332(b)(18) of that title (as added by subsection (a) of this section) shall be allowed to submit an application on behalf of and to receive any lump-sum payment that would otherwise have been payable to the decedent under paragraph (2) or (3) of this subsection.

(B) DEADLINE.—An application described in subparagraph (A) shall not be valid unless the application is filed within 2 years after the effective date of this section or 1 year after the date on which the decedent dies, whichever is later.

(c) FUNDING.—

(1) LUMP-SUM PAYMENTS.—Any lump-sum payment under subsection (b) shall be payable out of the Civil Service Retirement and Disability Fund.

(2) UNFUNDED LIABILITY.—Any increase in the unfunded liability of the Civil Service Retirement System attributable to the enactment of this section shall be financed in accordance with section 8348(f) of title 5, United States Code.

(d) REGULATIONS AND SPECIAL RULE.—

(1) REGULATIONS.—

(A) IN GENERAL.—Except as provided in paragraph (2), the Director of the Office of Personnel Management shall prescribe any regulations necessary to carry out this section.

(B) CONTENTS.—The regulations prescribed under subparagraph (A) shall include provisions under which rules similar to those established under section 201 of the Federal Employees' Retirement System Act of 1986 (Public Law 99–335; 100 Stat. 514) shall be applied with respect to any service described in section 8332(b)(18) of title 5, United States Code (as added by subsection (a) of this section), that was subject to title II of the Social Security Act (42 U.S.C. 401 et seq.).

(2) SPECIAL RULE.—For the purposes of any application for any benefit that is computed or recomputed taking into account any service described in section 8332(b)(18) of title 5, United States Code (as added by subsection (a) of this section), section 8345(i)(2) of that title shall be applied by deeming the reference to the date of the ''other event which gives rise to title to the benefit'' to refer to the effective date of this section, if later than the date of the event that would otherwise apply.

(e) EFFECTIVE DATE.—This section shall take effect on the date that is the first day of the first fiscal year beginning after the date of enactment of this Act.

(f) DEFINITIONS.—In this section—

(1) the term ''annuity'' includes a survivor annuity; and

(2) the terms ''survivor'' and ''unfunded liability'' have the meanings given those terms in section 8331 of title 5, United States Code.

SA 427. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. COLLABORATION BETWEEN FEDERAL AVIATION ADMINISTRATION AND DEPARTMENT OF DEFENSE ON UNMANNED AIRCRAFT SYSTEMS.

(a) COLLABORATION BETWEEN FEDERAL AVIATION ADMINISTRATION IN DEPARTMENT OF DEFENSE REQUIRED.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration and the Secretary of Defense shall collaborate on developing standards, policies, and procedures for sense and avoid capabilities for unmanned aircraft systems.

(2) ELEMENTS.—The collaboration required by paragraph (1) shall include the following:

(A) Sharing information and technology on safely integrating unmanned aircraft systems and manned aircraft in the national airspace system and fielding remote and virtual towers.

(B) Building upon the experience of the Air Force and the Department of Defense to inform the Federal Aviation Administration's development of civil standards, policies, and procedures for integrating unmanned aircraft systems in the national airspace system.

(C) Assisting in the development of best practices for unmanned aircraft airworthiness certification, development of airborne and ground-based sense and avoid capabilities for unmanned aircraft systems, and research and development on unmanned aircraft systems, especially with respect to matters involving human factors, information assurance, and security.

(b) PARTICIPATION BY FEDERAL AVIATION ADMINISTRATION IN DEPARTMENT OF DEFENSE ACTIVITIES.—

(1) IN GENERAL.—The Administrator may participate and provide assistance for participation in test and evaluation efforts of the Department of Defense, including the Air Force, relating to ground-based sense and avoid and airborne sense and avoid capabilities for unmanned aircraft systems.

(2) PARTICIPATION THROUGH CENTERS OF EXCELLENCE AND TEST SITES.—Participation under paragraph (1) may include provision of assistance through the Center of Excellence for Unmanned Aircraft Systems and unmanned aircraft systems test ranges designated under section 332(c) of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

(c) UNMANNED AIRCRAFT SYSTEM DEFINED.—In this section, the term ''unmanned aircraft system'' has the meaning given that term in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).

SA 428. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1088. DESIGNATION OF SECRETARY OF THE AIR FORCE AS DEPARTMENT OF DEFENSE EXECUTIVE AGENT FOR A CERTAIN DEFENSE PRODUCTION ACT PROGRAM.

(a) PROHIBITION ON CANCELLATION OF DESIGNATION.—The Secretary of Defense may not implement the decision, issued on July 1, 2017, to cancel the designation, under Department of Defense Directive 4400.01E, entitled ''Defense Production Act Programs'' and dated October 12, 2001, of the Secretary of the Air Force as the Department of Defense Executive Agent for the program carried out under title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.).

(b) DESIGNATION.—The Secretary of the Air Force shall continue to serve as the Department of Defense Executive Agent for the program described in subsection (a) on and after the date of the enactment of this Act.

SA 429. Mr. LANKFORD (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MEMBERS OF HEALTH CARE SHARING MINISTRIES ELIGIBLE TO ESTABLISH HEALTH SAVINGS ACCOUNTS.

(a) IN GENERAL.—Section 223 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(i) APPLICATION TO HEALTH CARE SHARING MINISTRIES.—For purposes of this section, membership in a health care sharing ministry (as defined in section 5000A(d)(2)(B)(ii)) shall be treated as coverage under an HSA-qualified health plan.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 430. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FINDINGS; SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds as follows:

(1) Obamacare's employer mandate has had a devastating impact on the job market in the United States since it took effect in its earliest form in 2015 . Small businesses and the jobs they create have been stifled by the punishing consequences of this government mandate.

(2) Under Obamacare, the employer mandate generally imposes a tax penalty on employers if they have 50 or more full-time equivalent employees and do not offer health insurance that meets all of the standards under the law.

(3) In 2015, the Congressional Budget Office (referred to in this section as ''CBO'') found that these penalties are being passed on to employees in the form of reduced wages. In 2016, these reduced wages equaled $2,160 per employee according to CBO's estimates. This means that any company that ignored the employer mandate in 2016 is likely to face fines of over $2,000 per employee in 2017.

(4) CBO expects that, by 2025, the amount of reduced wages per worker will balloon to $3,500.

(5) In addition, CBO projects that wages are being even further reduced because companies cannot deduct the penalty as an expense, on account of Obamacare. To compensate for paying business taxes on higher accounting profits, companies are being

forced to reduce wages by more than the amount of the penalty payments.

(6) CBO estimates that the penalty represents a 7 percent increase in the tax rate of employees at firms that are subject to the employer mandate penalty.

(7) In addition, Obamacare's employer mandate requires that all businesses with at least 50 full-time equivalents provide their full-time workers with health insurance coverage that satisfies the law's requirements. Employers who fail to offer coverage that satisfies the employer mandate are subject to the penalties.

(8) In 2015, CBO found that defining full-time employment as a 40-hour week rather than a 30-hour week would alleviate $45,000,000,000 in tax penalties on employers over the following decade.

(9) The employer mandate penalty creates incentives for businesses to reduce their hiring or shift their workforce toward part-time jobs.

(10) These stark realities are playing out all across the country as businesses are now well into year 2 of mandatory compliance with this onerous mandate and its negative effect on jobs.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the committee of jurisdiction of the Senate should review—

(1) the economic impact that Obamacare's employer mandate and redefinition of full-time employment as a 30-hour work week has had on businesses, employee wages, and the job market as a whole; and

(2) the effect on the job market, if Congress were to enact policy to restore the 40-hour work week definition, and eliminate the current 30-hour definition that is purely arbitrary and serves as a damaging barrier to more hours and better pay for American workers.

SA 431. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FINDINGS; SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) Since January 1, 2013, medical device manufacturers have struggled under a 2.3 percent tax imposed by Obamacare on the sale of certain medical devices. The misguided purpose of that tax was to operate like an excise tax by raising revenue at the point of sale to offset the cost of Obamacare's insurance and Medicaid expansions by taxing companies who help patients get access to life-saving medical technologies.

(2) The tax was in effect from 2010 through 2015, but the Consolidated Appropriations Act, 2016 (Public Law 114–113) temporarily suspended the tax for 2016 and 2017. The tax is now set to resume in 2018.

(3) Initially expected to produce $3,200,000,000, supporters of the device tax argue that it would be similar to the windfall profits tax from the 1980s, and recapture the excess gains that medical device manufacturers are expected to receive from the Patient Protection and Affordable Care Act.

(4) Taxable medical devices are defined by law as any device ''intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease in man or other animals . . . or intended to affect the structure or function of the body of man.'' Based on this definition, the tax would be levied on critical devices such as pacemakers and defibrillators.

(5) Since its enactment, the medical device tax has been a major drag on medical innovation and contributed to the loss or deferred creation of jobs, reduced research and development, and slowed capital expansion. What is even more troubling is that this tax was imposed without any real policy justification, as the tax is not grounded in any health care policy. As it stands under current law, it is not connected to individual insurance coverage under Obamacare – it was designed purely as a means of raising revenue from the industry to offset the budgetary impact of the Patient Protection and Affordable Care Act.

(6) At its most basic level, this tax violates commonly accepted principles of sound tax policy. In a 2015 report, the Congressional Research Service paid close attention to excise taxes in particular, stating that, ''Viewed from the perspective of traditional economic and tax theory. . .the tax is challenging to justify. In general, tax policy is considered more efficient when differential excise taxes are not imposed. It is generally more efficient to raise revenue from a broad tax base.''.

(7) The effects of the tax are felt across the industry, as every dollar of revenue (not income or profit) earned by a company is generally subject to the tax. For larger, established companies, the device tax represents millions in financial capital that could be used to expand research and create jobs. For smaller, start-up firms, the effect is much worse – not only does it deter company growth, since the tax is imposed on the first dollar of revenue earned, but it also restricts the ability of established medical technology companies to invest in or acquire start-up companies by limiting the amount of available capital for growth.

(8) Individual companies are already making important planning decisions for the next fiscal year. Companies are already making significant commitments of time and resources to enable or restart their systems to accurately capture, report, and pay the tax if it goes back into effect at the end of the year. The longer Congress waits to act, the more capital device companies will waste that could go towards major medical breakthroughs to help patients, and more broadly towards advancing the state of our nation's medical technology.

(9) Permanently repealing the device tax will provide medical technology innovators with the long-term certainty necessary to support future job growth and sustainable, research and development that will ultimately lead to the next generation of breakthroughs in patient care and treatment. With any other policy outcome, effective planning for a sustainable future becomes much more difficult.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the committee of jurisdiction in the Senate should conduct a full review and assessment of the economic impact of the medical device tax since its inception under the Patient Protection and Affordable Care Act. Such review and assessment should include consideration of the impact of the tax on job creation, capital formation, research and development, and medical technology innovation.

SA 432. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF HEALTH CARE REFORM PROVISIONS LIMITING MEDICARE EXCEPTION TO THE PROHIBITION ON CERTAIN PHYSICIAN REFERRALS FOR HOSPITALS.

Sections 6001 and 10601 of the Patient Protection and Affordable Care Act (Public Law 111–148; 124 Stat. 684, 1005) and section 1106 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152; 124 Stat. 1049) are repealed and the provisions of law amended by such sections are restored as if such sections had never been enacted.

SA 433. Mr. TESTER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following:

SEC. _____. REPEAL OF AUTHORITY OF THE PRESIDENT TO DETERMINE AN ALTERNATIVE ANNUAL PAY ADJUSTMENT FOR MEMBERS OF THE UNIFORMED SERVICES BASED ON SERIOUS ECONOMIC CONDITIONS.

Section 1009(e) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking ''or serious economic conditions affecting the general welfare'';

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

SA 434. Mr. TESTER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IX, add the following:

SEC. 953. REQUIREMENT FOR NATIONAL LANGUAGE SERVICE CORPS.

(a) IN GENERAL.—Subsection (a)(1) of 813 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1913) is amended by striking ''may establish and maintain'' and inserting ''shall establish and maintain''.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by striking ''If the Secretary establishes the Corps, the Secretary'' and inserting ''The Secretary''.

SA 435. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle C of title XVI, insert the following:

SEC. _____. REPORT ON PROGRESS MADE IN IMPLEMENTING THE CYBER EXCEPTED PERSONNEL SYSTEM.

Section 1599f(h)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(F) An assessment of the progress made in implementing the Cyber Excepted Personnel System.''.

SA 436. Mr. ROUNDS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 338. COMPREHENSIVE PLAN FOR SHARING DEPOT-LEVEL MAINTENANCE BEST PRACTICES.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan for the sharing of best practices for depot-level maintenance among the military services.

(b) ELEMENTS.—The comprehensive plan required under subsection (a) shall cover the sharing of best practices with regard to—

(1) programing and scheduling;

(2) core capability requirements;

(3) workload;

(4) personnel management, development, and sustainment;

(5) induction, duration, efficiency, and completion metrics;

(6) parts, supply, tool, and equipment management;

(7) capital investment and manufacturing and production capability; and

(8) inspection and quality control.

SA 437. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle C of title XVI, insert the following:

SEC. _____. SENSE OF CONGRESS ON ESTABLISHING AN AWARD PROGRAM FOR THE CYBER COMMUNITY OF THE DEPARTMENT OF DEFENSE.

It is the sense of Congress that the Secretary of Defense should consider—

(1) establishing an award program for employees of the Department of Defense who carry out the cyber missions or functions of the Department of Defense;

(2) all award options under law or policy, including compensation, time off, and status awards;

(3) awards based upon operational impact and meritorious service;

(4) providing the largest possible opportunity for such members or employees to earn such rewards without regard to type of position, grade, years of service, experience or past performance;

(5) individual and organization rewards; and

(6) other factors, as the Secretary considers appropriate, that would reward and provide incentive to cyber personnel or organizations.

SA 438. Mr. ROUNDS submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 583. INCLUSION OF SPECIFIC ELECTRONIC MAIL ADDRESS BLOCK ON CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY.

(a) MODIFICATION REQUIRED.—The Secretary of Defense shall modify the Certificate of Release or Discharge from Active Duty (DD Form 214) to include a specific block explicitly identified as the location in which a member of the Armed Forces may provide one or more electronic mail addresses by which the member may be contacted after discharge or release from active duty in the Armed Forces.

(b) VOLUNTARY PROVISION OF ADDRESSES.—The provision of one or more electronic mail addresses by a member in a Certificate of Release or Discharge from Active Duty, as modified by subsection (a), shall be voluntary and entirely at the election of the member.

(c) DEADLINE FOR MODIFICATION.—The Secretary shall release a revised Certificate of Release or Discharge from Active Duty, modified as required by subsection (a), not later than one year after the date of the enactment of this Act.

SA 439. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XII, add the following:

SEC. _____. REPORT ON AIR-TO-GROUND MUNITIONS SUPPLIED BY THE UNITED STATES TO SAUDI ARABIA.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of National Intelligence, submit to Congress a report setting forth the following:

(1) An assessment by the Secretary whether the use of air-to-ground munitions sold or otherwise supplied by the United States to the Government of Saudi Arabia have resulted in civilian casualties.

(2) An analysis of trends in the scope of civilian casualties since the onset of the official involvement of Saudi Arabia in the conflict in Yemen.

(3) Recommendations on actions to be taken to mitigate the incidence of civilian casualties in Yemen.

SA 440. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

On page 8, strike line 11 and insert the following:

(2) NO ANNUAL OR LIFETIME CAPS.—Paragraph (3) of section 36B(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(C) NO ANNUAL OR LIFETIME CAPS.—Such term shall not include a qualified health plan which has an annual or lifetime cap on benefits, or any plan which does not cover all necessary treatment for a condition until cured (including rehabilitation or reconstruction procedures).''.

(3) EFFECTIVE DATE.—The amendments made

SA 441. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NO DISENROLLMENT OF CHILDREN FROM MEDICAID WITHOUT PROOF OF ALTERNATIVE INSURANCE COVERAGE.

Beginning with the date of enactment of this Act, any child who is enrolled in a State Medicaid program shall not be disenrolled from such program without proof that the child has alternative insurance coverage that is equally affordable and that provides at least the same level of coverage.

SA 442. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REQUIRING MEDICAID COVERAGE FOR CERTAIN ADULTS WITH HIGH INSURANCE COSTS.

(a) IN GENERAL.—Beginning with the date of enactment of this Act, each State shall provide medical assistance through the State Medicaid program to any individual residing in the State who is between 50 and 64 years of age and who demonstrates that the least expensive private health insurance coverage available to such individual would require the individual to pay premiums that would exceed 9.5 percent of such individual's income.

(b) ENHANCED FMAP.—The Federal medical assistance percentage applicable to medical assistance provided by a State under the State Medicaid program to individuals described in subsection (a) shall be equal to 100 percent.

SA 443. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REQUIRING MEDICAID COVERAGE FOR CERTAIN ADULTS WITH HIGH INSURANCE COSTS.

Beginning with the date of enactment of this Act, each State shall provide medical

assistance through the State Medicaid program to any individual residing in the State who is between 50 and 64 years of age and who demonstrates that the least expensive private health insurance coverage available to such individual would require the individual to pay premiums that would exceed 9.5 percent of such individual's income.

SA 444. Ms. HIRONO (for herself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. POINT OF ORDER AGAINST LEGISLATION THAT WOULD PRIVATIZE MEDICARE OR LIMIT FEDERAL FUNDING FOR MEDICAID.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would—

(1) increase the eligibility age under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(2) privatize the Medicare program or turn the program into a voucher system; or

(3) decrease or cap Federal funding of State Medicaid programs under title XIX of such Act (42 U.S.C. 1396 et seq.), or alter such funding of such programs in such a manner that would decrease the amount of Federal funding available to States to elect to provide medical assistance to low-income, nonelderly individuals under the eligibility option established by the Affordable Care Act in section 1902(a)(10)(A)(i)(VIII) of such Act (42 U.S.C. 1396a(a)(10)(A)(i)(VIII)).

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 445. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PREVENTING REDUCTIONS IN HEALTH COVERAGE, INCREASED OUT-OF-POCKET COSTS, AND INCREASED TAXES FOR INDIVIDUALS IN THE STATE OF HAWAII.

If, within 30 days of the date of the enactment of this Act, the Governor of Hawaii provides a certification to the Secretary of Health and Human Services and the Secretary of Treasury that provisions of, or amendments made by, this Act will result in reductions in health coverage, increased out-of-pocket costs, or increased taxes for individuals in Hawaii, such provisions and amendments shall, as of the date of such certification, not apply to Hawaii (including residents of Hawaii).

SA 446. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

On page 33, insert the following after line 11:

''(D) SAFETY NET CARE PROVIDERS.—Payments made for services provided by rural health clinics described in clause (B) of section 1905(a)(2), Federally-qualified health centers as described in clause (C) of section 1905(a)(2), under the terms specified in section 1902(bb), and certified community behavioral health clinics as described in Section 223 of the Protecting Access to Medicare Act.

SA 447. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike sections 111 through 121.

SA 448. Mr. TESTER (for himself, Mrs. MCCASKILL, Mr. FRANKEN, Mrs. MURRAY, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—SERVICEMEMBERS AND VETERANS EMPOWERMENT AND SUPPORT

SEC. ___. SHORT TITLE.

This title may be cited as the ''Servicemembers and Veterans Empowerment and Support Act of 2017''.

SEC. ___. EXPANSION OF COVERAGE BY THE DEPARTMENT OF VETERANS AFFAIRS OF COUNSELING AND TREATMENT FOR SEXUAL TRAUMA.

(a) COVERAGE OF CYBER HARASSMENT OF A SEXUAL NATURE.—Paragraph (1) of section 1720D(a) of title 38, United States Code, is amended by inserting ''cyber harassment of a sexual nature,'' after ''battery of a sexual nature,''.

(b) EXPANSION OF AVAILABILITY FOR MEMBERS OF THE ARMED FORCES.—Paragraph (2)(A) of such section is amended—

(1) by striking ''on active duty''; and

(2) by inserting ''that was suffered by the member while serving on active duty, active duty for training, or inactive duty training'' before the period at the end.

SEC. ___. STANDARD OF PROOF FOR SERVICE-CONNECTION OF MENTAL HEALTH CONDITIONS RELATED TO MILITARY SEXUAL TRAUMA.

(a) STANDARD OF PROOF.—Section 1154 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) In the case of any veteran who claims that a covered mental health condition was incurred in or aggravated by military sexual trauma during active military, naval, or air service, the Secretary shall accept as sufficient proof of service-connection a diagnosis of such mental health condition by a mental health professional together with satisfactory lay or other evidence of such trauma and an opinion by the mental health professional that such covered mental health condition is related to such military sexual trauma, if consistent with the facts of their service, notwithstanding the fact that there is no official record of such incurrence or aggravation in such service, and, to that end, shall resolve every reasonable doubt in favor of the veteran. Service-connection of such covered mental health condition may be rebutted by clear and convincing evidence to the contrary. The reasons for granting or denying service-connection in each case shall be recorded in full.

''(2) In this subsection:

''(A) The term 'covered mental health condition' means post-traumatic stress disorder, anxiety, depression, or other mental health diagnosis described in the current version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association that the Secretary determines to be related to military sexual trauma.

''(B) The term 'military sexual trauma' means, with respect to a veteran, a physical assault of a sexual nature, battery of a sexual nature, cyber harassment of a sexual nature, or sexual harassment which occurred during active military, naval, or air service.''.

(b) USE OF EVIDENCE IN EVALUATING DISABILITY CLAIMS INVOLVING MILITARY SEXUAL TRAUMA.—

(1) IN GENERAL.—Subchapter VI of chapter 11 of such title is amended by adding at the end the following new section:

''§ 1164. Evaluation of claims involving military sexual trauma

''(a) NONMILITARY SOURCES OF EVIDENCE.—(1) In carrying out section 1154(c) of this title, the Secretary shall ensure that if a claim for compensation under this chapter is received by the Secretary for post-traumatic stress disorder based on a physical assault of a sexual nature, battery of a sexual nature, cyber harassment of a sexual nature, or sexual harassment experienced by a veteran during active military, naval, or air service, evidence from sources other than official records of the Department of Defense regarding the veteran's service may corroborate the veteran's account of the assault, battery, or harassment.

''(2) Examples of evidence described in paragraph (1) include the following:

''(A) Records from law enforcement authorities, rape crisis centers, mental health counseling centers, hospitals, and physicians.

''(B) Pregnancy tests and tests for sexually transmitted diseases.

''(C) Statements from family members, roommates, other members of the Armed Forces or veterans, and clergy.

''(b) BEHAVIOR CHANGES CORROBORATING EVIDENCE.—(1) In carrying out section 1154(c) of this title, the Secretary shall ensure that evidence of a behavior change following an assault, battery, or harassment described in subsection (a)(1) is one type of relevant evidence that may be found in sources described in such subsection.

''(2) Examples of behavior changes that may be relevant evidence of an assault, battery, or harassment described in subsection (a)(1) include the following:

''(A) A request for a transfer to another military duty assignment.

''(B) Deterioration in work performance.

''(C) Substance abuse.

''(D) Episodes of depression, panic attacks, or anxiety without an identifiable cause.

''(E) Unexplained economic or social behavior changes.

''(c) NOTICE AND OPPORTUNITY TO SUPPLY EVIDENCE.—The Secretary may not deny a claim of a veteran for compensation under

this chapter for a post-traumatic stress disorder that is based on an assault, battery, or harassment described in subsection (a)(1) without first—

''(1) advising the veteran that evidence described in subsections (a) and (b) may constitute credible corroborating evidence of the assault, battery, or harassment; and

''(2) allowing the veteran an opportunity to furnish such corroborating evidence or advise the Secretary of potential sources of such evidence.

''(d) REVIEW OF EVIDENCE.—In reviewing a claim for compensation described in subsection (a)(1), for any evidence received with such claim that is described in subsection (a) or (b), the Secretary may submit such evidence to such medical or mental health professional as the Secretary considers appropriate, including clinical and counseling experts employed by the Department, to obtain a credible opinion as to whether the evidence indicates that an assault, battery, or harassment described in subsection (a)(1) occurred.

''(e) POINT OF CONTACT.—The Secretary shall ensure that each document provided to a veteran relating to a claim for compensation described in subsection (a)(1) includes contact information for an appropriate point of contact with the Department.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1164. Evaluation of claims involving military sexual trauma.''.

(c) ANNUAL REPORTS.—

(1) IN GENERAL.—Subchapter VI of chapter 11 of title 38, United States Code, as amended by subsection (b), is further amended by adding at the end the following new section:

''§ 1165. Reports on claims for disabilities incurred or aggravated by military sexual trauma

''(a) REPORTS.—Not later than March 1, 2018, and not less frequently than once each year thereafter through 2027, the Secretary shall submit to Congress a report on covered claims submitted during the previous fiscal year to identify and track the consistency of decisions across regional offices.

''(b) ELEMENTS.—Each report under subsection (a) shall include the following:

''(1) The number of covered claims submitted to or considered by the Secretary during the fiscal year covered by the report.

''(2) Of the covered claims listed under paragraph (1), the number and percentage of such claims—

''(A) submitted by each sex;

''(B) that were approved, including the number and percentage of such approved claims submitted by each sex; and

''(C) that were denied, including the number and percentage of such denied claims submitted by each sex.

''(3) Of the covered claims listed under paragraph (1) that were approved, the number and percentage, disaggregated by sex, of claims assigned to each rating percentage.

''(4) Of the covered claims listed under paragraph (1) that were denied—

''(A) the three most common reasons given by the Secretary under section 5104(b)(1) of this title for such denials; and

''(B) the number of denials that were based on the failure of a veteran to report for a medical examination.

''(5) The number of covered claims that, as of the end of the fiscal year covered by the report, are pending and, separately, the number of such claims on appeal.

''(6) For the fiscal year covered by the report, the average number of days that covered claims take to complete, beginning on the date on which the claim is submitted.

''(7) A description of the training that the Secretary provides to employees of the Veterans Benefits Administration specifically with respect to covered claims, including the frequency, length, and content of such training.

''(c) DEFINITIONS.—In this section:

''(1) The term 'covered claims' means claims for disability compensation submitted to the Secretary based on a covered mental health condition alleged to have been incurred or aggravated by military sexual trauma.

''(2) The terms 'covered mental health condition' and 'military sexual trauma' have the meanings given such terms in section 1154(c)(3) of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by subsection (b), is further amended by adding at the end the following new item:

''1165. Reports on claims for disabilities incurred or aggravated by military sexual trauma.''.

(d) EFFECTIVE DATE.—Subsection (c) of section 1154 of title 38, United States Code, as added by subsection (a), shall apply with respect to any claim for disability compensation under laws administered by the Secretary of Veterans Affairs for which no final decision has been made before the date of the enactment of this Act.

SEC. _____. INFORMATION FOR MEMBERS OF THE ARMED FORCES REGARDING AVAILABILITY OF SERVICES AT VET CENTERS.

(a) IN GENERAL.—The Secretary of Defense shall inform members of the Armed Forces, using mechanisms available to the Secretary, of the eligibility of such members for services at Vet Centers.

(b) INFORMATION FROM SEXUAL ASSAULT RESPONSE COORDINATORS.—The Secretary shall ensure that Sexual Assault Response Coordinators of the Department of Defense advise members of the Armed Forces who report instances of military sexual trauma regarding the eligibility of such members for services at Vet Centers.

(c) DEFINITIONS.—In this section:

(1) MILITARY SEXUAL TRAUMA.—The term ''military sexual trauma'' means psychological trauma described in section 1720D(a)(1) of title 38, United States Code.

(2) VET CENTER.—The term ''Vet Center'' has the meaning given that term in section 1712A(h) of such title.

SA 449. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INCREASE IN CIVIL PENALTY UNDER INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

Section 206(b)(1) of the International Emergency Economic Powers Act (50 U.S.C. 1705(b)(1)) is amended by striking ''$250,000'' and inserting ''$1,000,000''.

SA 450. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, strike lines 21 through 24.

SA 451. Mr. BLUMENTHAL (for himself, Mr. WHITEHOUSE, Mr. DURBIN, and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division ____, add the following:

TITLE XVII—JUSTICE FOR SERVICEMEMBERS AND VETERANS

SECTION 1700. SHORT TITLE.

This title may be cited as the ''Justice for Servicemembers and Veterans Act of 2017''.

Subtitle A—Employment and Reemployment Rights

SEC. 1701. ACTION FOR RELIEF IN ENFORCEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF UNIFORMED SERVICES WITH RESPECT TO A STATE OR PRIVATE EMPLOYER.

(a) INITIATION OF ACTIONS.—Paragraph (1) of subsection (a) of section 4323 of title 38, United States Code, is amended by striking the third sentence and inserting the following new sentences: ''If the Attorney General is reasonably satisfied that the person on whose behalf the complaint is referred is entitled to the rights or benefits sought, the Attorney General may commence an action for relief under this chapter, including on behalf of the person. The person on whose behalf the complaint is referred may, upon timely application, intervene in such action and may obtain such appropriate relief as provided in subsections (d) and (e).''.

(b) ATTORNEY GENERAL NOTICE TO SERVICEMEMBER OF DECISION.—Paragraph (2) of such subsection is amended to read as follows:

''(2)(A) Not later than 60 days after the date the Attorney General receives a referral under paragraph (1), the Attorney General shall transmit, in writing, to the person on whose behalf the complaint is submitted—

''(i) if the Attorney General has made a decision about whether the United States will commence an action for relief under paragraph (1) relating to the complaint of the person, notice of the decision; and

''(ii) if the Attorney General has not made such a decision, notice of when the Attorney General expects to make such a decision.

''(B) If the Attorney General notifies a person of when the Attorney General expects to make a decision under subparagraph (A)(ii), the Attorney General shall, not later than 30 days after the date on which the Attorney General makes such decision, notify, in writing, the person of such decision.''.

(c) PATTERN OR PRACTICE CASES.—Such subsection is further amended—

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

(2) by inserting after paragraph (2) (as amended by paragraph (2) of this subsection) the following new paragraph (3):

''(3) Whenever the Attorney General has reasonable cause to believe that a State (as an employer) or a private employer is engaged in a pattern or practice of resistance

to the full enjoyment of any of the rights or benefits secured by this chapter, the Attorney General may commence an action under this chapter.''.

(d) ACTIONS BY PRIVATE PERSONS.—Subparagraph (C) of paragraph (4) of such subsection, as redesignated by paragraph (3)(A), is amended by striking ''refused'' and all that follows and inserting ''notified by the Attorney General that the Attorney General does not intend to bring a civil action.''.

(e) CONFORMING AMENDMENT.—Subsection (h)(2) of such section is amended by striking ''subsection (a)(2)'' and inserting ''subsection (a)(1) or subsection (a)(4)''.

SEC. 1702. WAIVER OF SOVEREIGN IMMUNITY FOR ENFORCEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF UNIFORMED SERVICES.

(a) IN GENERAL.—Paragraph (2) of section 4323(b) of title 38, United States Code, is amended to read as follows:

''(2)(A) In the case of an action against a State (as an employer), any instrumentality of a State, or any officer or employee of a State or instrumentality of a State acting in that officer or employee's official capacity, by any person, the action may be brought in the appropriate district court of the United States or in a State court of competent jurisdiction, and the State, instrumentality of the State, or officer or employee of the State or instrumentality acting in that officer or employee's official capacity shall not be immune under the Eleventh Amendment of the Constitution, or under any other doctrine of sovereign immunity, from such action.

''(B)(i) No State, instrumentality of such State, or officer or employee of such State or instrumentality of such State, acting in that officer or employee's official capacity, that receives or uses Federal financial assistance for a program or activity shall be immune, under the Eleventh Amendment of the Constitution or under any other doctrine of sovereign immunity, from suit in Federal or State court by any person for any violation under this chapter related to such program or activity.

''(ii) In an action against a State brought pursuant to subsection (a), a court may award the remedies (including remedies both at law and in equity) that are available under subsections (d) and (e).''.

(b) MODIFICATION OF PURPOSES.—Section 4301(a) of such title is amended, in the matter before paragraph (1), by striking ''The'' and inserting ''Pursuant to the power of Congress to enact this chapter under section 8 of article I of the Constitution of the United States, the''.

SEC. 1703. VENUE FOR CASES AGAINST PRIVATE EMPLOYERS FOR VIOLATIONS OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF UNIFORMED SERVICES.

Section 4323(c)(2) of title 38, United States Code, is amended by striking ''United States district court for any district in which the private employer of the person maintains a place of business.'' and inserting ''United States district court for—

''(A) any district in which the employer maintains a place of business;

''(B) any district in which a substantial part of the events or omissions giving rise to the claim occurred; or

''(C) if there is no district in which an action may otherwise be brought as provided in subparagraph (A) or (B), any district in which the employer is subject to the court's personal jurisdiction with respect to such action.''.

SEC. 1704. STANDING IN CASES INVOLVING VIOLATIONS OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF UNIFORMED SERVICES BY STATES AND PRIVATE EMPLOYERS.

Section 4323(f) of title 38, United States Code, is amended—

(1) by inserting ''by the United States or'' after ''may be initiated only''; and

(2) by striking ''or by the United States under subsection (a)(1)''.

SEC. 1705. CIVIL INVESTIGATIVE DEMANDS BY ATTORNEY GENERAL IN ENFORCEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF UNIFORMED SERVICES WITH RESPECT TO STATES AND PRIVATE EMPLOYERS.

Section 4323 of title 38, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j); and

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

''(i) ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS BY ATTORNEY GENERAL.—(1) Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material relevant to an investigation under this chapter, the Attorney General may, before commencing a civil action under subsection (a), issue in writing and cause to be served upon such person, a civil investigative demand requiring—

''(A) the production of such documentary material for inspection and copying;

''(B) that the custodian of such documentary material answer in writing written questions with respect to such documentary material; or

''(C) the production of any combination of such documentary material or answers.

''(2) The provisions governing the authority to issue, use, and enforce civil investigative demands under section 3733 of title 31 (known as the 'False Claims Act') shall govern the authority to issue, use, and enforce civil investigative demands under paragraph (1), except that for purposes of that paragraph—

''(A) a reference in that section to false claims law investigators or investigations shall be applied as referring to investigators or investigations under this chapter;

''(B) a reference to interrogatories shall be applied as referring to written questions, and answers to such need not be under oath;

''(C) the statutory definitions for purposes of that section relating to 'false claims law' shall not apply; and

''(D) provisions of that section relating to qui tam relators shall not apply.''.

SEC. 1706. TREATMENT OF DISABILITY DISCOVERED AFTER EMPLOYEE ENTITLED TO REEMPLOYMENT BY REASON OF UNIFORMED SERVICE STATUS RESUMES EMPLOYMENT.

Section 4313(a)(3) of title 38, United States Code, is amended, in the matter before subparagraph (A), by inserting ''including a disability that is brought to the employer's attention within 5 years after the person resumes employment,'' after ''during, such service,''.

SEC. 1707. BURDEN OF IDENTIFYING PROPER REEMPLOYMENT POSITIONS FOR EMPLOYEES ENTITLED TO REEMPLOYMENT BY REASON OF UNIFORMED SERVICE STATUS.

Section 4313 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(c) For purposes of this section, the employer shall have the burden of identifying the appropriate reemployment positions.''.

SEC. 1708. CLARIFICATIONS REGARDING SCOPE OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) CLARIFICATION REGARDING DEFINITION OF RIGHTS AND BENEFITS.—Section 4303(2) of title 38, United States Code, is amended—

(1) by inserting ''(A)'' before ''The term''; and

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

''(B) Any procedural protections or provisions set forth in this chapter shall also be considered a right or benefit subject to the protection of this chapter.''.

(b) CLARIFICATION REGARDING RELATION TO OTHER LAW AND PLANS FOR AGREEMENTS.—Section 4302 of such title is amended by adding at the end the following:

''(c)(1) Pursuant to this section and the procedural rights afforded by subchapter III of this chapter, any agreement to arbitrate a claim under this chapter is unenforceable, unless all parties consent to arbitration after a complaint on the specific claim has been filed in court or with the Merit Systems Protection Board and all parties knowingly and voluntarily consent to have that particular claim subjected to arbitration.

''(2) For purposes of this subsection, consent shall not be considered voluntary when a person is required to agree to arbitrate an action, complaint, or claim alleging a violation of this chapter as a condition of future or continued employment, advancement in employment, or receipt of any right or benefit of employment.''.

Subtitle B—Civil Relief

SEC. 1711. IMPROVED PROTECTION OF MEMBERS OF UNIFORMED SERVICES AGAINST DEFAULT JUDGMENTS.

(a) APPOINTMENT OF ATTORNEY TO REPRESENT DEFENDANT IN MILITARY SERVICE.—Paragraph (2) of section 201(b) of the Servicemembers Civil Relief Act (50 U.S.C. 3931(b)) is amended to read as follows:

''(2) APPOINTMENT OF ATTORNEY TO REPRESENT DEFENDANT IN MILITARY SERVICE.—

''(A) IN GENERAL.—If in an action covered by this section it appears that the defendant is in military service, the court shall not enter a judgment until after the court appoints an attorney to represent the defendant.

''(B) ACTIONS OF ATTORNEY.—

''(i) IN GENERAL.—The court appointed attorney shall act only in the best interests of the defendant.

''(ii) REQUEST FOR STAY OF PROCEEDINGS.—The court appointed attorney, when appropriate to represent the best interests of the defendant, shall request a stay of proceedings under this Act.

''(iii) FAITHFUL PERFORMANCE.—The court shall require the court appointed attorney to perform duties faithfully and, upon failure to do so, shall discharge the attorney and appoint another.

''(C) LOCATION.—

''(i) IN GENERAL.—The court appointed attorney shall use due diligence to locate and contact the defendant.

''(ii) PROVISION OF CONTACT INFORMATION.—The plaintiff must provide to the court appointed attorney all contact information it has for the defendant.

''(iii) REPORT ON EFFORTS TO LOCATE.—A court appointed attorney unable to make contact with the defendant shall report to the court on all of the attorney's efforts to make contact.

''(iv) IMPLICATIONS OF FAILURE TO LOCATE.—If an attorney appointed under this section to represent a defendant in military service cannot locate the defendant, actions by the attorney in the case shall not waive any defense of the servicemember or otherwise bind the servicemember.

''(D) NOTIFICATION AND ASSERTION OF RIGHTS.—

''(i) NOTIFICATION OF RIGHTS.—Upon making contact with the defendant, the court appointed attorney shall advise the defendant of the nature of the lawsuit and the defendant's rights provided by this Act, including rights to obtain a stay and to request the court to adjust an obligation.

''(ii) ASSERTION OF RIGHTS.—Regardless of whether contact is made under clause (i), the court appointed attorney shall assert such rights on behalf of defendant if there is an adequate basis in law and fact, unless the defendant provides informed consent to not assert such rights.''.

(b) EXPANSION OF AUTHORITY FOR COURT TO VACATE OR SET ASIDE JUDGMENT.—Paragraph (1) of section 201(g) of the Servicemembers Civil Relief Act (50 U.S.C. 3931(g)) is amended by striking subparagraphs (A) and (B) and inserting the following new subparagraphs (A) and (B):

''(A)(i) the servicemember was materially affected by reason of that military service in making a defense to the action; and

''(ii) the servicemember has a meritorious or legal defense to the action or some part of it; or

''(B) an attorney appointed to represent the servicemember failed to adequately represent the best interests of the defendant.''.

SEC. 1712. AUTHORITY FOR ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS BY ATTORNEY GENERAL.

(a) IN GENERAL.—Section 801 of the Servicemembers Civil Relief Act (50 U.S.C. 4041) is amended by adding at the end the following new subsection:

''(d) ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS.—

''(1) IN GENERAL.—Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material relevant to an investigation under this Act, the Attorney General may, before commencing a civil action under subsection (a), issue in writing and serve upon such person, a civil investigative demand requiring—

''(A) the production of such documentary material for inspection and copying;

''(B) that the custodian of such documentary material answer in writing written questions with respect to such documentary material; or

''(C) the production of any combination of such documentary material or answers.

''(2) PROCEDURES.—The provisions of section 3733 of title 31, United States Code, governing the authority to issue, use, and enforce civil investigative demands shall apply with respect to the authority to issue, use, and enforce civil investigative demands under this section, except that, for purposes of applying such section 3733—

''(A) references in that section to false claims law investigators or investigations shall be read as references to investigators or investigations;

''(B) references in that section to interrogatories shall be read as references to written questions, and answers to such need not be under oath;

''(C) the statutory definitions relating to 'false claims law' shall not apply; and

''(D) provisions relating to qui tam relators shall not apply.''.

(b) RETROACTIVE APPLICABILITY.—Section 801 of such Act (50 U.S.C. 4041), as amended by subsection (a), shall apply as if such section were included in the enactment of the Soldiers' and Sailors' Civil Relief Act of 1940 (54 Stat. 1178, chapter 888) and included in the restatement of such Act in Public Law 108–189.

SEC. 1713. ORAL NOTICE SUFFICIENT TO INVOKE INTEREST RATE CAP.

Paragraphs (1) and (2) of section 207(b) of the Servicemembers Civil Relief Act (50 U.S.C. 3937(b)) are amended to read as follows:

''(1) NOTICE TO CREDITOR.—

''(A) IN GENERAL.—In order for an obligation or liability of a servicemember to be subject to the interest rate limitation in subsection (a), the servicemember shall provide to the creditor oral or written notice of military service and any further extension of military service, not later than 180 days after the date of the servicemember's termination or release from military service.

''(B) RECORDS.—The creditor shall retain a record of the servicemember's oral or written notification.

''(2) LIMITATION EFFECTIVE AS OF DATE OF ORDER TO ACTIVE DUTY.—

''(A) SEARCH OF RECORDS.—Upon receipt of oral or written notice of military service, the creditor shall conduct a search of Department of Defense records available through the Department of Defense Manpower Data Center.

''(B) MILITARY SERVICE CONFIRMED.—If military service is confirmed by a search under subparagraph (A), the creditor shall treat the debt in accordance with subsection (a), effective as of the date on which the servicemember is called to military service.

''(C) MILITARY SERVICE NOT CONFIRMED.—If a search of Department of Defense records under subparagraph (A) does not confirm military service, the creditor shall notify the servicemember and may require the servicemember to provide a copy of the servicemember's military orders before treating the debt in accordance with subsection (a), effective as of the date on which the servicemember is called to military service.''.

SEC. 1714. HARMONIZATION OF SECTIONS.

(a) IN GENERAL.—Section 303 of the Servicemembers Civil Relief Act (50 U.S.C. 3953) is amended—

(1) in subsection (b), in the matter before paragraph (1), by striking ''filed'' and inserting ''pending''; and

(2) in subsection (c)(1), by striking ''with a return made and approved by the court''.

(b) REPEAL OF SUNSET.—Section 710(d) of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 (Public Law 112–154; 50 U.S.C. 3953 note) is amended—

(1) by striking ''EXTENSION OF SUNSET'' and all that follows through ''Subsection (c)'' and inserting ''ELIMINATION OF PRIOR SUNSET.—Subsection (c)''; and

(2) by striking paragraph (3).

SEC. 1715. EXPANSION OF PROTECTION FOR TERMINATION OF RESIDENTIAL AND MOTOR VEHICLE LEASES.

(a) TERMINATION OF RESIDENTIAL LEASES.—

(1) IN GENERAL.—Section 305 of the Servicemembers Civil Relief Act (50 U.S.C. 3955) is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking ''or'' at the end;

(II) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

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

''(C) in the case of a lease described in subparagraph (C) of subsection (b)(1), the date the lessee is assigned to or otherwise relocates to quarters or a housing facility as described in such subparagraph.''; and

(ii) in paragraph (2), by striking ''dependent of the lessee'' and inserting ''co-lessee''; and

(B) in subsection (b)(1)—

(i) in subparagraph (A), by striking ''or'' at the end;

(ii) in subparagraph (B)—

(I) by inserting ''(as defined in the Joint Federal Travel Regulations, chapter 5, paragraph U5000B)'' after ''permanent change of station''; and

(II) by striking the period at the end and inserting ''; or''; and

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

''(C) the lease is executed by or on behalf of a person who thereafter and during the term of the lease is assigned to or otherwise relocates to quarters of the United States or a housing facility under the jurisdiction of a uniformed service (as defined in section 101 of title 37, United States Code), including housing provided under the Military Housing Privatization Initiative.''.

(2) MANNER OF TERMINATION.—Subsection (c)(1) of such section is amended—

(A) in subparagraph (A)—

(i) by inserting ''in the case of a lease described in subsection (b)(1) and subparagraph (A) or (B) of such subsection,'' before ''by delivery''; and

(ii) by striking ''and'' at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) in the case of a lease described in subparagraph (C) of subsection (b)(1), by delivery by the lessee of written notice of such termination, and a letter from the servicemember's commanding officer indicating that the servicemember has been assigned to or is otherwise relocating to quarters of the United States or a housing facility under the jurisdiction of a uniformed service (as defined in section 101 of title 37, United States Code), to the lessor (or the lessor's grantee), or to the lessor's agent (or the agent's grantee); and''.

(b) WAIVER IMPERMISSIBLE.—Such section is further amended by adding at the end the following new subsection:

''(i) WAIVER NOT PERMITTED.—The provisions of this section may not be waived or modified by the agreement of the parties under any circumstances.''.

SEC. 1716. PORTABILITY OF PROFESSIONAL LICENSES OF MEMBERS OF THE UNIFORMED SERVICES AND THEIR SPOUSES.

(a) IN GENERAL.—Title VII of the Servicemembers Civil Relief Act (50 U.S.C. 4021 et seq.) is amended by inserting after section 705 (50 U.S.C. 4025) the following new section:

''SEC. 705A. PORTABILITY OF PROFESSIONAL LICENSES OF SERVICEMEMBERS AND THEIR SPOUSES.

''In any case in which a servicemember has a professional license in good standing in a jurisdiction or the spouse of a servicemember has a professional license in good standing in a jurisdiction and such servicemember or spouse relocates his or her residency because of military orders to a location that is not in such jurisdiction, the professional license or certification of such servicemember or spouse shall be considered valid and in good standing in the jurisdiction of such new residency for the duration of such military orders if such servicemember or spouse—

''(1) provides a copy of such military orders to the licensing authority in the jurisdiction in which the new residency is located;

''(2) remains in good standing with the licensing authority that issued the license; and

''(3) submits to the authority of the licensing authority in the new jurisdiction for the purposes of standards of practice, discipline, and fulfillment of any continuing education requirements.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 705 the following new item:

''Sec. 705A. Portability of professional licenses of servicemembers and their spouses.''.

SA 452. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, insert the following:

SEC. ___. IN-STATE TUITION RATES FOR CERTAIN MEMBERS OF THE ARMED FORCES IN ACTIVE SERVICE, SPOUSES, AND DEPENDENT CHILDREN.

(a) IN GENERAL.—Section 135 of the Higher Education Act of 1965 (20 U.S.C. 1015d) is amended to read as follows:

''SEC. 135. IN-STATE TUITION RATES FOR MEMBERS OF THE ARMED FORCES IN ACTIVE SERVICE, SPOUSES, AND DEPENDENT CHILDREN.

''(a) REQUIREMENT.—Each State that receives assistance under this Act shall not charge a member of the armed forces (or the spouse or dependent child of such member) tuition for attendance at a public institution of higher education in the State at a rate that is greater than the rate charged for residents of the State, if the member of the armed forces—

''(1) is serving on active service, as defined in section 101 of title 10, United States Code, and has served on active service for a period of not less than 10 years; and

''(2) has been stationed in the State—

''(A) for any of the 3 most recent tours of duty of the member; or

''(B) for any of the 3 longest tours of duty of the member.

''(b) CONTINUATION.—If an individual who is a member of the armed forces, or the spouse or dependent child of such member, pays tuition at a public institution of higher education in a State at a rate determined by subsection (a), the provisions of such subsection shall continue to apply to such member, spouse, or dependent, with respect to any State for which the member met the requirements of paragraph (a)(2) and without regard to any subsequent change in the permanent duty station or the retirement of the member, while such member, spouse or dependent—

''(1) is continuously enrolled at such institution; or

''(2)(A) transfers to another public institution of higher education during the same academic year or the immediately following academic year, if the institution is located in a State where the member has been stationed as described in subsection (a)(2); and

''(B) is continuously enrolled at such institution.

''(c) APPLICABILITY.—This section shall take effect at each public institution of higher education in a State that receives assistance under this Act for each period of enrollment at such institution that begins after July 1, 2018.

''(d) DEFINITIONS.—In this section:

''(1) ACTIVE SERVICE FOR A PERIOD OF MORE THAN 30 DAYS.—The term 'active service for a period of more than 30 days' means active service, as defined in section 101 of title 10, United States Code, under a call or order that does not specify a period of 30 days or less.

''(2) ARMED FORCES.—The terms 'armed forces' has the meaning given the term in section 101 of title 10, United States Code.''.

(b) EFFECTIVE DATE.—Subsection (a), and the amendment made by subsection (a), shall take effect on July 1, 2018.

SA 453. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. ____. JOINT SERVICES TRANSCRIPTS FOR MEMBERS OF THE ARMED FORCES PARTICIPATING IN THE TRANSITION ASSISTANCE PROGRAM.

(a) PROVISION OF TRANSCRIPTS TO MEMBERS REQUIRED.—Each member of the Armed Forces participating in the Transition Assistance Program (TAP) of the Department of Defense shall be provided a joint services transcript (TSP) in connection with participation in the Program.

(b) ELEMENTS.—The joint services transcript provided a member pursuant to subsection (a) shall include the following:

(1) Military student data of the member, including a description of any military courses taken and learning outcomes and recommended college credit in connection with such courses.

(2) Any military occupations or military occupational specialities of the member.

(3) The results of any national college-level examinations taken by the member.

SA 454. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. FINANCING OF EXPORTATION OF DEFENSE ARTICLES AND DEFENSE SERVICES BY EXPORT-IMPORT BANK OF THE UNITED STATES.

Section 2(b)(6)(I)(i)(I) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)(I)(i)(I)) is amended to read as follows:

''(I)(aa) the Bank determines that the end use of the defense articles or services includes civilian purposes; or

''(bb) the President determines that the transaction is in the national security interests of the United States; and''.

SA 455. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A add the following:

TITLE XVII—DISCHARGE AND DISCHARGE REVIEW MATTERS

SEC. 1701. CONFIDENTIAL REVIEW OF CHARACTERIZATION OF TERMS OF DISCHARGE OF MEMBERS WHO ARE SURVIVORS OF SEXUAL ASSAULT.

(a) CODIFICATION OF CURRENT CONFIDENTIAL PROCESS.—

(1) CODIFICATION.—Chapter 79 of title 10, United States Code, is amended by inserting after section 1554a a new section 1554b consisting of—

(A) a heading as follows:

''§ 1554b. Confidential review of characterization of terms of discharge of members of the armed forces who are survivors of sexual assault''; and

(B) a text consisting of the text of section 547 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3375; 10 U.S.C. 1553 note).

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 79 of such title is amended by inserting after the item relating to section 1554a the following new item:

''1554b. Confidential review of characterization of terms of discharge of members of the armed forces who are survivors of sexual assault.''.

(3) CONFORMING REPEAL.—Section 547 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 is repealed.

(b) TERMINOLOGY.—Section 1554b of title 10, United States Code, as added by subsection (a) of this section, is amended—

(1) in subsection (a), by striking ''victim'' each place it appears and inserting ''survivor''; and

(2) by striking ''sex-related'' each place it appears and inserting ''sexual assault''.

(c) CLARIFICATION OF APPLICABILITY TO INDIVIDUALS WHO ALLEGE THEY WERE A SURVIVOR OF SEXUAL ASSAULT DURING MILITARY SERVICE.—Subsection (a) of such section 1554b, as so added, is further amended by inserting after ''sexual assault offense'' the following: '', or alleges that the individual was the survivor of a sexual assault offense,''.

(d) ADDITIONAL REQUIREMENTS FOR CONSIDERATION OF EVIDENCE.—Subsection (b) of such section 1554b, as so added, is amended—

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

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

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

''(3) to give liberal consideration to all available evidence that a sexual assault occurred, including evidence from sources other than records of the armed force concerned that may corroborate the individual's account of the sexual assault (including evidence of changes in the individual's behavior after the offense and other circumstantial evidence that may corroborate the individual's account of the sexual assault).''.

(e) MEDICAL ADVISORY OPINIONS IN CONNECTION WITH SURVIVORS OF SEXUAL ASSAULT.—Such section 1554b, as so added, is further amended—

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

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

''(d) MEDICAL ADVISORY OPINIONS.—Any medical advisory opinion issued to a board

established in accordance with this chapter in the case of a review carried out in accordance with the process established under this section shall include the opinion of a psychiatrist or psychologist with training in sexual trauma cases.''.

(f) CONFORMING AMENDMENTS.—Such section 1554b, as so added, is further amended—

(1) by striking ''Armed Forces'' each place it appears in subsections (a) and (b) and inserting ''armed forces'';

(2) in subsection (a)—

(A) by striking ''boards for the correction of military records of the military department concerned'' and inserting ''boards of the military department concerned established in accordance with this chapter''; and

(B) by striking ''such an offense'' and inserting ''a sexual-assault offense'';

(3) in subsection (b), by striking ''boards for the correction of military records'' and inserting ''boards of the military department concerned established in accordance with this chapter''; and

(4) in subsection (e), as redesignated by subsection (e)(1) of this section—

(A) in the subsection heading, by striking ''SEX-RELATED'' and inserting ''SEXUAL ASSAULT'';

(B) in paragraph (1), by striking ''title 10, United States Code'' and inserting ''this title''; and

(C) in paragraphs (2) and (3), by striking ''such title'' and inserting ''this title''.

SEC. 1702. AUTHORITY FOR DISCHARGE REVIEW BOARDS TO REFER CERTAIN APPLICATIONS FOR RELIEF TO THE PHYSICAL DISABILITY BOARD OF REVIEW.

(a) AUTHORITY FOR DISCHARGE REVIEW BOARDS TO REFER FOR DISABILITY REVIEW.—

(1) AUTHORITY.—Subsection (b) of section 1553 of title 10, United States Code, is amended to read as follows:

''(b)(1) To reflect its findings, a board established under this section may—

''(A) change a discharge or dismissal;

''(B) issue a new discharge; or

''(C) in the case of a former member whose application for relief is based in whole or in part on matters relating to a sexual assault, post-traumatic stress disorder, or traumatic brain injury, refer the application for relief to the Physical Disability Board of Review established under section 1554a of this title for review under such section.

''(2) Any action of the board under this subsection is subject to review by the Secretary concerned.''.

(b) TREATMENT OF REFERRAL.—Section 1554a of title 10, United States Code, is amended—

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

(2) by inserting after subsection (e) the following new subsection (f):

''(f) REFERRALS FROM DISCHARGE REVIEW BOARD.—(1) Except as provided in paragraph (2), a referral for review pursuant to section 1553(b)(1)(C) of this title shall be treated as a request for review by a covered individual for purposes of this section.

''(2) In the case of a referral for review pursuant to section 1553(b)(1)(C) of this title—

''(A) a previous disability determination by a Physical Evaluation Board shall not be required; and

''(B) subsection (c)(4) shall not apply.''.

SEC. 1703. PUBLIC AVAILABILITY OF INFORMATION RELATED TO DISPOSITION OF CLAIMS REGARDING DISCHARGE OR RELEASE OF MEMBERS OF THE ARMED FORCES WHEN THE CLAIMS INVOLVE SEXUAL ASSAULT.

(a) BOARDS FOR THE CORRECTION OF MILITARY RECORDS.—Section 1552(h) of title 10, United States Code, as added by section 533(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328), is amended by adding at the end the following new paragraph:

''(4) The number and disposition of claims decided during the calendar quarter preceding the calendar quarter in which such information is made available in which sexual assault is alleged to have contributed, whether in whole or in part, to the original characterization of the discharge or release of the claimant.''.

(b) DISCHARGE REVIEW BOARDS.—Section 1553(f) of title 10, United States Code, as added by section 533(b) of the National Defense Authorization Act for Fiscal Year 2017, is amended by adding at the end the following new paragraph:

''(4) The number and disposition of claims decided during the calendar quarter preceding the calendar quarter in which such information is made available in which sexual assault is alleged to have contributed, whether in whole or in part, to the original characterization of the discharge or release of the claimant.''.

SEC. 1704. TRAINING REQUIREMENTS.

(a) MEMBERS OF BOARDS FOR THE CORRECTION OF MILITARY RECORDS.—Section 534(c)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 1552 note) is amended by adding at the end the following new sentence: ''This curriculum shall also address the proper handling of claims in which sexual assault is alleged to have contributed to the original characterization of the discharge or release of the claimant, including guidelines for the consideration of evidence substantiating such allegations in accordance with the requirements of section 1554b(b)(3) of title 10, United States Code.''.

(b) DEPARTMENT OF DEFENSE PERSONNEL WHO INVESTIGATE CLAIMS OF RETALIATION.—Section 546(a) of the National Defense Authorization Act for Fiscal Year 2017 is amended by striking ''section.'' and inserting ''section, including guidelines for the consideration of evidence substantiating such allegations in accordance with the requirements of section 1554b(b)(3) of title 10, United States Code.''.

SEC. 1705. OTHER IMPROVEMENTS TO AUTHORITIES AND PROCEDURES FOR THE CORRECTION OF MILITARY RECORDS.

(a) BOARDS FOR THE CORRECTION OF MILITARY RECORDS.—

(1) USE OF SECRETARIAL AUTHORITY TO CORRECT MILITARY RECORDS.—Section 1552(a)(1) of title 10, United States Code, is amended by striking ''may'' both places it appears and inserting ''shall''.

(2) INDEXING OF PUBLISHED DECISIONS.—Paragraph (5) of section 1552(a) of title 10, United States Code, is amended to read as follows:

''(5) Each final decision of a board under this subsection shall be made available to the public in electronic form on a centralized Internet website. The information provided shall include a summary of each decision, to be indexed by subject matter, except that the Secretary shall protect the privacy of claimants by redacting all personally identifiable information.''.

(b) DISCHARGE REVIEW BOARDS.—

(1) REPEAL OF 15-YEAR STATUTE OF LIMITATIONS ON MOTIONS OR REQUESTS FOR REVIEW.—Section 1553(a) of title 10, United States Code, is amended by striking the second sentence.

(2) TELEPHONIC PRESENTATION OF EVIDENCE.—Section 1553(c) of title 10, United States Code, is amended in the second sentence by striking ''or by affidavit'' and inserting '', by affidavit, or by telephone or video conference''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2018.

SEC. 1706. BURDENS OF PROOF APPLICABLE TO INVESTIGATIONS AND REVIEWS RELATED TO PROTECTED COMMUNICATIONS OF MEMBERS OF THE ARMED FORCES AND PROHIBITED RETALIATORY ACTIONS.

(a) IN GENERAL.—Section 1034 of title 10, United States Code, is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

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

''(i)(1) For purposes of this section, there is sufficient basis to conclude that a personnel action prohibited by subsection (b) has occurred if the communication made by the member or former member was a contributing factor in the personnel action that was taken, or is to be taken, against the member or former member unless there is clear and convincing evidence that the same personnel action would have been taken in the absence of the communication.

''(2) A member or former member may demonstrate that the communication was a contributing factor in the personnel action through circumstantial evidence, such as evidence that—

''(A) the official taking the personnel action knew of the communication; and

''(B) the personnel action occurred within a period of time such that a reasonable person could conclude that the communication was a contributing factor in the personnel action.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 30 days after the date of the enactment of this Act, and shall apply with respect to allegations pending or submitted under section 1034 of title 10, United States Code, on or after that date.

SEC. 1707. ADMINISTRATIVE SEPARATION PROTECTIONS FOR MEMBERS OF THE ARMED FORCES WHO ARE SURVIVORS OF SEXUAL ASSAULT.

(a) COVERED MEMBER DEFINED.—In this section, the term ''covered member'' means a member of the Armed Forces who is diagnosed with a mental health condition related to a sexual assault that occurred during the member's service in the Armed Forces.

(b) LIMITATIONS ON SEPARATION FOR A MENTAL DISORDER NOT CONSTITUTING A PHYSICAL DISABILITY.—

(1) REVIEW OF DIAGNOSIS.—A covered member shall not be separated on the basis of a personality disorder or other mental disorder not constituting a physical disability, unless the diagnosis of such disorder has been—

(A) corroborated by a peer or higher-level mental health professional; and

(B) endorsed by the Surgeon General of the military department concerned.

(2) CO-MORBID PTSD DIAGNOSIS.—Unless found fit for duty by the disability evaluation system, a covered member shall not be separated on the basis of a personality disorder or other mental disorder not constituting a physical disability if service-related post-traumatic stress disorder is also diagnosed.

(c) EFFECTIVE DATE.—This section shall take effect 180 days after the date of the enactment of this Act.

SEC. 1708. DEPARTMENT OF DEFENSE WORKING GROUP ON ADMINISTRATIVE REVIEW BOARDS.

(a) ESTABLISHMENT AND PURPOSE.—The Secretary of Defense shall establish a Department of Defense working group for the purpose of identifying and making recommendations to the Secretary on best practices and procedures to be used by boards for the correction of military records and discharge review boards in carrying out their responsibilities under chapter 79 of title 10, United States Code, and in granting relief to claimants under that chapter.

(b) CONSULTATION.—In carrying out the responsibilities of the working group, members of the group shall consult, as appropriate, with civilian practitioners of military law and representatives of organizations that have experience in cases before boards for the correction of military records and discharge review boards.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the establishment of the working group, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the findings and recommendations of the working group.

(2) SUBSEQUENT REPORT.—

(A) IN GENERAL.—Not later than two years after the date of the establishment of the working group, the Secretary shall submit to the committees of Congress referred to in subparagraph (B) a report containing an evaluation conducted by the working group of all the recommendations of the working group that have been or are being implemented by boards for the correction of military records and discharge review boards of the military departments, including the results of the implementation of such recommendations.

(B) COMMITTEES OF CONGRESS.—The committees of Congress referred to in this subparagraph are—

(i) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

(ii) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.

SA 456. Mr. COTTON submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ELIMINATION OF SEQUESTRATION.

The Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is amended—

(1) in section 251(a) (2 U.S.C. 901(a))—

(A) in paragraph (1), by striking ''Within'' and inserting ''For each fiscal year beginning before October 1, 2017, within'';

(B) in paragraph (4), in the matter preceding subparagraph (A), by inserting ''beginning before October 1, 2017'' after ''fiscal year'';

(C) in paragraph (6), by striking ''If'' and inserting ''For each fiscal year beginning before October 1, 2017, if''; and

(D) in paragraph (7)—

(i) in subparagraph (A), by inserting ''for a fiscal year beginning before October 1, 2017'' after ''any discretionary appropriation''; and

(ii) in subparagraph (B), in the first sentence, by inserting ''for a fiscal year beginning before October 1, 2017'' after ''any discretionary appropriation''; and

(2) in section 254 (2 U.S.C. 904)—

(A) in subsection (a), in the matter preceding the table, by inserting ''beginning before October 1, 2017'' after ''any budget year'';

(B) in subsection (c)(2), by striking ''2021'' and inserting ''2017'';

(C) in subsection (f)(2)(A), by striking ''2021'' and inserting ''2017''; and

(D) in subsection (g), by striking ''If'' and inserting ''For each fiscal year beginning before October 1, 2017, if''.

SA 457. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle F of title V, add the following:

SEC. _____. CRIMINAL BACKGROUND CHECKS OF EMPLOYEES OF THE MILITARY CHILD CARE SYSTEM AND PROVIDERS OF CHILD CARE SERVICES AND YOUTH PROGRAM SERVICES FOR MILITARY DEPENDENTS.

(a) EMPLOYEES OF MILITARY CHILD CARE SYSTEM.—Section 1792 of title 10, United States Code, is amended—

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

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

''(d) CRIMINAL BACKGROUND CHECK.—The criminal background check of child care employees under this section that is required pursuant to section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041) shall be conducted pursuant to regulations prescribed by the Secretary of Defense in accordance with the provisions of section 658H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f).''.

(b) PROVIDERS OF CHILD CARE SERVICES AND YOUTH PROGRAM SERVICES.—Section 1798 of such title is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) CRIMINAL BACKGROUND CHECK.—A provider of child care services or youth program services may not provide such services under this section unless such provider complies with the requirements for criminal background checks under section 658H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f) for the State in which such services are provided.''.

SA 458. Mr. TILLIS submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 705 and insert the following:

SEC. 705. SPECIFICATION THAT INDIVIDUALS UNDER THE AGE OF 21 ARE ELIGIBLE FOR HOSPICE CARE SERVICES UNDER THE TRICARE PROGRAM.

Section 1079(a)(15) of title 10, United States Code, is amended by inserting before the period at the end the following: '', except that hospice care may be provided to an individual under the age of 21 concurrently with health care services or hospitalization for the same condition.''.

SA 459. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. _____. PILOT PROGRAM TO IMPROVE INCENTIVES FOR TECHNOLOGY TRANSFER FROM DEPARTMENT OF DEFENSE LABORATORIES.

(a) IN GENERAL.—The Secretary of Defense shall establish a pilot program to assess the feasibility and advisability of distributing royalties and other payments as described in this section. Under the pilot program, except as provided in subsections (b) and (d), any royalties or other payments received by a Federal agency from the licensing and assignment of inventions under agreements entered into by Department of Defense laboratories, and from the licensing of inventions of Department of Defense laboratories, shall be retained by the laboratory which produced the invention and shall be disposed of as follows:

(1)(A) The laboratory director shall pay each year the first $2,000, and thereafter at least 20 percent, of the royalties or other payments, other than payments of patent costs as delineated by a license or assignment agreement, to the inventor or coinventors, if the inventor's or coinventor's rights are directly assigned to the United States.

(B) A laboratory director may provide appropriate incentives, from royalties or other payments, to laboratory employees who are not an inventor of such inventions but who substantially increased the technical value of the inventions.

(C) The laboratory shall retain the royalties and other payments received from an invention until the laboratory makes payments to employees of a laboratory under subparagraph (A) or (B).

(2) The balance of the royalties or other payments shall be transferred by the agency to its laboratories, with the majority share of the royalties or other payments from any invention going to the laboratory where the invention occurred. The royalties or other payments so transferred to any laboratory may be used or obligated by that laboratory during the fiscal year in which they are received or during the 2 succeeding fiscal years—

(A) to reward scientific, engineering, and technical employees of the laboratory, including developers of sensitive or classified technology, regardless of whether the technology has commercial applications;

(B) to further scientific exchange among the laboratories of the agency;

(C) for education and training of employees consistent with the research and development missions and objectives of the agency or laboratory, and for other activities that increase the potential for transfer of the technology of the laboratories of the agency;

(D) for payment of expenses incidental to the administration and licensing of intellectual property by the agency or laboratory with respect to inventions made at that laboratory, including the fees or other costs for the services of other agencies, persons, or organizations for intellectual property management and licensing services; or

(E) for scientific research and development consistent with the research and development missions and objectives of the laboratory.

(3) All royalties or other payments retained by the laboratory after payments have been made pursuant to paragraphs (1)

and (2) that are unobligated and unexpended at the end of the second fiscal year succeeding the fiscal year in which the royalties and other payments were received shall be paid into the Treasury of the United States.

(b) TREATMENT OF PAYMENTS TO EMPLOYEES.—

(1) IN GENERAL.—Any payment made to an employee under the pilot program shall be in addition to the regular pay of the employee and to any other awards made to the employee, and shall not affect the entitlement of the employee to any regular pay, annuity, or award to which the employee is otherwise entitled or for which the employee is otherwise eligible or limit the amount thereof. Any payment made to an inventor as such shall continue after the inventor leaves the laboratory.

(2) CUMULATIVE PAYMENTS.—(A) Cumulative payments made under the pilot program while the inventor is still employed at the laboratory shall not exceed $500,000 per year to any one person, unless the Secretary concerned (as defined in section 101(a) of title 10, United States Code) approves a larger award.

(B) Cumulative payments made under the pilot program after the inventor leaves the laboratory shall not exceed $150,000 per year to any one person, unless the head of the agency approves a larger award (with the excess over $150,000 being treated as an agency award to a former employee under section 4505 of title 5, United States Code).

(c) INVENTION MANAGEMENT SERVICES.—Under the pilot program, a laboratory receiving royalties or other payments as a result of invention management services performed for another Federal agency or laboratory under section 207 of title 35, United States Code, may retain such royalties or payments to the extent required to offset payments to inventors under subparagraph (A) of subsection (a)(1), costs and expenses incurred under subparagraph (D) of subsection (a)(2), and the cost of foreign patenting and maintenance for any invention of the other agency. All royalties and other payments remaining after offsetting the payments to inventors, costs, and expenses described in the preceding sentence shall be transferred to the agency for which the services were performed, for distribution in accordance with subsection (a)(2).

(d) CERTAIN ASSIGNMENTS.—Under the pilot program, if the invention involved was one assigned to the laboratory—

(1) by a contractor, grantee, or participant, or an employee of a contractor, grantee, or participant, in an agreement or other arrangement with the agency; or

(2) by an employee of the agency who was not working in the laboratory at the time the invention was made,

the agency unit that was involved in such assignment shall be considered to be a laboratory for purposes of this section.

(e) SUNSET.—The pilot program under this section shall terminate 5 years after the date of the enactment of this Act.

SA 460. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NORTH KOREA STRATEGY.

(a) REPORT ON STRATEGY REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report that sets forth a strategy of the United States with respect to North Korea.

(b) ELEMENTS.—The report required by subsection (a) shall include the following elements:

(1) A description and assessment of the primary threats to United States national security interests from North Korea.

(2) A description of support from foreign nations for North Korea's nuclear and ballistic missile programs.

(3) A description of the economic, political, and trade relationships between China and North Korea and Russia and North Korea, including trends in those relationships and their impact on the Government of North Korea.

(4) A description of the economic, political, and trade relationships between other countries and North Korea, and an identification of countries that may be undermining United States objectives identified in paragraph (5).

(5) The desired end state in North Korea and current United States objectives relative to security threats emanating from North Korea.

(6) A detailed roadmap to reach the end state and objectives identified in paragraph (5) through unilateral and multilateral diplomatic and economic means, including timelines for each element of the roadmap.

(7) An identification of the resources and authorities necessary to carry out the roadmap described in paragraph (6).

(8) A description of operational plans and associated military requirements for the protection of United States national security interests relative to threats from North Korea.

(9) An identification of any capability gaps and resource gaps that would impact the execution of any associated operational plan, and a mitigation plan to address such gaps.

(10) An assessment of current and desired partner nation contributions to countering threats from North Korea and a plan to enhance diplomatic, economic, and military cooperation with nations that have shared security interests.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) QUARTERLY UPDATES REQUIRED.—The President shall provide Congress with a quarterly written progress report on the implementation of the strategy required pursuant to subsection (a) in unclassified form.

SA 461. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COLLABORATION ON CYBERSECURITY OF INDUSTRIAL CONTROL SYSTEMS FOR CRITICAL INFRASTRUCTURE.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Energy shall collaborate with respect to matters relating to the cybersecurity of industrial control systems for critical infrastructure, including with respect to—

(1) the work of the Department of Energy on the cybersecurity of energy delivery systems; and

(2) the work of the Department of Defense on platform information technology.

(b) CENTER OF EXCELLENCE.—

(1) IN GENERAL.—There is established a center of excellence on the cybersecurity of industrial control systems for critical infrastructure.

(2) MEMBERSHIP.—The center of excellence established under paragraph (1) shall be composed of representatives of—

(A) the Department of Defense;

(B) the Department of Energy, including national laboratories of the Department of Energy; and

(C) the Department of Homeland Security.

SA 462. Mr. MORAN (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. ____. ARMY MILITARY VALUE ANALYSIS MODEL.

(a) FINDINGS.—Congress makes the following

(1) The Military Value Analysis model of the Army has been a key determinant for the force structure and strategic basing decisions of the Army in recent years.

(2) The Committees on Armed Services of the Senate and the House of Representatives have determined that a lack of transparency regarding process, metrics, and scoring on the matters covered by the Military Value Analysis model has made proper oversight of the Army by Congress far more difficult.

(b) LIMITATION ON ARMY BASING DECISIONS PENDING REPORT ON MODEL.—The Secretary of the Army may not make any basing decision with respect to the Army during the period beginning on the date of the enactment of this Act and ending on the date that is 60 days after the date on which the Secretary submits the report required by subsection (c).

(c) REPORT ON UPDATED MODEL.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report setting forth an update of the Military Value Analysis model of the Army.

(2) REVIEW.—The Secretary shall update the Military Value Analysis model for purposes of the report required by paragraph (1) following a review undertaken by the Secretary for purposes of the update. The review and update shall address and appropriately incorporate the following:

(A) Qualitative and quantitative criteria and sub-criteria to be used for force structure and strategic basing decisions, including quantitative and qualitative measures on the average daily use of, and accessibility to, maneuver training acreage.

(B) Deployment criteria using a measure of the time required to deploy a unit of action from its home installation to its deployment site, including the transportation of unit personnel by military aircraft, and transportation of the commonly defined set of unit equipment to its designated out-port for deployment.

(d) SCORING DATA FOR FORCE STRUCTURE AND MAJOR BASING DECISIONS.—After making

a force structure or major basing decision for the Army, the Secretary of the Army shall submit to the congressional defense committees a report setting forth the scoring data developed pursuant to the Military Value Analysis model of the Army with respect to each military installation considered for purposes of the decision.

SA 463. Mr. FLAKE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Anti-Border Corruption Reauthorization Act

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Anti-Border Corruption Reauthorization Act of 2017''.

SEC. 1092. HIRING FLEXIBILITY.

Section 3 of the Anti-Border Corruption Act of 2010 (Public Law 111–376; 6 U.S.C. 221) is amended by striking subsection (b) and inserting the following new subsections:

''(b) WAIVER AUTHORITY.—The Commissioner of U.S. Customs and Border Protection may waive the application of subsection (a)(1) in the following circumstances:

''(1) In the case of a current, full-time law enforcement officer employed by a State or local law enforcement agency, if such officer—

''(A) has served as a law enforcement officer for not fewer than three years with no break in service;

''(B) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers for arrest or apprehension;

''(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

''(D) has, within the past ten years, successfully completed a polygraph examination as a condition of employment with such officer's current law enforcement agency.

''(2) In the case of a current, full-time Federal law enforcement officer, if such officer—

''(A) has served as a law enforcement officer for not fewer than three years with no break in service;

''(B) has authority to make arrests, conduct investigations, conduct searches, make seizures, carry firearms, and serve orders, warrants, and other processes;

''(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

''(D) holds a current Tier 4 background investigation or current Tier 5 background investigation.

''(3) In the case of an individual who is a member of the Armed Forces (or a reserve component thereof) or a veteran, if such individual—

''(A) has served in the Armed Forces for not fewer than three years;

''(B) holds, or has held within the past five years, a Secret, Top Secret, or Top Secret / Sensitive Compartmented Information clearance;

''(C) holds, or has undergone within the past five years, a current Tier 4 background investigation or current Tier 5 background investigation;

''(D) received, or is eligible to receive, an honorable discharge from service in the Armed Forces and has not engaged in criminal activity or committed a serious military or civil offense under the Uniform Code of Military Justice; and

''(E) was not granted any waivers to obtain the clearance referred to subparagraph (B).

''(c) TERMINATION OF WAIVER AUTHORITY.—The authority to issue a waiver under subsection (b) shall terminate on the date that is four years after the date of the enactment of the Anti-Border Corruption Reauthorization Act of 2017.''.

SEC. 1093. SUPPLEMENTAL COMMISSIONER AUTHORITY AND DEFINITIONS.

(a) SUPPLEMENTAL COMMISSIONER AUTHORITY.—Section 4 of the Anti-Border Corruption Act of 2010 (Public Law 111–376) is amended to read as follows:

''SEC. 4. SUPPLEMENTAL COMMISSIONER AUTHORITY.

''(a) NON-EXEMPTION.—An individual who receives a waiver under subsection (b) of section 3 is not exempt from other hiring requirements relating to suitability for employment and eligibility to hold a national security designated position, as determined by the Commissioner of U.S. Customs and Border Protection.

''(b) BACKGROUND INVESTIGATIONS.—Any individual who receives a waiver under subsection (b) of section 3 who holds a current Tier 4 background investigation shall be subject to a Tier 5 background investigation.

''(c) ADMINISTRATION OF POLYGRAPH EXAMINATION.—The Commissioner of U.S. Customs and Border Protection is authorized to administer a polygraph examination to an applicant or employee who is eligible for or receives a waiver under subsection (b) of section 3 if information is discovered prior to the completion of a background investigation that results in a determination that a polygraph examination is necessary to make a final determination regarding suitability for employment or continued employment, as the case may be.''.

(b) REPORT.—The Anti-Border Corruption Act of 2010 is amended by adding at the end the following new section:

''SEC. 5. REPORTING REQUIREMENTS.

''(a) ANNUAL REPORT.—Not later than one year after the date of the enactment of the Anti-Border Corruption Reauthorization Act of 2017, and annually thereafter while the waiver authority under section 3(b) is in effect, the Commissioner of U.S. Customs and Border Protection shall submit a report to Congress that includes, with respect to the reporting period—

''(1) the number of waivers requested, granted, and denied under section 3(b);

''(2) the reasons for any denials of such waiver;

''(3) the percentage of applicants who were hired after receiving a waiver;

''(4) the number of instances that a polygraph was administered to an applicant who initially received a waiver and the results of such polygraph;

''(5) an assessment of the current impact of the polygraph waiver program on filling law enforcement positions at U.S. Customs and Border Protection; and

''(6) additional authorities needed by U.S. Customs and Border Protection to better utilize the polygraph waiver program for its intended goals.

''(b) ADDITIONAL INFORMATION.—The first report submitted under subsection (a) shall include—

''(1) an analysis of other methods of employment suitability tests that detect deception and could be used in conjunction with traditional background investigations to evaluate potential employees for suitability; and

''(2) a recommendation regarding whether a test referred to in paragraph (1) should be adopted by U.S. Customs and Border Protection when the polygraph examination requirement is waived pursuant to section 3(b).''.

(c) DEFINITIONS.—The Anti-Border Corruption Act of 2010, as amended by subsection (b) of this section, is further amended by adding at the end the following new section:

''SEC. 6. DEFINITIONS.

''In this Act:

''(1) FEDERAL LAW ENFORCEMENT OFFICER.—The term 'Federal law enforcement officer' means a 'law enforcement officer', as defined in section 8331(20) or 8401(17) of title 5, United States Code.

''(2) VETERAN.—The term 'veteran' has the meaning given such term in section 101(2) of title 38, United States Code.

''(3) SERIOUS MILITARY OR CIVIL OFFENSE.—The term 'serious military or civil offense' means an offense for which—

''(A) a member of the Armed Forces may be discharged or separated from service in the Armed Forces; and

''(B) a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial, as pursuant to Army Regulation 635-200 chapter 14-12.

''(4) TIER 4; TIER 5.—The terms 'Tier 4' and 'Tier 5' with respect to background investigations have the meaning given such terms under the 2012 Federal Investigative Standards.''.

SA 464. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XII, add the following:

SEC. _____. ANNUAL REPORTS ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should seek from each ally or partner country of the United States acceptance of international security responsibilities and agreements to make contributions to the common defense commensurate with the economic resources and security environment of such country.

(b) REPORTS.—

(1) IN GENERAL.—Not later than March 1, 2018, and annually thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report containing a description of—

(A) the annual defense spending by each ally or partner country of the United States, including available data on nominal budget figures and defense spending as a percentage of such country's gross domestic product for the fiscal year immediately preceding the fiscal year in which the report is submitted;

(B) the activities of each such country to contribute to military or stability operations in which the Armed Forces of the United States are a participant;

(C) any limitations placed by any such country on the use of such contributions; and

(D) any actions undertaken by the United States or by other countries to minimize such limitations.

(2) FORM.—Each report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

(c) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

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

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

(2) The term ''ally'' includes the following:

(A) Any signatory of a mutual defense treaty with the United States.

(B) Any country designated as a ''major non-NATO ally'' under section 2350a of title 10, United States Code, or pursuant to section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k).

(C) Any other ally or partner with a security memorandum of understanding or other security arrangement with the United States.

SA 465. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MILITARY HUMANITARIAN OPERATIONS.

(a) SHORT TITLE.—This section may be cited as the ''Military Humanitarian Operations Act of 2017''.

(b) MILITARY HUMANITARIAN OPERATION DEFINED.—In this section, the term ''military humanitarian operation''—

(1) means a military operation—

(A) involving the deployment of members or weapons systems of the United States Armed Forces where hostile activities are reasonably anticipated; and

(B) with the aim of—

(i) preventing or responding to a humanitarian catastrophe, including its regional consequences; or

(ii) addressing a threat posed to international peace and security;

(2) includes—

(A) operations undertaken pursuant to the principle of the ''responsibility to protect'', as referenced in United Nations Security Council Resolution 1674 (2006);

(B) operations specifically authorized by the United Nations Security Council, or other international organizations; and

(C) unilateral deployments and deployments made in coordination with international organizations, treaty-based organizations, or coalitions formed to address specific humanitarian catastrophes; and

(3) does not mean a military operation undertaken—

(A) to respond to or repel attacks, or prevent imminent attacks, on the United States or any of its territorial possessions, embassies, or consulates, or members of the United States Armed Forces;

(B) as a direct act of reprisal for attacks on the United States or any of its territorial possessions, embassies, or consulates, or members of the United States Armed Forces;

(C) to invoke the inherent right to individual or collective self-defense in accordance with Article 51 of the Charter of the United Nations;

(D) as a military mission to protect or rescue United States citizens or military or diplomatic personnel abroad;

(E) to carry out treaty commitments to directly aid allies in distress;

(F) as a humanitarian mission, not to exceed 30 days, in response to natural disasters where no civil unrest or combat with hostile forces is reasonably anticipated;

(G) to maintain maritime freedom of navigation, including actions aimed at combating piracy; or

(H) as a training exercise conducted by the United States Armed Forces abroad where no combat with hostile forces is reasonably anticipated.

(c) CONGRESSIONAL AUTHORIZATION REQUIREMENT.—The President may not deploy members of the United States Armed Forces into the territory, airspace, or waters of a foreign country for a military humanitarian operation not previously authorized by statute unless—

(1) the President submits to Congress a formal request for authorization to use members of the Armed Forces for the military humanitarian operation; and

(2) Congress specifically authorizes such use of forces.

(d) SEVERABILITY.—If any provision of this section is held to be unconstitutional, the remainder of the section shall not be affected.

SA 466. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1083.

SA 467. Mr. LEE (for himself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. WHITEHOUSE, and Mr. CRUZ) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. ____. PROHIBITION ON THE INDEFINITE DETENTION OF CITIZENS AND LAWFUL PERMANENT RESIDENTS.

(a) IN GENERAL.—Section 4001 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

''(a) No citizen or lawful permanent resident of the United States shall be imprisoned or otherwise detained by the United States except consistent with the Constitution and pursuant to an Act of Congress that expressly authorizes such imprisonment or detention.''.

(b) RELATIONSHIP TO AN AUTHORIZATION TO USE MILITARY FORCE, DECLARATION OF WAR, OR SIMILAR AUTHORITY.—Section 4001 of title 18, United States Code, as amended by subsection (a) is further amended—

(1) by redesignating subsection (b) as subsection (c); and

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

''(b)(1) A general authorization to use military force, a declaration of war, or any similar authority, on its own, shall not be construed to authorize the imprisonment or detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States.

''(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018.

''(3) This section shall not be construed to authorize the imprisonment or detention of a citizen of the United States, a lawful permanent resident of the United States, or any other person who is apprehended in the United States.''.

SA 468. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. ____. SENSE OF SENATE ON THE DISAPPEARANCE OF DAVID SNEDDON.

(a) FINDINGS.—The Senate makes the following findings:

(1) David Louis Sneddon is a United States citizen who disappeared while touring the Yunnan Province in the People's Republic of China as a university student on August 14, 2004, at the age of 24.

(2) David had last reported to family members prior to his disappearance that he intended to hike the Tiger Leaping Gorge in the Yunnan Province before returning to the United States and had placed a down payment on student housing for the upcoming academic year, planned business meetings, and scheduled law school entrance examinations in the United States for the fall.

(3) People's Republic of China officials have reported to the Department of State and the family of David that he most likely died by falling into the Jinsha River while hiking the Tiger Leaping Gorge, although no physical evidence or eyewitness testimony exists to support this conclusion.

(4) There is evidence indicating that David did not fall into the river when he traveled through the gorge, including eyewitness testimonies from people who saw David alive and spoke to him in person after his hike, as recorded by members of David's family and by embassy officials from the Department of State in the months after his disappearance.

(5) Family members searching for David shortly after he went missing obtained eyewitness accounts that David stayed overnight in several guesthouses during and after his safe hike through the gorge, and these guesthouse locations suggest that David disappeared after passing through the gorge, but the guest registers recording the names and passport numbers of foreign overnight guests could not be accessed.

(6) Chinese officials have reported that evidence does not exist that David was a victim of violent crime, or a resident in a local hospital, prison, or mental institution at the time of his disappearance, and no attempt has been made to use David's passport since

the time of his disappearance, nor has any money been withdrawn from his bank account since that time.

(7) David Sneddon is the only United States citizen to disappear without explanation in the People's Republic of China since the normalization of relations between the United States and China during the administration of President Richard Nixon.

(8) Investigative reporters and nongovernmental organizations with expertise in the Asia-Pacific region, and in some cases particular expertise in the Asian Underground Railroad and North Korea's documented program to kidnap citizens of foreign nations for espionage purposes, have repeatedly raised the possibility that the Government of the Democratic People's Republic of Korea (DPRK) was involved in David's disappearance.

(9) Investigative reporters and nongovernmental organizations who have reviewed David's case believe it is possible that the Government of North Korea was involved in David's disappearance because—

(A) the Yunnan Province is regarded by regional experts as an area frequently trafficked by North Korean refugees and their support networks, and the Government of the People's Republic of China allows North Korean agents to operate throughout the region to repatriate refugees, such as prominent North Korean defector Kang Byong-sop and members of his family who were captured near the China-Laos border just weeks prior to David's disappearance;

(B) in 2002, North Korean officials acknowledged that the Government of North Korea has carried out a policy since the 1970s of abducting foreign citizens and holding them captive in North Korea for the purpose of training its intelligence and military personnel in critical language and culture skills to infiltrate foreign nations;

(C) Charles Robert Jenkins, a United States soldier who deserted his unit in South Korea in 1965 and was held captive in North Korea for nearly 40 years, left North Korea in July 2004 (one month before David disappeared in China) and Jenkins reported that he was forced to teach English to North Korean intelligence and military personnel while in captivity;

(D) David Sneddon is fluent in the Korean language and was learning Mandarin, skills that could have been appealing to the Government of North Korea after Charles Jenkins left the country;

(E) tensions between the United States and North Korea were heightened during the summer of 2004 due to recent approval of the North Korean Human Rights Act of 2004 (Public Law 108–333) that increased United States aid to refugees fleeing North Korea, prompting the Government of North Korea to issue a press release warning the United States to ''drop its hostile policy'';

(F) David Sneddon's disappearance fits a known pattern often seen in the abduction of foreigners by the Government of North Korea, including the fact that David disappeared the day before North Korea's Liberation Day patriotic national holiday, and the Government of North Korea has a demonstrated history of provocations near dates it deems historically significant;

(G) a well-reputed Japanese non-profit specializing in North Korean abductions shared with the United States its expert analysis in 2012 about information it stated was received ''from a reliable source'' that a United States university student largely matching David Sneddon's description was taken from China by North Korean agents in August 2004; and

(H) commentary published in the Wall Street Journal in 2013 cited experts looking at the Sneddon case who concluded that ''it is most probable that a U.S. national has been abducted to North Korea,'' and ''there is a strong possibility that North Korea kidnapped the American''.

(b) SENSE OF SENATE.—The Senate—

(1) expresses its ongoing concern about the disappearance of David Louis Sneddon in Yunnan Province, People's Republic of China, in August, 2004;

(2) directs the Department of State and the intelligence community to jointly continue investigations and to consider all plausible explanations for David's disappearance, including the possibility of abduction by the Government of the Democratic People's Republic of Korea;

(3) urges the Department of State and the intelligence community to coordinate investigations with the Governments of the People's Republic of China, Japan, and South Korea and solicit information from appropriate regional affairs and law enforcement experts on plausible explanations for David's disappearance;

(4) encourages the Department of State and the intelligence community to work with foreign governments known to have diplomatic influence with the Government of the Democratic People's Republic of Korea to better investigate the possibility of the involvement of the Government of the Democratic People's Republic of Korea in David Sneddon's disappearance and to possibly seek his recovery; and

(5) requests that the Department of State and the intelligence community continue to work with and inform Congress and the family of David Sneddon on efforts to possibly recover David and to resolve his disappearance.

SA 469. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. GREATER SAGE-GROUSE PROTECTION AND RECOVERY.

(a) PURPOSES.—The purposes of this section are—

(1) to facilitate implementation of State management plans over a period of multiple, consecutive greater sage-grouse life cycles; and

(2) to demonstrate the efficacy of the State management plans for the protection and recovery of the greater sage-grouse.

(b) DEFINITIONS.—In this section:

(1) FEDERAL RESOURCE MANAGEMENT PLAN.—The term ''Federal resource management plan'' means—

(A) a land use plan prepared by the Bureau of Land Management for public land pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); and

(B) a land and resource management plan prepared by the Forest Service for National Forest System land pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(2) GREATER SAGE-GROUSE.—The term ''greater sage-grouse'' means a sage-grouse of the species Centrocercus urophasianus.

(3) STATE MANAGEMENT PLAN.—The term ''State management plan'' means a State-approved plan for the protection and recovery of the greater sage-grouse.

(c) PROTECTION AND RECOVERY OF GREATER SAGE-GROUSE.—

(1) ENDANGERED SPECIES ACT OF 1973 FINDINGS.—

(A) DELAY REQUIRED.—The Secretary of the Interior may not modify or invalidate the finding of the Director of the United States Fish and Wildlife Service announced in the proposed rule entitled ''Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition to List Greater Sage-Grouse (Centrocercus urophasianus) as an Endangered or Threatened Species'' (80 Fed. Reg. 59858 (October 2, 2015)) during the period beginning on the date of enactment of this Act and ending on September 30, 2027.

(B) EFFECT ON OTHER LAWS.—The delay required under subparagraph (A) is and shall remain effective without regard to any other statute, regulation, court order, legal settlement, or any other provision of law or in equity.

(C) EFFECT ON CONSERVATION STATUS.—The conservation status of the greater sage-grouse shall be considered not to warrant listing of the greater sage-grouse as an endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) during the period beginning on the date of enactment of this Act and ending on September 30, 2027.

(2) COORDINATION OF FEDERAL LAND MANAGEMENT AND STATE CONSERVATION AND MANAGEMENT PLANS.—

(A) PROHIBITION ON WITHDRAWAL AND MODIFICATION OF FEDERAL RESOURCE MANAGEMENT PLANS.—On notification by the Governor of a State with a State management plan, the Secretary of the Interior and the Secretary of Agriculture may not make, modify, or extend any withdrawal or amend or otherwise modify any Federal resource management plan applicable to Federal land in the State in a manner inconsistent with the State management plan for, as specified by the Governor in the notification, a period of not fewer than 5 years beginning on the date of the notification.

(B) RETROACTIVE EFFECT.—In the case of any State that provides notification under subparagraph (A), if any withdrawal was made, modified, or extended or any amendment or modification of a Federal resource management plan applicable to Federal land in the State was issued after June 1, 2014, and the withdrawal, amendment, or modification altered the management of the greater sage-grouse or the habitat of the greater sage-grouse—

(i) implementation and operation of the withdrawal, amendment, or modification shall be stayed to the extent that the withdrawal, amendment, or modification is inconsistent with the State management plan; and

(ii) the Federal resource management plan, as in effect immediately before the withdrawal, amendment, or modification, shall apply instead with respect to the management of the greater sage-grouse and the habitat of the greater sage-grouse, to the extent consistent with the State management plan.

(C) DETERMINATION OF INCONSISTENCY.—Any disagreement regarding whether a withdrawal, amendment, or other modification of a Federal resource management plan is inconsistent with a State management plan shall be resolved by the Governor of the affected State.

(3) RELATION TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—With regard to any major Federal action consistent with a State management plan, any findings, analyses, or conclusions regarding the greater sage-grouse and the habitat of the greater sage-grouse under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C.

4332(2)(C)) shall not have a preclusive effect on the approval or implementation of the major Federal action in that State.

(4) REPORTING REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through 2027, the Secretary of the Interior and the Secretary of Agriculture shall jointly submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the implementation by the Secretaries of, and the effectiveness of, systems to monitor the status of greater sage-grouse on Federal land under the jurisdiction of the Secretaries.

(5) JUDICIAL REVIEW.—Notwithstanding any other provision of law (including regulations), this subsection, including any determination made under paragraph (2)(C), shall not be subject to judicial review.

SA 470. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle F of title V, add the following:

SEC. _____. MECHANISMS TO FACILITATE THE OBTAINING BY MILITARY SPOUSES OF OCCUPATIONAL LICENSES OR CREDENTIALS IN OTHER STATES.

Not later than March 1, 2018, the Secretary of Defense shall—

(1) develop and maintain a joint Federal-State clearing house to process the occupational license and credential information of military spouses in order—

(A) to facilitate the matching of such information with State occupational licensure and credentialing requirements; and

(B) to provide military spouses information on the actions required to obtain occupational licenses or credentials in other States;

(2) develop and maintain an Internet website that serves as a one-stop resource on occupational licenses and credentials for military spouses that sets forth license and credential requirements for common occupations in the States and provides assistance and other resources for military spouses seeking to obtain occupational licenses or credentials in other States; and

(3) submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth an assessment of the feasibility and advisability of the establishment of a joint Federal-State task force dedicated to the elimination of unnecessary or duplicative occupational licensure and credentialing requirements among the States, including through the use of alternative, less restrictive and burdensome forms of occupational regulation.

SA 471. Mr. LEE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PUBLICATION OF CONGRESSIONAL BUDGET OFFICE MODELS.

(a) IN GENERAL.—Section 402 of the Congressional Budget Act of 1974 (2 U.S.C. 653) is amended—

(1) by striking ''The Director'' and inserting the following:

''(a) IN GENERAL.—The Director''; and

(2) by adding at the end the following:

''(b) PUBLICATION OF MODELS AND DATA.—The Director of the Congressional Budget Office shall make available to Members of Congress and make publicly available on the website of the Congressional Budget Office—

''(1) each fiscal model, policy model, and data preparation routine used by the Congressional Budget Office in estimating the costs and other fiscal, social, or economic effects of legislation, including estimates prepared under subsection (a);

''(2) any update of a model or routine described in paragraph (1);

''(3) subject to paragraph (4), for each estimate of the costs and other fiscal effects of legislation, including estimates prepared under subsection (a), the data, programs, models, assumptions, and other details of the computations used by the Congressional Budget Office in preparing the estimate, in a manner sufficient to permit replication by individuals not employed by the Congressional Budget Office; and

''(4) for any data that is required not to be disclosed by the Congressional Budget Office—

''(A) a complete list of all data variables for such data;

''(B) descriptive statistics for all data variables for such data (including averages, standard deviations, number of observations, and correlations to other variables), to the extent that the descriptive statistics do not violate the rule against disclosure;

''(C) a reference to the statute requiring that the data not be disclosed; and

''(D) information regarding how to contact the individual or entity who has unrestricted access to the data.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply on and after the date that is 6 months after the date of enactment of this Act.

SA 472. Mr. LEE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

On page 12, between lines 10 and 11, insert the following:

SEC. 112. MEMBERSHIP IN HEALTH CARE SHARING MINISTRY.

(a) IN GENERAL.—Paragraph (2) of section 223(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(E) MEMBERSHIP IN HEALTH CARE SHARING MINISTRY.—For purposes of this section, membership in a health care sharing ministry (as defined in section 5000A(d)(2)(B)(ii)) shall be treated as coverage under a high deductible health plan.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 113. TREATMENT OF DIRECT PRIMARY CARE SERVICES.

(a) IN GENERAL.—Paragraph (2) of section 223(c) of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new subparagraph:

''(F) TREATMENT OF DIRECT PRIMARY CARE SERVICES.—For purposes of this section—

''(i) IN GENERAL.—Coverage under a direct primary care service arrangement shall be treated as coverage under a high deductible health plan.

''(ii) DIRECT PRIMARY CARE SERVICE ARRANGEMENT.—The term 'direct primary care service arrangement' means an arrangement under which an individual is provided coverage restricted to primary care services in exchange for a fixed periodic fee or payment for primary care services.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 114. SHORT-TERM LIMITED DURATION INSURANCE.

(a) IN GENERAL.—Paragraph (2) of section 223(c) of the Internal Revenue Code of 1986, as amended by the preceding sections of this Act, is amended by adding at the end the following new subparagraph:

''(G) SHORT-TERM LIMITED DURATION INSURANCE.—For purposes of this section—

''(i) IN GENERAL.—Short-term limited duration insurance shall be treated as a high deductible health plan.

''(ii) SHORT-TERM LIMITED DURATION INSURANCE.—The term 'short-term limited duration insurance' means health insurance coverage provided pursuant to a contract with an issuer which has an expiration date specified in the contract which (without regard to any extensions which may be elected by the policyholder without the consent of the issuer or any guaranteed renewal of the contract offered by the issuer) is less than 12 months after the original effective date of the contract.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 115. INCREASE IN MAXIMUM CONTRIBUTION LIMITATION.

(a) IN GENERAL.—Paragraph (2) of section 223(b) of the Internal Revenue Code of 1986 is amended by striking ''½ of—'' and all that follows and inserting ''½ of $10,800 ($29,500 in the case of a joint return).''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 223 of the Internal Revenue Code of 1986 is amended by striking paragraphs (3) and (5) and by redesignating paragraphs (4), (6), (7), and (8) as paragraphs (3), (4), (5), and (6), respectively.

(2) Paragraph (3) of section 223(b) of such Code (as so redesignated) is amended by striking the last sentence.

(3) Section 223(g) of such Code is amended—

(A) in paragraph (1), by striking ''subsections (b)(2) and'' both places it appears and inserting ''subsection'',

(B) in paragraph (1)(B), by striking ''determined by'' and all that follows through '''calendar year 2003'.'' and inserting ''determined by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.'',

(C) by redesignating paragraph (2) as paragraph (3),

(D) by inserting ''or (2)'' after ''paragraph (1)'' in paragraph (3), as so redesignated, and

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

''(2) CONTRIBUTION LIMITS.—In the case of any taxable year beginning after December 31, 2018, each dollar amount in subsection (b)(2) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such taxable year begins, determined by substituting '2017' for '1992' in subparagraph (B) thereof.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 116. PURCHASE OF INSURANCE FROM HEALTH SAVINGS ACCOUNT.

(a) IN GENERAL.—Paragraph (2) of section 223(d) of the Internal Revenue Code of 1986, as amended by section 110(a), is amended—

(1) by striking ''and any dependent (as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof) of such individual'' in subparagraph (A) and inserting ''any dependent (as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof) of such individual, and any child (as defined in section 152(f)(1)) of such individual who has not attained the age of 27 before the end of such individual's taxable year'',

(2) by striking subparagraph (B) and inserting the following:

''(B) HEALTH INSURANCE MAY NOT BE PURCHASED FROM ACCOUNT.—Except as provided in subparagraph (C), subparagraph (A) shall not apply to any payment for insurance.'', and

(3) by striking ''or'' at the end of subparagraph (C)(iii), by striking the period at the end of subparagraph (C)(iv) and inserting '', or'', and by adding at the end the following:

''(v) a high deductible health plan but only to the extent of the portion of such expense in excess of—

''(I) any amount allowable as a credit under section 36B for the taxable year with respect to such coverage,

''(II) any amount allowable as a deduction under section 162(l) with respect to such coverage, or

''(III) any amount excludable from gross income with respect to such coverage under section 106 (including by reason of section 125) or 402(l).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to amounts paid for expenses incurred for, and distributions made for, coverage under a high deductible health plan beginning after December 31, 2017.

SEC. 117. SPECIAL RULE FOR CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF HEALTH SAVINGS ACCOUNT.

(a) IN GENERAL.—Section 223(d)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) TREATMENT OF CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF ACCOUNT.—If a health savings account is established during the 60-day period beginning on the date that coverage of the account beneficiary under a high deductible health plan begins, then, solely for purposes of determining whether an amount paid is used for a qualified medical expense, such account shall be treated as having been established on the date that such coverage begins.''.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to coverage under a high deductible health plan beginning after December 31, 2017.

SEC. 118. EXCLUSION FROM HSAS OF HIGH DEDUCTIBLE HEALTH PLANS INCLUDING COVERAGE FOR ABORTION.

(a) IN GENERAL.—Subparagraph (C) of section 223(d)(2) of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following flush sentence:

''A high deductible health plan shall not be treated as described in clause (v) if such plan includes coverage for abortions (other than any abortion necessary to save the life of the mother or any abortion with respect to a pregnancy that is the result of an act of rape or incest).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to coverage under a high deductible health plan beginning after December 31, 2017.

SA 473. Mr. LEE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REPEALS.

(a) IN GENERAL.—The following provisions are hereby repealed:

(1) Subsection (d) of section 1302 of the Patient Protection and Affordable Care Act (42 U.S.C. 18022); and, except for the purposes of applying section 1302(b) to sections 1252, 1301(a)(2), 1312(d)(3)(D), 1331, 1333, and 1334 of such Act, subsection (b) of such section 1302.

(2) Section 1312(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18032(c)).

(3) Section 2701(a)(1) of the Public Health Service Act (42 U.S.C. 300gg(a)(1)).

(4) Subsections (a), (b)(2), (c), and (d) of section 2702 of the Public Health Service Act (42 U.S.C. 300gg–1).

(5) Section 2704 of the Public Health Service Act (42 U.S.C. 300gg–3), except for subsection (e)(3) of such section.

(6) Subsections (a) through (j) of section 2705 of the Public Health Service Act (42 U.S.C. 300gg–4).

(7) Section 2707 of the Public Health Service Act (42 U.S.C. 300gg–6).

(8) Subsections (a)(1) and (b) of section 2711 of the Public Health Service Act (42 U.S.C. 300gg–11).

(9) Section 2713(a) of the Public Health Service Act (42 U.S.C. 300gg–13(a)).

(10) Subsections (a), (b)(2), (d), and (e) of section 2718 of the Public Health Service Act (42 U.S.C. §§ 300gg–18).

(11) Section 2794(b)(2) of the Public Health Service Act (42 U.S.C. 300gg–94(b)(2)), except for the purposes of applying 2794(b)(2) to subsection 2794(a)(2) and subsection 1312(f)(2)(B) (42 U.S.C. § 18032(f)(2)(B)).

(12) Section 1343 of the Patient Protection and Affordable Care Act (42 U.S.C. 18063).

(b) GUIDELINES.—The guidelines promulgated pursuant to section 1302(d)(3) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(d)(3)) that are in effect on the date of enactment of this Act shall have no force or effect.

SA 474. Mr. LEE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 1 and all that follows and insert the following:

SECTION 1. REPEAL OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT AND THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.

(a) PATIENT PROTECTION AND AFFORDABLE CARE ACT.—Effective on January 1, 2018, the Patient Protection and Affordable Care Act (Public Law 111–148) is repealed and the provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted.

(b) HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.—Effective on January 1, 2018, the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152) is repealed and the provisions of law amended or repealed by such Act are restored or revived as if such Act had not been enacted.

SA 475. Mr. LEE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

On page 12, between lines 10 and 11, insert the following:

SEC. 112. MEMBERSHIP IN HEALTH CARE SHARING MINISTRY.

(a) IN GENERAL.—Paragraph (2) of section 223(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(E) MEMBERSHIP IN HEALTH CARE SHARING MINISTRY.—For purposes of this section, membership in a health care sharing ministry (as defined in section 5000A(d)(2)(B)(ii)) shall be treated as coverage under a high deductible health plan.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 113. TREATMENT OF DIRECT PRIMARY CARE SERVICES.

(a) IN GENERAL.—Paragraph (2) of section 223(c) of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new subparagraph:

''(F) TREATMENT OF DIRECT PRIMARY CARE SERVICES.—For purposes of this section—

''(i) IN GENERAL.—Coverage under a direct primary care service arrangement shall be treated as coverage under a high deductible health plan.

''(ii) DIRECT PRIMARY CARE SERVICE ARRANGEMENT.—The term 'direct primary care service arrangement' means an arrangement under which an individual is provided coverage restricted to primary care services in exchange for a fixed periodic fee or payment for primary care services.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 114. INCREASE IN MAXIMUM CONTRIBUTION LIMITATION.

(a) IN GENERAL.—Paragraph (2) of section 223(b) of the Internal Revenue Code of 1986 is amended by striking ''½ of—'' and all that follows and inserting ''½ of $10,800 ($29,500 in the case of a joint return).''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 223 of the Internal Revenue Code of 1986 is amended by striking paragraphs (3) and (5) and by redesignating paragraphs (4), (6), (7), and (8) as paragraphs (3), (4), (5), and (6), respectively.

(2) Paragraph (3) of section 223(b) of such Code (as so redesignated) is amended by striking the last sentence.

(3) Section 223(g) of such Code is amended—

(A) in paragraph (1), by striking ''subsections (b)(2) and'' both places it appears and inserting ''subsection'',

(B) in paragraph (1)(B), by striking ''determined by'' and all that follows through ''''calendar year 2003'.'' and inserting ''determined by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.'',

(C) by redesignating paragraph (2) as paragraph (3),

(D) by inserting ''or (2)'' after ''paragraph (1)'' in paragraph (3), as so redesignated, and

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

''(2) CONTRIBUTION LIMITS.—In the case of any taxable year beginning after December 31, 2018, each dollar amount in subsection (b)(2) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which such taxable year begins, determined by substituting '2017' for '1992' in subparagraph (B) thereof.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 115. PURCHASE OF INSURANCE FROM HEALTH SAVINGS ACCOUNT.

(a) IN GENERAL.—Paragraph (2) of section 223(d) of the Internal Revenue Code of 1986, as amended by section 110(a), is amended—

(1) by striking ''and any dependent (as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof) of such individual'' in subparagraph (A) and inserting ''any dependent (as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof) of such individual, and any child (as defined in section 152(f)(1)) of such individual who has not attained the age of 27 before the end of such individual's taxable year'',

(2) by striking subparagraph (B) and inserting the following:

''(B) HEALTH INSURANCE MAY NOT BE PURCHASED FROM ACCOUNT.—Except as provided in subparagraph (C), subparagraph (A) shall not apply to any payment for insurance.'', and

(3) by striking ''or'' at the end of subparagraph (C)(iii), by striking the period at the end of subparagraph (C)(iv) and inserting '', or'', and by adding at the end the following:

''(v) a high deductible health plan but only to the extent of the portion of such expense in excess of—

''(I) any amount allowable as a credit under section 36B for the taxable year with respect to such coverage,

''(II) any amount allowable as a deduction under section 162(l) with respect to such coverage, or

''(III) any amount excludable from gross income with respect to such coverage under section 106 (including by reason of section 125) or 402(l).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to amounts paid for expenses incurred for, and distributions made for, coverage under a high deductible health plan beginning after December 31, 2017.

SEC. 116. SPECIAL RULE FOR CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF HEALTH SAVINGS ACCOUNT.

(a) IN GENERAL.—Section 223(d)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) TREATMENT OF CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF ACCOUNT.—If a health savings account is established during the 60-day period beginning on the date that coverage of the account beneficiary under a high deductible health plan begins, then, solely for purposes of determining whether an amount paid is used for a qualified medical expense, such account shall be treated as having been established on the date that such coverage begins.''.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to coverage under a high deductible health plan beginning after December 31, 2017.

SEC. 117. EXCLUSION FROM HSAS OF HIGH DEDUCTIBLE HEALTH PLANS INCLUDING COVERAGE FOR ABORTION.

(a) IN GENERAL.—Subparagraph (C) of section 223(d)(2) of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following flush sentence:

''A high deductible health plan shall not be treated as described in clause (v) if such plan includes coverage for abortions (other than any abortion necessary to save the life of the mother or any abortion with respect to a pregnancy that is the result of an act of rape or incest).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to coverage under a high deductible health plan beginning after December 31, 2017.

SA 476. Mr. SULLIVAN (for himself, Mr. HOEVEN, Ms. MURKOWSKI, and Mr. ROUNDS) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

On page 18, strike lines 7 through 26 and insert the following:

SEC. 204. FUNDING FOR COST-SHARING PAYMENTS.

There is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for payments for cost-sharing reductions authorized by the Patient Protection and Affordable Care Act (including adjustments to any prior obligations for such payments) for the period beginning on the date of enactment of this Act and (except for payments authorized by section 1402 of such Act, as amended by section 209) ending on December 31, 2019. Notwithstanding any other provision of this Act, payments and other actions for adjustments to any obligations incurred for plan years 2018 and 2019 may be made through December 31, 2020.

SEC. 205. REPEAL OF COST-SHARING SUBSIDY PROGRAM.

(a) IN GENERAL.—The Patient Protection and Affordable Care Act is amended by striking section 1402.

(b) PRESERVATION OF COST-SHARING FOR INDIANS.—The Patient Protection and Affordable Care Act, as amended by subsection (a), is amended by inserting after section 1401 the following:

''SEC. 1402. REDUCED COST-SHARING FOR CERTAIN INDIVIDUALS.

''(a) IN GENERAL.—In the case of an eligible insured enrolled in a qualified health plan in the individual market through an Exchange—

''(1) the Secretary shall notify the issuer of the plan of such eligibility; and

''(2) the issuer shall reduce the cost-sharing under the plan at the level and in the manner specified in subsection (c).

''(b) ELIGIBLE INSURED.—For purposes of this section, the term 'eligible insured' means an Indian (as defined in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d))) whose household income is not more than 300 percent of the poverty line for a family of the size involved.

''(c) REDUCTION OF COST-SHARING.—

''(1) IN GENERAL.—The issuer of the plan described in subsection (a) in which an eligible insured is enrolled shall eliminate any cost-sharing under the plan.

''(2) ITEMS OR SERVICES FURNISHED THROUGH INDIAN HEALTH PROVIDERS.—If an Indian (as so defined) enrolled in a qualified health plan is furnished an item or service directly by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization or through referral under contract health services—

''(A) no cost-sharing under the plan shall be imposed under the plan for such item or service; and

''(B) the issuer of the plan shall not reduce the payment to any such entity for such item or service by the amount of any cost-sharing that would be due from the Indian but for subparagraph (A).

''(d) PAYMENT.—The Secretary shall pay to the issuer of a qualified health plan the amount necessary to reflect the increase in actuarial value of the plan required by reason of this section.

''(e) DEFINITIONS AND SPECIAL RULES.—In this section:

''(1) IN GENERAL.—Any term used in this section which is also used in section 36B of the Internal Revenue Code of 1986 shall have the meaning given such term by such section.

''(2) LIMITATIONS ON REDUCTION.—No cost-sharing reduction shall be allowed under this section with respect to coverage for any month unless the month is a coverage month with respect to which a credit is allowed to the insured (or an applicable taxpayer on behalf of the insured) under section 36B of such Code.

''(3) DATA USED FOR ELIGIBILITY.—Any determination under this section shall be made on the basis of the taxable year for which the advance determination is made under section 1412 and not the taxable year for which the credit under section 36B of such Code is allowed.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to cost-sharing reductions (and payments to issuers for such reductions) for plan years beginning after December 31, 2019.

SA 477. Mr. HELLER submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AVAILABILITY ACROSS STATE LINES.

The Secretary shall promulgate regulations permitting health insurance coverage to be sold across State lines.

SA 478. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 550. CIVILIAN TRAINING FOR NATIONAL GUARD PILOTS AND SENSOR OPERATOR AIRCREWS OF MQ–9 UNMANNED AERIAL VEHICLES.

(a) CONTRACTS FOR TRAINING.—The Chief of the National Guard Bureau may enter into one or more contracts with appropriate civilian entities in order to provide flying or operating training for National Guard pilots

and sensor operator aircrew members in the MQ–9 unmanned aerial vehicle if the Chief of the National Guard Bureau determines that—

(1) Air Force training units lack sufficient capacity to train such pilots or sensor operator aircrew members for initial qualification in the MQ–9 unmanned aerial vehicle;

(2) pilots or sensor operator aircrew members of Air National Guard units require continuation training in order to remain current and qualified in the MQ-9 unmanned aerial vehicle;

(3) non-combat continuation training in the MQ–9 unmanned aerial vehicle is necessary for such pilots or sensor operator aircrew members to achieve required levels of flying or operating proficiency; or

(4) such training for such pilots or sensor operator aircrew members is necessary in order to meet requirements for the National Guard to provide pilots and sensor operator aircrew members qualified in the MQ–9 unmanned aerial vehicle for operations on active duty and in State status.

(b) NATURE OF TRAINING UNDER CONTRACTS.—Any training provided pursuant to a contract under subsection (a) shall incorporate a level of instruction that is equivalent to the instruction in the MQ–9 unmanned aerial vehicle provided to pilots and sensor operator aircrew members at Air Force training units.

SA 479. Ms. HEITKAMP (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EMPOWERING FEDERAL EMPLOYMENT FOR VETERANS.

(a) ESTABLISHMENT OF VETERANS EMPLOYMENT PROGRAMS IN FEDERAL AGENCIES.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''covered agency'' means—

(i) the Department of State;

(ii) the Department of the Treasury;

(iii) the Department of Defense;

(iv) the Department of Justice;

(v) the Department of the Interior;

(vi) the Department of Agriculture;

(vii) the Department of Commerce;

(viii) the Department of Labor;

(ix) the Department of Health and Human Services;

(x) the Department of Housing and Urban Development;

(xi) the Department of Transportation;

(xii) the Department of Energy;

(xiii) the Department of Education;

(xiv) the Department of Veterans Affairs;

(xv) the Department of Homeland Security;

(xvi) the Environmental Protection Agency;

(xvii) the National Aeronautics and Space Administration;

(xviii) the Agency for International Development;

(xix) the General Services Administration;

(xx) the National Science Foundation;

(xxi) the Nuclear Regulatory Commission;

(xxii) the Office of Personnel Management;

(xxiii) the Small Business Administration;

(xxiv) the Social Security Administration; and

(xxv) any other Executive agency (as defined in section 105 of title 5, United States Code) that the President may designate;

(B) the term ''transitioning member of the Armed Forces'' means a member of the Armed Forces who is expected to be discharged or released from active duty in the Armed Forces within 180 days; and

(C) the term ''veterans employment official'' means—

(i) the head of a Veterans Employment Program Office established under paragraph (2)(A)(i); and

(ii) an employee designated to carry out a Veterans Employment Program for a covered agency under paragraph (2)(A)(ii).

(2) VETERANS EMPLOYMENT PROGRAMS.—The head of a covered agency shall—

(A)(i) establish or maintain a Veterans Employment Program Office within the covered agency; or

(ii) designate an employee of the covered agency who shall have full-time responsibility for carrying out a Veterans Employment Program for the covered agency; and

(B) ensure the public availability of contact information for veterans employment officials to ensure engagement with prospective applicants.

(3) RESPONSIBILITIES.—A veterans employment official of a covered agency shall—

(A) enhance employment opportunities for veterans within the agency, consistent with law and merit system principles, including by developing and implementing—

(i) the agency's plan for promoting employment opportunities for veterans;

(ii) veterans recruitment programs; and

(iii) training programs for veterans with disabilities;

(B) coordinate and provide employment counseling and training programs to prospective applicants to help match the skills and career aspirations of veterans to the needs of the agency, targeting high-demand Federal occupations that are projected to have heavy recruitment needs;

(C) participate in skills-based, cross-governmental, and individual agency career development programs to leverage those programs in matching veterans' career aspirations with high-growth occupations; and

(D) provide mandatory annual training to human resources employees and hiring managers of the agency concerning veterans' employment, including training on veterans' preferences and special authorities for the hiring of veterans.

(4) COORDINATION BY OFFICE OF PERSONNEL MANAGEMENT.—

(A) IN GENERAL.—The Director of the Office of Personnel Management shall facilitate coordination among veterans employment officials, including appropriate sharing of resources and information to help match the skills and career aspirations of veterans to the needs of the agencies.

(B) RESPONSIBILITIES.—The Director of the Office of Personnel Management shall—

(i) establish a Veterans Program Office to provide Government-wide leadership in recruitment and employment of veterans in the executive branch of the Federal Government;

(ii) regularly convene veterans employment officials for working-level meetings to share information on best practices, prospective applicants, and strategies for matching veterans with appropriate employment;

(iii) develop mandatory annual training for human resources employees and hiring managers of covered agencies concerning veterans' employment, including training on veterans' preferences and special authorities for the hiring of veterans;

(iv) develop a skills-based, cross-governmental career development program for covered agencies to leverage in matching veterans' career aspirations with high-growth occupations;

(v) promote the Federal Government as an employer of choice to transitioning members of the Armed Forces and veterans;

(vi) market the talent, experience, and dedication of transitioning members of the Armed Forces and veterans to Federal agencies; and

(vii) disseminate Federal employment information to veterans and hiring officials.

(C) ACCOUNTABILITY.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Personnel Management shall submit to Congress a report on—

(i) progress made toward the sharing of resources among veterans employment officials;

(ii) progress made toward the sharing of information among veterans employment officials, including steps to promote face-to-face interaction and the use of Federal information gateways;

(iii) the development and implementation of training programs for human resources employees and hiring managers of Federal agencies;

(iv) career development programs for veterans seeking employment; and

(v) efforts to promote the Federal Government as an employer of choice to transitioning members of the Armed Forces and veterans.

(b) INTERAGENCY COUNCIL ON VETERANS EMPLOYMENT.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established an interagency council on matters relating to the employment of veterans.

(B) DESIGNATION.—The council established under subparagraph (A) shall be known as the ''Interagency Council on Veterans Employment'' (in this subsection referred to as the ''Council'').

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Council shall consist of the heads of—

(i) each covered agency (as defined in subsection (a)(1)); and

(ii) any other Executive agency (as defined in section 105 of title 5, United States Code) that the President may designate.

(B) CO-CHAIRS.—The Secretary of Labor and the Secretary of Veterans Affairs shall serve as Co-Chairs of the Council.

(C) VICE-CHAIR.—The Director of the Office of Personnel Management shall serve as the Vice Chair of the Council.

(3) DUTIES.—The duties of the Council shall include each of the following:

(A) To advise and assist the President and the Director of the Office of Personnel Management on matters relating to maintaining a coordinated Government-wide effort to increase the number of veterans employed by the Federal Government in positions that match the skills and career aspirations of veterans, by enhancing recruiting, hiring, retention, training and skills development, and job satisfaction.

(B) To serve as a national forum for promoting employment opportunities for veterans in the executive branch of the Federal Government.

(C) To establish performance measures to assess the effectiveness of efforts to promote recruiting, hiring, retention, training and skills development, and job satisfaction of veterans by the Federal Government.

(D) Not later than 1 year after the date of enactment of this Act and not less frequently than once each year thereafter, to submit to the President and Congress a report on the effectiveness of those efforts.

(4) ADMINISTRATION.—

(A) DUTIES OF CO-CHAIRS.—The Co-Chairs shall convene regular meetings of the Council, determine its agenda, and direct its work.

(B) STEERING COMMITTEE.—At the direction of the Co-Chairs, the Council may establish—

(i) a Steering Committee to provide leadership, accountability, and strategic direction to the Council; and

(ii) subgroups to promote coordination among veterans employment officials (as defined in subsection (a)(1)).

(C) EXECUTIVE DIRECTOR.—The Vice Chair shall designate an Executive Director for the Council to support the Vice Chair in managing the Council's activities.

(D) OPM.—The Office of Personnel Management shall provide administrative support for the Council to the extent permitted by law and within existing appropriations (as of the date of the provision).

(c) EXPANSION OF SKILLBRIDGE INITIATIVE TO INCLUDE PARTICIPATION BY FEDERAL AGENCIES.—

(1) MODIFICATION OF INITIATIVE BY SECRETARY OF DEFENSE.—The Secretary of Defense, in consultation with the Director of the Office of Personnel Management, shall make such modifications to the SkillBridge initiative of the Department of Defense as the Secretary considers appropriate to enable Federal agencies to participate in the initiative as employers and trainers, including the provision of training by Federal agencies under the initiative to transitioning members of the Armed Forces.

(2) PARTICIPATION BY FEDERAL AGENCIES.—The Director, in consultation with the Secretary, shall take such actions as may be necessary to ensure that each Federal agency participates in the SkillBridge initiative of the Department of Defense as described in paragraph (1).

(3) TRANSITIONING MEMBERS OF THE ARMED FORCES DEFINED.—In this subsection, the term ''transitioning member of the Armed Forces'' means a member of the Armed Forces who is expected to be discharged or released from active duty in the Armed Forces not more than 180 days after the member commences training under the SkillBridge initiative.

SA 480. Mr. UDALL (for himself, Mr. ROUNDS, Mr. HEINRICH, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following:

SEC. _____. COMPENSATION AND CREDIT FOR RETIRED PAY PURPOSES FOR MATERNITY LEAVE TAKEN BY MEMBERS OF THE RESERVE COMPONENTS.

(a) COMPENSATION.—Section 206(a) of title 37, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

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

''(4) for each of 12 days in connection with the taking by the member of a period of maternity leave.''.

(b) CREDIT FOR RETIRED PAY PURPOSES.—

(1) IN GENERAL.—The period of maternity leave taken by a member of the reserve components of the Armed Forces in connection with the birth of a child shall count toward the member's entitlement to retired pay, and in connection with the years of service used in computing retired pay, under chapter 1223 of title 10, United States Code, as 12 points.

(2) SEPARATE CREDIT FOR EACH PERIOD OF LEAVE.—Separate crediting of points shall accrue to a member pursuant to this subsection for each period of maternity leave taken by the member in connection with a childbirth event.

(3) WHEN CREDITED.—Points credited a member for a period of maternity leave pursuant to this subsection shall be credited in the year in which the period of maternity leave concerned commences.

(4) CONTRIBUTION OF LEAVE TOWARD ENTITLEMENT TO RETIRED PAY.—Section 12732(a)(2) of title 10, United States Code, is amended by inserting after subparagraph (E) the following new subparagraph:

''(F) Points at the rate of 12 a year for the taking of maternity leave.''.

(5) COMPUTATION OF YEARS OF SERVICE FOR RETIRED PAY.—Section 12733 of such title is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following new paragraph (5):

''(5) One day for each point credited to the person under subparagraph (F) of section 12732(a)(2) of this title.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to periods of maternity leave that commence on or after that date.

SA 481. Mr. UDALL (for himself, Mr. ROUNDS, Mr. HEINRICH, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following:

SEC. _____. COMPENSATION AND CREDIT FOR RETIRED PAY PURPOSES FOR MATERNITY LEAVE TAKEN BY MEMBERS OF THE RESERVE COMPONENTS.

(a) COMPENSATION.—Section 206(a) of title 37, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

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

''(4) for each of 12 days in connection with the taking by the member of a period of maternity leave.''.

(b) CREDIT FOR RETIRED PAY PURPOSES.—

(1) IN GENERAL.—The period of maternity leave taken by a member of the reserve components of the Armed Forces in connection with the birth of a child shall count toward the member's entitlement to retired pay, and in connection with the years of service used in computing retired pay, under chapter 1223 of title 10, United States Code, as 12 points.

(2) SEPARATE CREDIT FOR EACH PERIOD OF LEAVE.—Separate crediting of points shall accrue to a member pursuant to this subsection for each period of maternity leave taken by the member in connection with a childbirth event.

(3) WHEN CREDITED.—Points credited a member for a period of maternity leave pursuant to this subsection shall be credited in the year in which the period of maternity leave concerned commences.

(4) CONTRIBUTION OF LEAVE TOWARD ENTITLEMENT TO RETIRED PAY.—Section 12732(a)(2) of title 10, United States Code, is amended by inserting after subparagraph (E) the following new subparagraph:

''(F) Points at the rate of 12 a year for the taking of maternity leave.''.

(5) COMPUTATION OF YEARS OF SERVICE FOR RETIRED PAY.—Section 12733 of such title is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following new paragraph (5):

''(5) One day for each point credited to the person under subparagraph (F) of section 12732(a)(2) of this title.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to periods of maternity leave that commence on or after that date.

SA 482. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1088. LIMITATION ON USE OF FUNDS TO CLOSE BIOSAFETY LEVEL 4 LABORATORIES.

None of the funds authorized to be appropriated under this Act or any other Act may be used to support the closure or transfer of any biosafety level 4 laboratory of the Department of Homeland Security or other facility of the Department of Homeland Security that monitors chemical or biological threats.

SA 483. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IX, add the following:

SEC. 953. NEW NAVY SHIP INTEGRATION AND DESIGN CENTER.

The Secretary of the Navy shall establish at a current Naval Surface Warfare Center a new Navy Ship Integration and Design Center to support current and future Navy vessels acquisition programs in order to reduce costs due to inefficiencies and vessel design cycle times.

SA 484. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In title VIII, strike subtitle E.

SA 485. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

SEC. 133. MODERNIZATION OF THE RADAR FOR F–16 FIGHTER AIRCRAFT OF THE NATIONAL GUARD.

(a) MODERNIZATION REQUIRED.—The Secretary of the Air Force shall take appropriate actions to modernize the radars of F–16 fighter aircraft of the National Guard by replacing legacy mechanically-scanned radars for such aircraft with AESA radars.

(b) REPORT.—Not later 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan to modernize the radars of F–16 fighter aircraft of the National Guard as required by subsection (a).

SA 486. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle ____ of title ____, add the following:

SEC. _____. PLAN FOR DEVELOPMENT OF ENERGETIC MATERIALS BY DEPARTMENT OF NAVY.

(a) PLAN REQUIRED.—The Secretary of the Navy shall develop a long-term science and technology plan for the development of energetic materials, both explosives and propellants.

(b) REPORT.—Not later than March 2, 2018, the Secretary shall submit to Congress a report on the plan required by subsection (a).

SA 487. Mr. CARPER (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Government Purchase and Travel Cards

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Saving Federal Dollars Through Better Use of Government Purchase and Travel Cards Act of 2017''.

SEC. 1092. DEFINITIONS.

In this subtitle:

(1) IMPROPER PAYMENT.—The term ''improper payment'' has the meaning given the term in section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) QUESTIONABLE TRANSACTION.—The term ''questionable transaction'' means a charge card transaction that from initial card data appears to be high risk and may therefore be improper due to non-compliance with applicable law, regulation or policy.

(3) STRATEGIC SOURCING.—The term ''strategic sourcing'' means analyzing and modifying a Federal agency's spending patterns to better leverage its purchasing power, reduce costs, and improve overall performance.

SEC. 1093. EXPANDED USE OF DATA ANALYTICS.

(a) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator for General Services, shall develop a strategy to expand the use of data analytics in managing government purchase and travel charge card programs. These analytics may employ existing General Services Administration capabilities, and may be in conjunction with agencies' capabilities, for the purpose of—

(1) identifying examples or patterns of questionable transactions and developing enhanced tools and methods for agency use in—

(A) identifying questionable purchase and travel card transactions; and

(B) recovering improper payments made with purchase and travel cards;

(2) identifying potential opportunities for agencies to further leverage administrative process streamlining and cost reduction from purchase and travel card use, including additional agency opportunities for card-based strategic sourcing;

(3) developing a set of purchase and travel card metrics and benchmarks for high-risk activities, which shall assist agencies in identifying potential emphasis areas for their purchase and travel card management and oversight activities, including those required by the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112–194); and

(4) developing a plan, which may be based on existing capabilities, to create a library of analytics tools and data sources for use by Federal agencies (including inspectors general of those agencies).

SEC. 1094. GUIDANCE ON IMPROVING INFORMATION SHARING TO CURB IMPROPER PAYMENTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Administrator of General Services and the interagency charge card data management group established under section 1095, shall issue guidance on improving information sharing by government agencies for the purposes of section 1093(a)(1).

(b) ELEMENTS.—The guidance issued under subsection (a) shall—

(1) require relevant officials at Federal agencies to identify high-risk activities and communicate that information to the appropriate management levels within the agencies;

(2) require that appropriate officials at Federal agencies review the reports issued by charge card-issuing banks on questionable transaction activity (such as purchase and travel card pre-suspension and suspension reports, delinquency reports, and exception reports), including transactions that occur with high-risk activities, and suspicious timing or amounts of cash withdrawals or advances;

(3) provide for the appropriate sharing of information related to potential questionable transactions, fraud schemes, and high-risk activities with General Services Administration Office of Charge Card Management and the appropriate officials in Federal agencies;

(4) consider the recommendations made by Inspectors General or the best practices Inspectors General have identified; and

(5) include other requirements determined appropriate by the Director for the purposes of carrying out this subtitle.

SEC. 1095. INTERAGENCY CHARGE CARD DATA MANAGEMENT GROUP.

(a) ESTABLISHMENT.—The Administrator of General Services and the Director of the Office of Management and Budget shall establish a purchase and travel charge card data management group to develop and share best practices for the purposes described in section 1093(a).

(b) ELEMENTS.—The best practices developed under subsection (a) shall—

(1) cover rules, edits, and task order or contract modifications related to charge card-issuing banks;

(2) include the review of accounts payable information and purchase and travel card transaction data of agencies for the purpose of identifying potential strategic sourcing and other additional opportunities (such as recurring payments, utility payments, and grant payments) for which the charge cards or related payment products could be used as a payment method; and

(3) include other best practices as determined by the Administrator and Director.

(c) MEMBERSHIP.—The purchase and travel charge card data management group shall meet regularly as determined by the co-chairs, for a duration of three years, and include those agencies as described in section 2 of the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112–194) and others identified by the Administrator and Director.

SEC. 1096. REPORTING REQUIREMENTS.

(a) GENERAL SERVICES ADMINISTRATION REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator for General Services shall submit a report to Congress on the implementation of this subtitle, including the metrics used in determining whether the analytic and benchmarking efforts have reduced, or contributed to the reduction of, questionable or improper payments as well as improved utilization of card-based payment products.

(b) AGENCY REPORTS AND CONSOLIDATED REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the head of each Federal agency described in section 2 of the Government Charge Card Abuse Prevention Act of 2012 (Public Law 112–194) shall submit a report to the Director of the Office of Management and Budget on that agency's activities to implement this subtitle.

(c) OFFICE OF MANAGEMENT AND BUDGET REPORT TO CONGRESS.—The Director of the Office of Management and Budget shall submit to Congress a consolidated report of agency activities to implement this subtitle, which may be included as part of another report submitted to Congress by the Director.

(d) REPORT ON ADDITIONAL SAVINGS OPPORTUNITIES.—Not later than one year after the date of the enactment of this Act, the Administrator of General Services shall submit a report to Congress identifying and exploring further potential savings opportunities for government agencies under the Federal charge card programs. This report may be combined with the report required under subsection (a).

SA 488. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1049. SENSE OF CONGRESS ON USE OF TEST SITES FOR RESEARCH AND DEVELOPMENT ON COUNTERING UNMANNED AERIAL SYSTEMS.

It is the sense of Congress that—

(1) the armed unmanned aerial systems deployed by adversaries for military purposes pose a threat to military installations, critical infrastructure, and members of the Armed Forces in conflict areas like Iraq and Syria;

(2) the unmanned aerial systems test sites designated by the Federal Aviation Administration offer unique capabilities, expertise, and airspace for research and development related to unmanned aerial systems; and

(3) the Armed Forces should, to the extent practicable, seek to leverage the test sites described in paragraph (2) for research and development on capabilities to counter the nefarious use of unmanned aerial systems.

SA 489. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 655, line 4, insert after ''the Republic of Korea and Japan'' the following: '', and should fully consider actions to reassure the Republic of Korea and Japan of the enduring commitment of the United States to provide its full range of capabilities in their defense''.

SA 490. Mr. WARNER (for himself, Mr. SULLIVAN, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1270E. ADVANCEMENTS IN DEFENSE COOPERATION BETWEEN THE UNITED STATES AND INDIA.

(a) STRATEGY TO FURTHER COOPERATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, develop a strategy for advancing defense cooperation between the United States and India.

(2) ELEMENTS.—The strategy shall address the following:

(A) Common security challenges.

(B) The role of United States partners and allies in the United States-India defense relationship.

(C) The role of the Defense Technology and Trade Initiative.

(D) How to advance the Communications Interoperability and Security Memorandum of Agreement and the Basic Exchange and Cooperation Agreement for Geospatial Cooperation.

(E) The role of joint exercises, operations, patrols and mutual defense planning.

(F) Any other matters the Secretary of Defense or the Secretary of State considers appropriate.

(b) INDIA AS MAJOR DEFENSE PARTNER.—

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

(A) Subsection (a)(1)(A) of section 1292 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2559; 22 U.S.C. 2751 note) requires the recognition of India as a major defense partner.

(B) The President and the Prime Minister of India, in a joint statement, noted that India is a Major Defense Partner of the United States.

(C) The designation of ''Major Defense Partner'' is unique to India, and institutionalizes the progress made to facilitate defense trade and technology sharing between the United States and India.

(D) The designation elevates defense trade and technology cooperation between the United States and India to a level commensurate with the closest allies and partners of the United States.

(E) The designation is intended to facilitate technology sharing between the United States and India, including license-free access to a wide range of dual-use technologies.

(F) The designation facilitates joint exercises, coordination on defense strategy and policy, military exchanges, and port calls in support of defense cooperation between the United States and India.

(2) INTERAGENCY DEFINITION.—The Secretary of Defense, the Secretary of State, and the Secretary of Commerce shall jointly produce a common definition of the term ''Major Defense Partner'' as it relates to India for joint use by the Department of Defense, the Department of State, and the Department of Commerce.

(c) RESPONSIBILITY FOR ENHANCED COOPERATION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall make the designation required by subsection (a)(1)(B) of section 1292 of the National Defense Authorization Act for Fiscal Year 2017.

(2) ADDITIONAL DUTIES.—In addition to the duties specified in clauses (i) and (ii) of subsection (a)(1)(B) of such section 1292, the individual designated pursuant to paragraph (1) shall promote United States defense trade with India for the benefit of job creation and commercial competitiveness in the United States.

(3) BRIEFINGS.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, appropriate officials of the Office of the Secretary of Defense and appropriate officials of the Department of State shall brief the appropriate committees of Congress on the actions of the Department of Defense and the Department of State, respectively, to promote the competitiveness of United States defense exports to India. The requirement for briefings under this paragraph shall cease on the date of the designation of an individual pursuant to paragraph (1).

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

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

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

SA 491. Mr. SCHATZ (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OPEN GOVERNMENT DATA.

(a) SHORT TITLE.—This section may be cited as the ''Open, Public, Electronic, and Necessary Government Data Act'' or the ''OPEN Government Data Act''.

(b) DEFINITION.—In this section, the term ''agency'' has the meaning given the term in section 3561 of title 44, United States Code, as added by subsection (c).

(c) OPEN GOVERNMENT DATA.—

(1) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''Subchapter III—Open Government Data

''§ 3561. Definitions

''As used in this subchapter—

''(1) the term 'agency'—

''(A) has the meaning given the term in section 3502; and

''(B) includes the Federal Election Commission;

''(2) the term 'data' means recorded information, regardless of form or the media on which the data is recorded;

''(3) the term 'data asset' means a collection of data elements or data sets that may be grouped together;

''(4) the term 'Director' means the Director of the Office of Management and Budget;

''(5) the term 'Enterprise Data Inventory' means a data inventory developed and maintained under section 3563;

''(6) the terms 'information resources management', 'information system', and 'information technology' have the meanings given those terms in section 3502;

''(7) the term 'machine-readable' means a format in which information or data can be easily processed by a computer without human intervention while ensuring no semantic meaning is lost;

''(8) the term 'metadata' means structural or descriptive information about data such as content, format, source, rights, accuracy, provenance, frequency, periodicity, granularity, publisher or responsible party, contact information, method of collection, and other descriptions;

''(9) the term 'open Government data asset' means a data asset maintained by the Federal Government that is—

''(A) machine-readable;

''(B) available in an open format;

''(C) not encumbered by restrictions that would impede use or reuse;

''(D) releasable to the public according to guidance issued by the Director under section 3562(d); and

''(E) based on an underlying open standard that is maintained by a standards organization; and

''(10) the term 'open license' means a legal guarantee applied to a data asset that the data asset is made available—

''(A) at no cost to the public; and

''(B) with no restrictions on copying, publishing, distributing, transmitting, citing, or adapting.

''§ 3562. Requirements for Government data

''(a) MACHINE-READABLE DATA REQUIRED.—Open Government data assets made available

by an agency shall be published as machine-readable data.

''(b) OPEN BY DEFAULT AND OPEN LICENSE REQUIRED.—To the extent permitted by law and subject to privacy, confidentiality, and any other restrictions, and according to guidance issued by the Director under subsection (d)—

''(1) data assets maintained by the Federal Government shall—

''(A) be available in an open format; and

''(B) be available under open licenses; and

''(2) open Government data assets published by or for an agency shall be made available under an open license.

''(c) INNOVATION.—Each agency may engage with nongovernmental organizations, citizens, nonprofit organizations, colleges and universities, private and public companies, and other agencies to explore opportunities to leverage the data assets of the agency in a manner that may provide new opportunities for innovation in the public and private sectors in accordance with law, regulation, and policy.

''(d) GUIDANCE FOR OPEN BY DEFAULT AND OPEN LICENSE REQUIREMENTS.—The Director shall issue guidance for agencies to use in implementing subsections (a) and (b), including criteria that the head of each agency shall use in determining whether to make a particular data asset publicly available in a manner that takes into account—

''(1) privacy and confidentiality risks and restrictions, including the risk that an individual data asset in isolation does not pose a privacy or confidentiality risk but when combined with other available information may pose such a risk;

''(2) security considerations, including the risk that information in an individual data asset in isolation does not pose a security risk but when combined with other available information may pose such a risk;

''(3) the cost and benefits to the public of converting a data asset into a machine-readable format that is accessible and useful to the public;

''(4) the expectation that a data asset be disclosed, if it would otherwise be made available under section 552 of title 5 (commonly known as the 'Freedom of Information Act'); and

''(5) any other considerations that the Director determines to be relevant.

''§ 3563. Enterprise Data Inventory

''(a) AGENCY DATA INVENTORY REQUIRED.—

''(1) IN GENERAL.—In order to develop a clear and comprehensive understanding of the data assets in the possession of an agency, the head of each agency, in consultation with the Director, shall develop and maintain an enterprise data inventory that accounts for any data asset created, collected, under the control or direction of, or maintained by the agency after the effective date of this section, with the goal of including all data assets, to the extent practicable.

''(2) CONTENTS.—Each Enterprise Data Inventory shall include the following:

''(A) Data assets used in agency information systems (including program administration, statistics, and financial activity) generated by applications, devices, networks, facilities, and equipment, categorized by source type.

''(B) Data assets shared or maintained across agency programs and bureaus.

''(C) Data assets that are shared among agencies or created by more than 1 agency.

''(D) A clear indication of all data assets that can be made publicly available under section 552 of title 5 (commonly known as the 'Freedom of Information Act').

''(E) A description of whether the agency has determined that an individual data asset may be made publicly available and whether the data asset is available to the public.

''(F) Open Government data assets.

''(G) Other elements as required by the guidance issued by the Director under subsection (c).

''(b) PUBLIC AVAILABILITY.—The Chief Information Officer of each agency, in coordination with privacy and security officials of the agency, shall use the guidance issued by the Director under section 3562(d) in determining whether to make data assets included in the Enterprise Data Inventory of the agency publicly available in an open format and under an open license.

''(c) GUIDANCE FOR ENTERPRISE DATA INVENTORY.—The Director shall issue guidance for each Enterprise Data Inventory, including a requirement that an Enterprise Data Inventory includes a compilation of metadata about agency data assets.

''(d) AVAILABILITY OF ENTERPRISE DATA INVENTORY.—The Chief Information Officer of each agency—

''(1) shall make the Enterprise Data Inventory of the agency available to the public on the Federal Data Catalog required under section 3566;

''(2) shall ensure that access to the Enterprise Data Inventory of the agency and the data contained therein is consistent with applicable law, regulation, and policy; and

''(3) may implement paragraph (1) in a manner that maintains a nonpublic portion of the Enterprise Data Inventory of the agency.

''(e) REGULAR UPDATES REQUIRED.—The Chief Information Officer of each agency shall—

''(1) to the extent practicable, complete the Enterprise Data Inventory for the agency not later than 1 year after the date of enactment of this section; and

''(2) add additional data assets to the Enterprise Data Inventory for the agency not later than 90 days after the date on which the data asset is created or identified.

''(f) USE OF EXISTING RESOURCES.—When practicable, the Chief Information Officer of each agency shall use existing procedures and systems to compile and publish the Enterprise Data Inventory for the agency.

''§ 3564. Federal agency responsibilities

''(a) INFORMATION RESOURCES MANAGEMENT.—With respect to general information resources management, each agency shall—

''(1) improve the integrity, quality, and utility of information to all users within and outside the agency by—

''(A) using open format for any new open Government data asset created or obtained on or after the date that is 1 year after the date of enactment of this section; and

''(B) to the extent practicable, encouraging the adoption of open format for all open Government data assets created or obtained before the date described in subparagraph (A); and

''(2) in consultation with the Director, develop an open data plan that, at a minimum and to the extent practicable—

''(A) requires the agency to develop processes and procedures that—

''(i) require each new data collection mechanism to use an open format; and

''(ii) allow the agency to collaborate with non-Government entities, researchers, businesses, and private citizens for the purpose of understanding how data users value and use open Government data assets;

''(B) identifies and implements methods for collecting and analyzing digital information on data asset usage by users within and outside of the agency, including designating a point of contact within the agency to assist the public and to respond to quality issues, usability issues, recommendations for improvements, and complaints about adherence to open data requirements;

''(C) develops and implements a process to evaluate and improve the timeliness, completeness, accuracy, usefulness, and availability of open Government data assets;

''(D) requires the agency to update the plan at an interval determined by the Director;

''(E) includes requirements for meeting the goals of the agency open data plan including technology, training for employees, and implementing procurement standards, in accordance with existing law, regulation, and policy, that allow for the acquisition of innovative solutions from the public and private sectors; and

''(F) prohibits the disclosure of data assets unless the data asset may be released to the public in accordance with guidance issued by the Director under section 3562(d).

''(b) INFORMATION DISSEMINATION.—With respect to information dissemination, each agency—

''(1) shall provide access to open Government data assets online;

''(2) shall take the necessary precautions to ensure that the agency maintains the production and publication of data assets which are directly related to activities that protect the safety of human life or property, as identified by the open data plan of the agency required under subsection (a)(2); and

''(3) may engage the public in using open Government data assets and encourage collaboration by—

''(A) publishing information on open Government data assets usage in regular, timely intervals, but not less frequently than annually;

''(B) receiving public input regarding priorities for the analysis and disclosure of data assets to be published;

''(C) assisting civil society groups and members of the public working to expand the use of open Government data assets; and

''(D) hosting challenges, competitions, events, or other initiatives designed to create additional value from open Government data assets.

''§ 3565. Additional agency data asset management responsibilities

''The Chief Information Officer of each agency, or other appropriate official designated by the head of an agency, in collaboration with other internal agency stakeholders, is responsible for—

''(1) data asset management, format standardization, sharing of data assets, and publication of data assets for the agency;

''(2) the compilation and publication of the Enterprise Data Inventory for the agency required under section 3563;

''(3) ensuring that agency data conforms with open data best practices;

''(4) engaging agency employees, the public, and contractors in using open Government data assets and encouraging collaborative approaches to improving data use;

''(5) supporting the agency Performance Improvement Officer in generating data to support the function of the Performance Improvement Officer described in section 1124(a)(2) of title 31;

''(6) supporting officials responsible for leading agency mission areas and Governmentwide initiatives in maximizing data available for program administration, statistics, evaluation, research, and internal financial management, subject to any privacy, confidentiality, security laws and policies, and other valid restrictions;

''(7) reviewing the information technology infrastructure of the agency and the impact of the infrastructure on making data assets accessible to reduce barriers that inhibit data asset accessibility;

''(8) ensuring that, to the extent practicable, the agency is maximizing data assets used in agency information systems generated by applications, devices, networks, facilities, and equipment, categorized by source type, and such use is not otherwise prohibited, to reduce costs, improve operations, and strengthen security and privacy protections; and

''(9) identifying points of contact for roles and responsibilities related to open data use and implementation as required by the Director.

''§ 3566. Federal Data Catalog

''(a) FEDERAL DATA CATALOG REQUIRED.—The Administrator of General Services shall maintain a single public interface online, to be known as the 'Federal Data Catalog', as a point of entry dedicated to sharing open Government data assets with the public.

''(b) COORDINATION WITH AGENCIES.—The Director shall determine, after consultation with the head of each agency and the Administrator of General Services, the method to access any open Government data assets published through the interface described in subsection (a).''.

(2) SPECIAL PROVISIONS.—

(A) EFFECTIVE DATE.—Notwithstanding subsection (i), section 3562 of title 44, United States Code, as added by paragraph (1), shall take effect on the date that is 1 year after the date of enactment of this Act and shall apply with respect to any contract entered into by an agency on or after such effective date.

(B) USE OF OPEN DATA ASSETS.—Not later than 1 year after the date of enactment of this Act, the head of each agency shall ensure that any activities by the agency or any new contract entered into by the agency meet the requirements of section 3562 of title 44, United States Code, as added by paragraph (1).

(C) DEADLINE FOR FEDERAL DATA CATALOG.—Not later than 180 days after the effective date of this section, the Administrator of General Services shall meet the requirements of section 3566 of title 44, United States Code, as added by paragraph (1)

(3) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''SUBCHAPTER III—OPEN GOVERNMENT DATA

''3561. Definitions.
''3562. Requirements for Government data.
''3563. Enterprise Data Inventory.
''3564. Federal agency responsibilities.
''3565. Additional agency data asset management responsibilities.
''3566. Federal Data Catalog.''.

(d) EVALUATION OF AGENCY ANALYTICAL CAPABILITIES.—

(1) AGENCY REVIEW OF EVALUATION AND ANALYSIS CAPABILITIES; REPORT.—Not later than 3 years after the date of enactment of this Act, the Chief Operating Officer of each agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Director of the Office of Management and Budget a report on the review described in paragraph (2).

(2) REQUIREMENTS OF AGENCY REVIEW.—The report required under paragraph (1) shall assess the coverage, quality, methods, effectiveness, and independence of the evaluation, research, and analysis efforts of an agency, including each of the following:

(A) A list of the activities and operations of the agency that are being evaluated and analyzed and the activities and operations that have been evaluated and analyzed during the previous 5 years.

(B) The extent to which the evaluations, research, and analysis efforts and related activities of the agency support the needs of various divisions within the agency.

(C) The extent to which the evaluation research and analysis efforts and related activities of the agency address an appropriate balance between needs related to organizational learning, ongoing program management, performance management, strategic management, interagency and private sector coordination, internal and external oversight, and accountability.

(D) The extent to which the agency uses methods and combinations of methods that are appropriate to agency divisions and the corresponding research questions being addressed, including an appropriate combination of formative and summative evaluation research and analysis approaches.

(E) The extent to which evaluation and research capacity is present within the agency to include personnel, agency process for planning and implementing evaluation activities, disseminating best practices and findings, and incorporating employee views and feedback.

(F) The extent to which the agency has the capacity to assist front-line staff and program offices to develop the capacity to use evaluation research and analysis approaches and data in the day-to-day operations.

(3) GAO REVIEW OF AGENCY REPORTS.—Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that summarizes agency findings and highlights trends from the reports submitted under paragraph (1) and, if appropriate, recommends actions to further improve agency capacity to use evaluation techniques and data to support evaluation efforts.

(e) ONLINE REPOSITORY AND ADDITIONAL REPORTS.—

(1) REPOSITORY.—The Director of the Office of Management and Budget shall collaborate with the Office of Government Information Services and the Administrator of General Services to develop and maintain an online repository of tools, best practices, and schema standards to facilitate the adoption of open data practices, which shall—

(A) include definitions, regulation and policy, checklists, and case studies related to open data, this section, and the amendments made by this section; and

(B) facilitate collaboration and the adoption of best practices across the Federal Government relating to the adoption of open data practices.

(2) GAO REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report that identifies—

(A) the value of information made available to the public as a result of this section and the amendments made by this section;

(B) whether it is valuable to expand the publicly available information to any other data assets; and

(C) the completeness of the Enterprise Data Inventory at each agency required under section 3563 of title 44, United States Code, as added by subsection (c).

(3) BIENNIAL OMB REPORT.—Not later than 1 year after the effective date of this section, and every 2 years thereafter, the Director of the Office of Management and Budget shall electronically publish a report on agency performance and compliance with this section and the amendments made by this section.

(4) AGENCY CIO REPORT.—Not later than 1 year after the effective date of this section and every year thereafter, the Chief Information Officer of each agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on compliance with the requirements of this section and the amendments made by this section, including information on the requirements that the agency could not meet and what the agency needs to comply with those requirements.

(f) GUIDANCE.—The Director of the Office of Management and Budget shall delegate to the Administrator of the Office of Information and Regulatory Affairs and the Administrator of the Office of Electronic Government the authority to jointly issue guidance required under this section.

(g) NATIONAL SECURITY SYSTEMS.—This section and the amendments made by this section shall not apply to data assets that are contained in a national security system, as defined in section 11103 of title 40, United States Code.

(h) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to require the disclosure of information or records that may be withheld from public disclosure under any provision of Federal law, including section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'') and section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974'').

(i) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the date that is 180 days after the date of enactment of this Act.

SA 492. Mr. SCHATZ (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. _____. REVIEW OF DISCHARGE CHARACTERIZATION OF FORMER MEMBERS OF THE ARMED FORCES WHO WERE DISCHARGED BY REASON OF THE SEXUAL ORIENTATION.

(a) IN GENERAL.—In accordance with this section, the appropriate discharge boards—

(1) shall review the discharge characterization of covered members at the request of the covered member; and

(2) if such characterization is any characterization except honorable, may change such characterization to honorable.

(b) CRITERIA.—In changing the discharge characterization of a covered member to honorable under subsection (a)(2), the Secretary of Defense shall ensure that such changes are carried out consistently and uniformly across the military departments using the following criteria:

(1) The original discharge must be based on Don't Ask Don't Tell (in this Act referred to as ''DADT'') or a similar policy in place prior to the enactment of DADT.

(2) Such discharge characterization shall be so changed if, with respect to the original discharge, there were no aggravating circumstances, such as misconduct, that would have independently led to a discharge characterization that was any characterization except honorable. For purposes of this paragraph, such aggravating circumstances may not include—

(A) an offense under section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice), committed by a covered member against a person of the same sex with the consent of such person; or

(B) statements, consensual sexual conduct, or consensual acts relating to sexual orientation or identity, or the disclosure of such statements, conduct, or acts, that were prohibited at the time of discharge but after the date of such discharge became permitted.

(3) When requesting a review, a covered member, or the member's representative, shall be required to provide either—

(A) documents consisting of—

(i) a copy of the DD–214 form of the member;

(ii) a personal affidavit of the circumstances surrounding the discharge; and

(iii) any relevant records pertaining to the discharge; or

(B) an affidavit certifying that the member, or the member's representative, does not have the documents specified in subparagraph (A).

(4) If a covered member provides an affidavit described in subparagraph (B) of paragraph (3)—

(A) the appropriate discharge board shall make every effort to locate the documents specified in subparagraph (A) of such paragraph within the records of the Department of Defense; and

(B) the absence of such documents may not be considered a reason to deny a change of the discharge characterization under subsection (a)(2).

(c) REQUEST FOR REVIEW.—The appropriate discharge board shall ensure the mechanism by which covered members, or their representative, may request to have the discharge characterization of the covered member reviewed under this section is simple and straightforward.

(d) REVIEW.—

(1) IN GENERAL.—After a request described in subsection (c) has been made, the appropriate discharge board shall review all relevant laws, records of oral testimony previously taken, service records, or any other relevant information regarding the discharge characterization of the covered member.

(2) ADDITIONAL MATERIALS.—If additional materials are necessary for the review, the appropriate discharge board—

(A) may request additional information from the covered member or the member's representative, in writing, and specifically detailing what is being requested; and

(B) shall be responsible for obtaining a copy of the necessary files of the covered member from the member, or when applicable, from the Department of Defense.

(e) CHANGE OF CHARACTERIZATION.—The appropriate discharge board shall change the discharge characterization of a covered member to honorable if such change is determined to be appropriate after a review is conducted under subsection (d) pursuant to the criteria under subsection (b). A covered member, or the member's representative, may appeal a decision by the appropriate discharge board to not change the discharge characterization by using the regular appeals process of the board.

(f) CHANGE OF RECORDS.—For each covered member whose discharge characterization is changed under subsection (e), or for each covered member who was honorably discharged but whose DD–214 form reflects the sexual orientation of the member, the Secretary of Defense shall reissue to the member or the member's representative a revised DD–214 form that reflects the following:

(1) For each covered member discharged, the Separation Code, Reentry Code, Narrative Code, and Separation Authority shall not reflect the sexual orientation of the member and shall be placed under secretarial authority. Any other similar indication of the sexual orientation or reason for discharge shall be removed or changed accordingly to be consistent with this paragraph.

(2) For each covered member whose discharge occurred prior to the creation of general secretarial authority, the sections of the DD–214 form referred to paragraph (1) shall be changed to similarly reflect a universal authority with codes, authorities, and language applicable at the time of discharge.

(g) STATUS.—

(1) IN GENERAL.—Each covered member whose discharge characterization is changed under subsection (e) shall be treated without regard to the original discharge characterization of the member, including for purposes of—

(A) benefits provided by the Federal Government to an individual by reason of service in the Armed Forces; and

(B) all recognitions and honors that the Secretary of Defense provides to members of the Armed Forces.

(2) REINSTATEMENT.—In carrying out paragraph (1)(B), the Secretary shall reinstate all recognitions and honors of a covered member whose discharge characterization is changed under subsection (e) that the Secretary withheld because of the original discharge characterization of the member.

(h) DEFINITIONS.—In this section:

(1) The term ''appropriate discharge board'' means the boards for correction of military records under section 1552 of title 10, United States Code, or the discharge review boards under section 1553 of such title, as the case may be.

(2) The term ''covered member'' means any former member of the Armed Forces who was discharged from the Armed Forces because of the sexual orientation of the member.

(3) The term ''discharge characterization'' means the characterization under which a member of the Armed Forces is discharged or released, including ''dishonorable'', ''general'', ''other than honorable'', and ''honorable''.

(4) The term ''Don't Ask Don't Tell'' means section 654 of title 10, United States Code, as in effect before such section was repealed pursuant to the Don't Ask, Don't Tell Repeal Act of 2010 (Public Law 111–321).

(5) The term ''representative'' means the surviving spouse, next of kin, or legal representative of a covered member.

(i) REPORTS.—

(1) REVIEW.—The Secretary of Defense shall conduct a review of the consistency and uniformity of the reviews conducted under this section.

(2) REPORTS.—Not later than 270 days after the date of the enactment of this Act, and each year thereafter for a four-year period, the Secretary shall submit to Congress a report on the reviews under paragraph (1). Such reports shall include any comments or recommendations for continued actions.

(j) HISTORICAL REVIEW.—The Secretary of each military department shall ensure that oral historians of the department—

(1) review the facts and circumstances surrounding the estimated 100,000 members of the Armed Forces discharged from the Armed Forces between World War II and September 2011 because of the sexual orientation of the member; and

(2) receive oral testimony of individuals who personally experienced discrimination and discharge because of the actual or perceived sexual orientation of the individual so that such testimony may serve as an official record of these discriminatory policies and their impact on American lives.

SA 493. Mr. DAINES submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle F of title V, add the following:

SEC. 563. ELIGIBILITY AND PRIORITY OF CHILDREN FOR MILITARY CHILD CARE SERVICES.

(a) REORGANIZATION OF MILITARY CHILD CARE FUNDING PROVISIONS.—Subchapter II of chapter 88 of title 10, United States Code, is amended—

(1) by transferring section 1793 so as to appear after section 1791; and

(2) by redesignating such section, as so transferred, as section 1791a.

(b) ELIGIBILITY AND PRIORITY.—

(1) IN GENERAL.—Subchapter II of such chapter is further amended by inserting after section 1792 the following new section 1793:

''§ 1793. Child care services: eligibility and priority for services of eligible children; services and youth program services for children and youth otherwise ineligible

''(a) ELIGIBILITY ON FULL-TIME BASIS.—Children are eligible for child care services at military child development centers on a full-time basis as follows:

''(1) Children disproportionally affected by military deployment of their parents (to be known as 'Priority Group 1 Children'), including children as follows:

''(A) Children of a member of the armed forces who died in line of duty on active duty.

''(B) Children of a member on active duty who previously incurred a wound ⟦or serious injury⟧ in combat in line of duty on active duty.

''(C) Children in a single-parent family in which the parent is a regular member of the armed forces.

''(D) Children in a dual-parent family in which both parents are regular members of the armed forces.

''(2) Children of deployable parents (to be know as 'Priority Group 2 Children'), including children as follows:

''(A) Children in a dual-parent family in which one of the parents is a regular member of the armed forces.

''(B) Children of a member of the Selected Reserve.

''(C) Children of an employee of the Department of Defense who is on, or is within 90 days of commencing, an assignment overseas.

''(3) Children of parents who support Department of Defense missions (to be known as 'Priority Group 3 Children'), including children as follows:

''(A) Children of a member of the Individual Ready Reserve.

''(B) Children of an employee of the Department of Defense (other than an employee described in paragraph (2)(C)), including children of an employee of a non-appropriated fund instrumentality (NAFI) or otherwise paid for with non-appropriated funds.

''(4) Children of other parents (to be known as 'Priority Group 4 Children'), including children as follows:

''(A) Children of a member or former member of the armed forces who is in receipt of, or eligible for receipt of, retired or retainer pay.

''(B) Children of an employee of the Federal Government with a department or agency other than the Department of Defense.

''(C) Children of a contractor employee of the Department who is otherwise eligible for child care services under this subchapter.

''(b) PRIORITY OF ELIGIBILITY.—

''(1) IN GENERAL.—Priority of eligibility under subsection (a) shall be in the order of the paragraphs set forth under that subsection, with actual eligibility for child care services at any particular military child development center dependent on the availability of space and resources at such center.

''(2) CONSTRUCTION OF MULTIPLE PRIORITIES.—If a child has a priority of eligibility under subsection (a) under more than one paragraph, the child's priority of eligibility under that subsection shall be the higher priority of eligibility under that subsection.

''(d) REGULATIONS.—This section shall be administered in accordance with regulations prescribed by the Secretary of Defense for purposes of this section. The regulations shall take into account the objective that the priority of eligibility established by subsection (a) is intended to support the policy and plans for the Department of Defense for the support of military family readiness developed pursuant to section 1781b of this title.''.

(2) PRESERVATION OF EXISTING ELIGIBILITY AND PRIORITY.—Nothing in the amendment made by paragraph (1) may be construed as terminating, altering, or impairing the eligibility or priority for child care services at military child development centers of any military family in receipt of such services at such a center as of the date of the enactment of this Act for so long after such date as such military family remains in receipt of such services at such center without interruption.

(c) RESTATEMENT IN AUTHORITY ON ELIGIBILITY AND PRIORITY OF AUTHORITY FOR PROVISION OF CHILD CARE AND YOUTH PROGRAM SERVICES TO CHILDREN AND YOUTH OTHERWISE INELIGIBLE.—

(1) IN GENERAL.—Section 1793 of title 10, United States Code, as amended by subsection (b) of this section, is further amended by inserting after subsection (b) the following new subsection (c):

''(c) CHILD CARE AND YOUTH PROGRAM SERVICES FOR CHILDREN AND YOUTH OTHERWISE INELIGIBLE.—

''(1) AUTHORITY.—The Secretary of Defense may authorize participation in child care or youth programs of the Department of Defense, to the extent of the availability of space and services, by children and youth under the age of 19 who are not dependents of members of the armed forces or of employees of the Department of Defense and are not otherwise eligible for participation in those programs.

''(2) LIMITATION.—Authorization of participation in a program under paragraph (1) shall be limited to situations in which that participation promotes the attainment of the objectives set forth in paragraph (3), as determined by the Secretary.

''(3) OBJECTIVES.—The objectives for authorizing participation in a program under paragraph (1) are as follows:

''(A) To support the integration of children and youth of military families into civilian communities.

''(B) To make more efficient use of Department of Defense facilities and resources.

''(C) To establish or support a partnership or consortium arrangement with schools and other youth services organizations serving children of members of the armed forces.''.

(2) REPEAL OF SUPERSEDED AUTHORITY.—Section 1799 of such title is repealed.

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of subchapter II of chapter 88 of such title is amended—

(1) by inserting after the item relating to section 1791 the following new item:

''1791a. Parent fees.'';

(2) by striking the item relating to section 1793 and inserting the following new item:

''1793. Child care services: eligibility and priority for services of eligible children; services and youth program services for children and youth otherwise ineligible.''; and

(3) by striking the item relating to section 1799.

SA 494. Mr. DAINES submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XXVIII, insert the following:

SEC. ___. TECHNICAL CORRECTION TO WITHDRAWAL AND RESERVATION OF PUBLIC LAND AUTHORITY, LIMESTONE HILLS TRAINING AREA, MONTANA.

Section 2931(b) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1031) is amended by striking ''18,644 acres in Broadwater County, Montana, generally depicted as 'Proposed Land Withdrawal' on the map entitled 'Limestone Hills Training Area Land Withdrawal', dated April 10, 2013'' and inserting ''18,964 acres in Broadwater County, Montana, generally depicted as 'Limestone Hills Training Area Land Withdrawal' on the map entitled 'Limestone Hills Training Area Land Withdrawal', dated May 11, 2017''.

SA 495. Mr. THUNE (for himself, Mr. SULLIVAN, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After title XXXV, insert the following:

TITLE XXXVI—COAST GUARD

SEC. 3601. CERTAIN DELAYED EFFECTIVE DATES.

The amendments made by section 3626 shall take effect on January 1, 2018.

Subtitle A—Authorizations

SEC. 3611. AUTHORIZATION OF APPROPRIATIONS.

Section 2702 of title 14, United States Code, is amended to read as follows:

''§ 2702. Authorization of appropriations

''Funds are authorized to be appropriated for each of fiscal years 2018 and 2019 for necessary expenses of the Coast Guard as follows:

''(1) For the operation and maintenance of the Coast Guard, not otherwise provided for—

''(A) $7,300,000,000 for fiscal year 2018; and

''(B) $7,592,000,000 for fiscal year 2019.

''(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, and for maintenance, rehabilitation, lease, and operation of facilities and equipment—

''(A) $1,985,845,000 for fiscal year 2018, to remain available through September 30, 2022; and

''(B) $2,027,547,745 for fiscal year 2019, to remain available through September 30, 2023.

''(3) For the Coast Guard Reserve program, including operations and maintenance of the program, personnel and training costs, equipment, and services—

''(A) $142,956,336 for fiscal year 2018; and

''(B) $145,958,419 for fiscal year 2019.

''(4) For the environmental compliance and restoration of the Coast Guard under chapter 19 of this title—

''(A) $17,051,721 for fiscal year 2018, to remain available through September 30, 2022; and

''(B) $17,409,807 for fiscal year 2019, to remain available through September 20, 2023.

''(5) To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard's mission with respect to search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, and for maintenance, rehabilitation, lease, and operation of facilities and equipment—

''(A) $20,307,690 for fiscal year 2018; and

''(B) $20,734,151 for fiscal year 2019.''.

SEC. 3612. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

Section 2704 of title 14, United States Code, is amended to read as follows:

''§ 2704. Authorized levels of military strength and training

''(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 43,000 for each of fiscal years 2018 and 2019.

''(b) MILITARY TRAINING STUDENT LOADS.—The Coast Guard is authorized average military training student loads for each of fiscal years 2018 and 2019 as follows:

''(1) For recruit and special training, 2,500 student years.

''(2) For flight training, 165 student years.

''(3) For professional training in military and civilian institutions, 350 student years.

''(4) For officer acquisition, 1,200 student years.''.

Subtitle B—Coast Guard

SEC. 3621. PRIMARY DUTIES.

Section 2(7) of title 14, United States Code, is amended by striking ''including the fulfillment of Maritime Defense Zone command responsibilities'' and inserting ''and at all times assist in the defense of the United States''.

SEC. 3622. TRAINING; EMERGENCY RESPONSE PROVIDERS.

(a) IN GENERAL.—Chapter 7 of title 14, United States Code, is amended by inserting after section 141 the following:

''§ 141a. Training; emergency response providers

''(a) IN GENERAL.—The Commandant (or the Commandant's designee) may, on a reimbursable or a nonreimbursable basis, make training available to emergency response providers whenever the Commandant (or the Commandant's designee) determines that—

''(1) a member of the Coast Guard, who was scheduled to participate in such training, is unable or unavailable to participate in such training;

''(2) no other member of the Coast Guard, who is assigned to the unit to which the member of the Coast Guard described in paragraph (1), is able or available to participate in such training; and

''(3) such training, if made available to emergency response providers, would further

the goal of interoperability among Federal agencies, non-Federal governmental agencies, or both.

''(b) DEFINITION OF EMERGENCY RESPONSE PROVIDER.—In this section, the term 'emergency response provider' has the meaning given the term in section 101 of title 6.

''(c) TREATMENT OF REIMBURSEMENT.—Any reimbursement for training that the Coast Guard receives under this section shall be credited to the appropriation used to pay the costs for such training.

''(d) STATUS; LIMITATION ON LIABILITY.—

''(1) STATUS.—Any individual to whom, as an emergency response provider, training is made available under this section shall not be considered a Federal employee for any purpose, including the purposes of—

''(A) chapter 81 of title 5 (relating to compensation for injury); or

''(B) sections 2671 through 2680 of title 28 (relating to tort claims).

''(2) LIMITATION ON LIABILITY.—The individual described in paragraph (1) or that individual's employer shall be liable for any claim arising out of such training.''.

(b) TABLE OF CONTENTS.—The table of contents of chapter 7 of title 14, United States Code, is amended by inserting after the item relating to section 141 the following:

''141a. Training; emergency response providers.''.

SEC. 3623. COMMISSIONED SERVICE RETIREMENT.

Section 291 of title 14, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Any regular'' and indenting appropriately;

(2) in subsection (a), as designated—

(A) by inserting ''of the Coast Guard'' after ''officer''; and

(B) by striking ''President'' and inserting ''Secretary''; and

(3) by adding at the end the following:

''(b) ACTIVE COMMISSIONED SERVICE.—The Secretary may authorize the Commandant, through fiscal year 2019, to reduce the requirement under subsection (a) for at least ten years of active service as a commissioned officer to a period of not less than eight years.''.

SEC. 3624. OFFICER PROMOTION ZONES.

Section 256(a) of title 14, United States Code, is amended by striking ''six-tenths'' and inserting ''one-half''.

SEC. 3625. OFFICER EVALUATION REPORT.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Commandant of the Coast Guard shall reduce lieutenant junior grade evaluation reports to the same length as an ensign or place lieutenant junior grade evaluations on an annual schedule.

(b) BOARD SURVEY.—The Commandant of the Coast Guard shall survey outgoing promotion board members and assignment officers to determine, at a minimum—

(1) which sections of the officer evaluation report were most useful;

(2) which sections of the officer evaluation report were least useful;

(3) how to better reflect high performers; and

(4) any recommendations for improving the officer evaluation report.

(c) SURVEY OF OFFICERS.—The Commandant of the Coast Guard shall conduct a survey on the officer evaluation report to—

(1) cover at least 10 percent of the officers from each grade of officers from O1 to O6; and

(2) determine how much time each member of the rating chain spends on that member's portion of the officer evaluation report.

(d) REVISIONS.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, the Commandant of the Coast Guard shall revise the officer evaluation report, and providing corresponding directions, taking into account the requirements under paragraph (2).

(2) REQUIREMENTS.—In revising the officer evaluation report under paragraph (1), the Commandant shall—

(A) consider the findings of the surveys under subsections (b) and (c);

(B) improve administrative efficiency;

(C) reduce and streamline performance dimensions and narrative text;

(D) eliminate redundancy with the officer specialty management system and any other record information systems that are used during the officer assignment or promotion process;

(E) provide for fairness and equity for Coast Guard officers with regard to promotion boards, selection panels, and the assignment process; and

(F) ensure officer evaluation responsibilities can be accomplished within normal working hours—

(i) to minimize any impact to officer duties; and

(ii) to eliminate any need for an officer to take liberty or leave for administrative purposes.

(e) REPORT.—

(1) IN GENERAL.—Not later than 545 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report—

(A) on the findings of the survey under subsection (b); and

(B) on the findings of the survey under subsection (c).

(2) FORMAT.—The report under paragraph (1) shall be formatted by each rank, type of board, and position, as applicable.

SEC. 3626. REGULAR CAPTAINS; RETIREMENT.

Section 288(a) of title 14, United States Code, is amended—

(1) by striking ''zone is'' and inserting ''zone, or from being placed at the top of the list of selectees promulgated by the Secretary under section 271(a) of this title, is''; and

(2) by striking the period at the end and inserting ''or from being placed at the top of the list of selectees, as applicable.''.

SEC. 3627. INCLUSION OF VESSEL FOR INVESTIGATION PURPOSES.

(a) IN GENERAL.—Section 678 of title 14, United States Code, is amended by inserting ''or vessel'' after ''aircraft'' each place it appears.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 17 of title 14, United States Code, is amended—

(1) in the table of contents of chapter 17, by inserting ''and vessel'' after ''Aircraft'' in the item relating to section 678; and

(2) in the heading for section 678, by inserting ''**and vessel**'' after ''**Aircraft**''.

SEC. 3628. LEAVE FOR THE BIRTH OR ADOPTION OF A CHILD.

Section 431 of title 14, United States Code, is amended—

(1) by striking ''Not later than 1 year'' and inserting the following:

''(a) IN GENERAL.—Except as provided in subsection (b), not later than 1 year''; and

(2) by adding at the end the following:

''(b) LEAVE ASSOCIATED WITH THE BIRTH OR ADOPTION OF A CHILD.—Notwithstanding section 701 of title 10 or any other provision of law, the Secretary of the department in which the Coast Guard is operating shall ensure that any rule, policy, or memorandum that provides leave associated with the birth or adoption of a child to an officer or enlisted member of the Coast Guard permits, for not later than 1 year after the date of such birth or adoption and at the discretion of the Commanding Officer—

''(1) the officer or member, as applicable, to take such leave in increments; and

''(2) flexible work schedules (as defined in regulation promulgated by the Secretary) for the officer or member, as applicable, until all such leave is expended.''.

SEC. 3629. AVIATION CADETS; APPOINTMENT AS RESERVE OFFICERS; CROSS REFERENCE.

Section 373(a) of title 14, United States Code, is amended by inserting ''designated under section 371'' after ''cadet''.

SEC. 3630. CLOTHING AT TIME OF DISCHARGE FOR GOOD OF SERVICE; REPEAL.

Section 482 of title 14, United States Code, and the item relating to that section in the table of contents of chapter 13 of that title, are repealed.

SEC. 3631. MULTIYEAR CONTRACTS.

The Secretary is authorized to enter into a multiyear contract for the procurement of a tenth, eleventh, and twelfth National Security Cutter and associated government-furnished equipment.

SEC. 3632. COAST GUARD ROTC PROGRAM.

Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the costs and benefits of creating a Coast Guard Reserve Officers' Training Corps Program based on the other armed forces programs.

SEC. 3633. NATIONAL COAST GUARD MUSEUM.

Subsection (b) of section 98 of title 14, United States Code, is amended to read as follows:

''(b) EXPENDITURES.—The Secretary shall fund the operation and maintenance of the National Coast Guard Museum with non-appropriated and non-Federal funds to the maximum extent practicable. The priority use of Federal operation and maintenance funds should be to preserve and protect historic Coast Guard artifacts, including the design, fabrication, and installation of exhibits or displays in which such artifacts are included.''.

SEC. 3634. POLAR ICEBREAKERS.

(a) ROLLING RECAPITALIZATION REPORT FOR THE POLAR STAR.—

(1) REQUIREMENT FOR REPORT.—The Secretary of the department in which the Coast Guard is operating, in consultation with Naval Sea Systems Command, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a detailed report describing a plan to extend the service life of the Coast Guard Cutter POLAR STAR (WAGB-10) under a rolling recapitalization plan for 7 to 10 years.

(2) CONTENT.—The report required by paragraph (1) shall include the following:

(A) Based upon a materiel condition assessment of the Coast Guard Cutter POLAR STAR (WAGB-10)—

(i) a description of the service life extension needs of the vessel;

(ii) detailed information regarding planned shipyard work for each fiscal year to meet such needs; and

(iii) an estimate of the specific amount needed to be appropriated to complete the rolling recapitalization of the vessel.

(B) A plan to ensure the vessel will maintain seasonally operational status during the rolling recapitalization.

(b) AUTHORIZATION OF APPROPRIATIONS.—The Commandant of the Coast Guard may

use funds made available pursuant to section 2702(2) of title 14, United States Code, as amended by section 3611 of this Act, for the rolling recapitalization described in the report required by subsection (a).

SEC. 3635. GREAT LAKES ICEBREAKER ACQUISITION.

(a) ICEBREAKING ON THE GREAT LAKES.—For fiscal years 2018 and 2019, the Commandant of the Coast Guard may use funds made available pursuant to section 2702(2) of title 14, United States Code, as amended by section 3611 of this Act, for the selection of a design for, and the construction of, an icebreaker that is at least as capable as the Coast Guard Cutter Mackinaw to enhance icebreaking capacity on the Great Lakes.

(b) INITIAL SURVEY AND DESIGN WORK.—The Commandant of the Coast Guard shall commence initial survey and design work associated with the acquisition of a new Coast Guard icebreaker that is at least as capable as the Coast Guard Cutter Mackinaw to enhance icebreaking capacity on the Great Lakes.

(c) ACQUISITION PLAN.—Not later than 45 days after the date of enactment of this Act, the Commandant shall submit a plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives for acquiring an icebreaker described in subsections (a) and (b). Such plan shall include—

(1) the details and schedule of the acquisition activities to be completed; and

(2) a description of how the funding for Coast Guard acquisition, construction, and improvements that was appropriated under the Consolidated Appropriations Act of 2017 (Public Law 115–31) will be allocated to support the acquisition activities referred to in paragraph (1).

Subtitle C—Marine Safety

SEC. 3641. COAST GUARD ADVISORY COMMITTEES.

(a) ESTABLISHMENT.—Subtitle I of title 46, United States Code, is amended by adding at the end the following:

"CHAPTER 7—COAST GUARD ADVISORY COMMITTEES

"§ 701. Administration

''(a) EMPLOYEE STATUS.—A member of an advisory committee or advisory council established under this chapter shall not be considered an employee of the Federal Government by reason of service on such committee or council, except for the purposes of the following provisions of law:

''(1) Section 5703 of title 5 (relating to travel expenses).

''(2) Chapter 81 of title 5 (relating to compensation for work injuries).

''(3) Chapter 171 of title 28 and any other Federal statute relating to tort liability.

''(4) If the member is a special Government employee—

''(A) chapter 73 of title 5;

''(B) sections 201, 202, 203, 205, 207, 208, and 209 of title 18;

''(C) the Ethics in Government Act of 1978 (5 U.S.C. App); and

''(D) any other provision of law relating to employee conduct, political activities, ethics, conflict of interest, and corruption that applies to a special Government employee.

''(b) COMPENSATION.—A member of an advisory committee or advisory council established under this chapter who is not otherwise a Federal employee shall not receive pay by reason of service on such committee or council.

''(c) ACCEPTANCE OF VOLUNTEER SERVICES.—A member of an advisory committee or advisory council established under this chapter may serve on a voluntary basis without pay without regard to section 1342 of title 31 or any other law.

"§ 702. Chemical Transportation Advisory Committee

''(a) ESTABLISHMENT.—There is established a Chemical Transportation Advisory Committee (referred to in this section as the 'Committee').

''(b) FUNCTION.—The Committee, acting through the Commandant (or the Commandant's designee), is authorized to advise, consult with, report to, and make recommendations to the Secretary on matters relating to the safe and secure marine transportation of hazardous materials.

''(c) ORGANIZATION.—

''(1) MEETING.—The Committee shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant's designee).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Committee shall consist of not more than 25 members.

''(B) POINTS OF VIEW.—Each member of the Committee shall represent the point of view of 1 of the following entities or groups associated with marine transportation of hazardous materials:

''(i) Chemical manufacturing.

''(ii) Marine handling or transportation of chemicals.

''(iii) Vessel design and construction.

''(iv) Marine safety or security.

''(v) Marine environmental protection.

''(C) NEEDS OF THE COAST GUARD.—The Commandant (or the Commandant's designee) shall, based on the needs of the Coast Guard, determine the number of members who represent a specific point of view.

''(D) RULE OF CONSTRUCTION.—Neither this subsection nor any other provision of law or policy shall be construed to require an equal distribution of members representing specific points of view among the membership of the Committee.

''(3) STATUS OF MEMBERS.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 18, each member of the Committee is hereby deemed a representative of the member's respective special interest entity or group, and not a special Government employee (as defined in section 202(a) of title 18).

''(4) NOMINATIONS; APPOINTMENTS; SERVICE.—

''(A) NOMINATIONS.—As necessary, the Secretary shall publish, in the Federal Register, a notice soliciting nominations for membership on the Committee.

''(B) APPOINTMENTS.—

''(i) IN GENERAL.—After timely notice is published, the Secretary shall, as necessary, appoint members to the Committee.

''(ii) LIMITATIONS.—The Secretary may not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to the Committee.

''(iii) REAPPOINTMENTS.—The Secretary may reappoint a member to the Committee more than once.

''(C) SERVICE.—Each member of the Committee shall serve at the pleasure of the Secretary.

''(5) TERM; VACANCY.—

''(A) TERM.—

''(i) IN GENERAL.—The term of each member of the Committee shall expire on December 31 of the third full year after the effective date of the appointment.

''(ii) EXTENSIONS.—Notwithstanding clause (i), paragraph (4), or any other provision of law or policy, the Commandant (or the Commandant's designee) may extend the term of a member of the Committee to December 31 of the fifth full year after the effective date of the appointment.

''(B) VACANCY.—In the case of an appointment to fill a vacancy on the Committee, the Secretary shall appoint an individual for a full term.

''(6) CHAIRPERSON; VICE CHAIRPERSON.—

''(A) IN GENERAL.—The Commandant (or the Commandant's designee) shall designate 1 member of the Committee as the Chairperson and another member of the Committee as the Vice Chairperson, both of whom shall serve in such capacity at the pleasure of the Commandant (or the Commandant's designee) and for a term to be fixed by the Commandant (or the Commandant's designee).

''(B) RECOMMENDATIONS.—The Commandant (or the Commandant's designee) may solicit, from the Committee, recommendations with regard to the members whom the Commandant (or the Commandant's designee) shall designate as the Chairperson and the Vice Chairperson.

''(C) VACANCY.—The Vice Chairperson shall act as Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

''(7) DESIGNATED FEDERAL OFFICER.—The Commandant (or the Commandant's designee) shall designate a Designated Federal Officer to the Committee in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

''(d) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

''(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

''(2) TERMINATION.—The Committee shall terminate on September 30, 2027.

"§ 703. Commercial Fishing Safety Advisory Committee

''(a) ESTABLISHMENT.—There is established a Commercial Fishing Safety Advisory Committee (referred to in this section as the 'Committee').

''(b) FUNCTION.—The Committee, acting through the Commandant (or the Commandant's designee)—

''(1) shall advise, consult with, report to, and make recommendations to the Secretary on matters relating to the safe operation of vessels to which chapter 45 of this title applies, including navigation safety, safety equipment and procedures, marine insurance, vessel design, construction, maintenance and operation, and personnel qualifications and training;

''(2) shall review proposed regulations promulgated pursuant to chapter 45 of this title;

''(3) shall submit recommendations described in paragraph (1) to the Secretary in writing;

''(4) may submit any recommendations described in paragraph (1) at any time and frequency as determined to be appropriate by the Committee;

''(5) shall to review proposed regulations promulgated pursuant to chapter 45 of this title; and

''(6) shall make available to Congress any information, advice, and recommendations that the Committee is authorized to give to the Secretary.

''(c) ORGANIZATION.—

''(1) MEETING.—The Committee shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant's designee).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Committee shall consist of 18 members.

''(B) EXPERIENCE.—Each member of the Committee shall have particular expertise, knowledge, and experience regarding the commercial fishing industry.

''(C) POINTS OF VIEW.—Except as provided in subparagraph (D), a member of the Committee shall represent the point of view of an entity or group, as follows:

''(i) 10 members representing the commercial fishing industry who—

''(I) reflect a regional and representational balance; and

''(II) have experience in the operation of vessels to which chapter 45 of this title applies or as a crew member or processing line worker on a fish processing vessel.

''(ii) 1 member representing naval architects or marine engineers.

''(iii) 1 member representing manufacturers of equipment for vessels to which chapter 45 of this title applies.

''(iv) 1 member representing education or training professionals related to fishing vessel, fish processing vessel, or fish tender vessel safety or personnel qualifications.

''(v) 1 member representing underwriters that insure vessels to which chapter 45 of this title applies.

''(vi) 1 member representing owners of vessels to which chapter 45 of this title applies.

''(D) EXCEPTION.—

''(i) IN GENERAL.—Subject to clause (ii), 3 members of the Committee shall represent the general public.

''(ii) EXPERIENCE.—Whenever possible, a member who represents the general public shall be either—

''(I) an independent expert or consultant in maritime safety;

''(II) a marine surveyor who provides services to vessels to which chapter 45 of this title applies; or

''(III) a person familiar with issues affecting fishing communities and families of fishermen.

''(3) STATUS OF MEMBERS.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 18—

''(A) a member of the Committee, whom the Secretary appoints to represent a point of view of an entity or group under paragraph (2)(C), is hereby deemed a representative of the member's respective special interest entity or group, and not a special Government employee (as defined in section 202(a) of title 18); and

''(B) a member of the Committee, whom the Secretary may appoint to represent the general public, is hereby deemed a special Government employee (as defined in section 202(a) of title 18).

''(4) NOMINATIONS; APPOINTMENTS; SERVICE.—

''(A) NOMINATIONS.—As necessary, the Secretary shall publish, in the Federal Register, a notice soliciting nominations for membership on the Committee.

''(B) APPOINTMENTS.—

''(i) IN GENERAL.—After timely notice is published, the Secretary shall, as necessary, appoint members to the Committee.

''(ii) LIMITATIONS.—The Secretary may not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to the Committee.

''(iii) REAPPOINTMENTS.—The Secretary may reappoint a member to the Committee more than once.

''(5) TERM; VACANCY.—

''(A) TERM.—

''(i) IN GENERAL.—The term of each member of the Committee shall expire on December 31 of the third full year after the effective date of the appointment.

''(ii) EXTENSIONS.—Notwithstanding clause (i), paragraph (4), or any other provision of law or policy, the Commandant (or the Commandant's designee) may extend the term of a member of the Committee to December 31 of the fifth full year after the effective date of the appointment.

''(B) VACANCY.—In the case of an appointment to fill a vacancy on the Committee, the Secretary shall appoint an individual for a full term.

''(6) CHAIRPERSON; VICE CHAIRPERSON.—

''(A) IN GENERAL.—The Committee shall elect a Chairperson and Vice Chairperson from among its members.

''(B) RECOMMENDATIONS.—The Commandant (or the Commandant's designee) may solicit, from the Committee, recommendations with regard to the members whom the Commandant (or the Commandant's designee) shall designate as the Chairperson and the Vice Chairperson.

''(C) VACANCY.—The Vice Chairperson shall act as Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

''(7) DESIGNATED FEDERAL OFFICER.—The Commandant (or the Commandant's designee) shall designate a Designated Federal Officer to the Committee in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

''(d) CONSULTATION.—The Commandant (or the Commandant's designee) shall, whenever practicable—

''(1) consult with the Committee before taking any significant action relating to the safe operation of vessels to which chapter 45 of this title applies;

''(2) consider the information, advice, and recommendations of the Committee in consulting with other agencies and the public or in formulating policy regarding the safe operation of vessels to which chapter 45 of this title applies;

''(3) make all recommendations made by the Committee in paragraph (b) public and available for comment within 30 days of receiving the recommendation from the Committee;

''(4) respond in writing to all public comments made regarding recommendations made by the Committee in paragraph (b);

''(5) respond in writing to any recommendations or resolutions made by the Committee in paragraph (b) and provide reasoning for acceptation or rejection to all recommendations within 60 days of receiving the recommendation; and

''(6) make all responses in paragraph (5) available to the Congress and the public at the time the response is transmitted.

''(e) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

''(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

''(2) TERMINATION.—The Committee shall terminate on September 30, 2027.

''§ 704. Great Lakes Pilotage Advisory Committee

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary shall establish a Great Lakes Pilotage Advisory Committee (referred to in this section as the 'Committee').

''(2) DUTIES.—The Committee—

''(A) may review proposed Great Lakes pilotage regulations and policies and make recommendations to the Secretary that the Committee considers appropriate;

''(B) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to Great Lakes pilotage;

''(C) may make available to the Congress recommendations that the Committee makes to the Secretary; and

''(D) shall meet at the call of—

''(i) the Secretary, who shall call such a meeting at least once during each calendar year; or

''(ii) a majority of the Committee.

''(b) ORGANIZATION.—

''(1) IN GENERAL.—

''(A) MEMBERSHIP.—The Committee shall consist of 7 members appointed by the Secretary in accordance with this subsection, each of whom has at least 5 years practical experience in maritime operations.

''(B) TERM.—The term of each member is for a period of not more than 5 years, specified by the Secretary.

''(C) NOTICE.—Before filling a position on the Committee, the Secretary shall publish a notice in the Federal Register soliciting nominations for membership on the Committee.

''(2) REPRESENTATION.—The membership of the Committee shall include—

''(A) the President of each of the 3 Great Lakes pilotage districts, or the President's representative;

''(B) 1 member representing the interests of vessel operators that contract for Great Lakes pilotage services;

''(C) 1 member representing the interests of Great Lakes ports;

''(D) 1 member representing the interests of shippers whose cargoes are transported through Great Lakes ports; and

''(E) a member with a background in finance or accounting, who—

''(i) must have been recommended to the Secretary by a unanimous vote of the other members of the Committee, and

''(ii) may be appointed without regard to requirement in paragraph (1) that each member have 5 years of practical experience in maritime operations.

''(c)(1) CHAIRPERSON; VICE CHAIRPERSON.—The Committee shall elect 1 of its members as the Chairperson and 1 of its members as the Vice Chairperson. The Vice Chairperson shall act as Chairperson in the absence or incapacity of the Chairperson, or in the event of a vacancy in the office of the Chairperson.

''(2) OBSERVER.—The Secretary shall, and any other interested agency may, designate a representative to participate as an observer with the Committee. The Secretary's designated representative shall act as the executive secretary of the Committee and shall perform the duties set forth in section 10(c) of the Federal Advisory Committee Act (5 U.S.C. App.).

''(d) RECOMMENDATIONS.—

''(1) IN GENERAL.—The Secretary shall, whenever practicable, consult with the Committee before taking any significant action relating to Great Lakes pilotage.

''(2) CONSIDERATION.—The Secretary shall consider the information, advice, and recommendations of the Committee in formulating policy regarding matters affecting Great Lakes pilotage.

''(3) APPROVAL.—Any recommendations to the Secretary under subsection (a)(2)(B) must have been approved by at least all but 1 of the members then serving on the Committee.

''(e)(1) COMPENSATION.—Notwithstanding section 701, a member of the Committee,

when attending meetings of the Committee or when otherwise engaged in the business of the Committee, is entitled to receive—

''(A) compensation at a rate fixed by the Secretary, not exceeding the daily equivalent of the current rate of basic pay in effect for GS-18 of the General Schedule under section 5332 of title 5 including travel time; and

''(B) travel or transportation expenses under section 5703 of title 5.

''(2) EMPLOYEE STATUS.—Notwithstanding section 701, a member of the Committee shall not be considered to be an officer or employee of the United States for any purpose based on their receipt of any payment under this subsection.

''(f) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

''(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) applies to the Committee, except that the Committee terminates on September 30, 2020.

''(2) RENEWAL.—2 years before the termination date set forth in paragraph (1) of this subsection, the Committee shall submit to the Congress its recommendation regarding whether the Committee should be renewed and continued beyond the termination date.

''§ 705. Lower Mississippi River Waterway Safety Advisory Committee

''(a) ESTABLISHMENT.—There is established a Lower Mississippi River Waterway Safety Advisory Committee (referred to in this section as the 'Committee').

''(b) FUNCTION.—The Committee, acting through the Commandant (or the Commandant's designee), is authorized to advise, consult with, report to, and make recommendations to the Secretary on matters relating to communication, surveillance, traffic management, anchorages, development and operation of New Orleans Vessel Traffic Services, and other related topics dealing with and actions relating to navigational safety on the Lower Mississippi River.

''(c) ORGANIZATION.—

''(1) MEETING.—The Committee shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant's designee).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Committee shall consist of 25 members.

''(B) EXPERIENCE.—Each member of the Committee shall have expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels on the Lower Mississippi River and its connecting navigable waterways, including the Gulf of Mexico.

''(C) POINTS OF VIEW.—Except as provided in subparagraph (D), each member of the Committee shall represent the point of view of an entity or group, as follows:

''(i) 5 members representing River Port Authorities between Baton Rouge, Louisiana, and the head of passes of the Lower Mississippi River, of which—

''(I) 1 member shall be from the Port of St. Bernard; and

''(II) 1 member from the Port of Plaquemines.

''(ii) 2 members representing vessel owners or ship owners domiciled in the State of Louisiana.

''(iii) 2 members representing organizations which operate harbor tugs or barge fleets in the geographical area covered by the Committee.

''(iv) 2 members representing companies which transport cargo or passengers on the navigable waterways in the geographical area covered by the Committee.

''(v) 3 members representing State Commissioned Pilot organizations, with 1 member each representing—

''(I) the New Orleans-Baton Rouge Steamship Pilots Association;

''(II) the Crescent River Port Pilots Association; and

''(III) the Association Branch Pilots.

''(vi) 3 members representing consumers, shippers, or importers and exporters that utilize vessels which utilize the navigable waterways covered by the Committee.

''(vii) 2 members representing those licensed merchant mariners, other than pilots, who perform shipboard duties on those vessels which utilize navigable waterways covered by the Committee.

''(viii) 1 member representing an organization that serves in a consulting or advisory capacity to the maritime industry.

''(ix) 1 member representing an environmental organization.

''(D) ADDITIONAL MEMBERS.—

''(i) IN GENERAL.—4 members of the Committee shall represent the general public.

''(ii) WATER TRANSPORTATION FACILITIES.—Whenever possible, 2 of the 4 members who represent the general public shall be individuals who utilize water transportation facilities located in the geographic area that the Committee covers.

''(3) STATUS OF MEMBERS.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 18—

''(A) each member of the Committee, whom the Secretary appoints to represent the point of view of an entity or group set out in paragraph (2)(C), is hereby deemed a representative of the member's respective special interest entity or group, and not a special Government employee (as defined in section 202(a) of title 18); and

''(B) each member of the Committee, whom the Secretary appoints to represent the general public, is hereby deemed a special Government employee (as defined in section 202(a) of title 18).

''(4) NOMINATIONS; APPOINTMENTS; SERVICE.—

''(A) NOMINATIONS.—As necessary, the Secretary shall publish, in the Federal Register, a notice soliciting nominations for membership on the Committee.

''(B) APPOINTMENTS.—

''(i) IN GENERAL.—After timely notice is published, the Secretary shall, as necessary, appoint members to the Committee.

''(ii) LIMITATIONS.—The Secretary may not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to the Committee.

''(iii) REAPPOINTMENTS.—The Secretary may reappoint a member to the Committee more than once.

''(C) SERVICE.—Each member of the Committee shall serve at the pleasure of the Secretary.

''(5) TERM; VACANCY.—

''(A) TERM.—

''(i) IN GENERAL.—The term of each member of the Committee shall expire on December 31 of the third full year after the effective date of the appointment.

''(ii) EXTENSION.—Notwithstanding clause (i), paragraph (4), or any other provision of law or policy, the Commandant (or the Commandant's designee) may extend the term of a member of the Committee to December 31 of the fifth full year after the effective date of the appointment.

''(B) VACANCY.—In the case of an appointment to fill a vacancy on the Committee, the Secretary shall appoint an individual for a full term.

''(6) CHAIRPERSON; VICE CHAIRPERSON.—

''(A) IN GENERAL.—The Commandant (or the Commandant's designee) shall designate 1 member of the Committee as the Chairperson and another member of the Committee as the Vice Chairperson, both of whom shall serve in such capacity at the pleasure of the Commandant (or the Commandant's designee) and for a term to be fixed by the Commandant (or the Commandant's designee).

''(B) RECOMMENDATIONS.—The Commandant (or the Commandant's designee) may solicit, from the Committee, recommendations with regard to the members whom the Commandant (or the Commandant's designee) shall designate as the Chairperson and the Vice Chairperson.

''(C) VACANCY.—The Vice Chairperson shall act as Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

''(7) DESIGNATED FEDERAL OFFICER.—The Commandant (or the Commandant's designee) shall designate a Designated Federal Officer to the Committee in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

''(d) CONSULTATION.—The Commandant (or the Commandant's designee) shall, whenever practicable, consult with the Committee before taking any significant action relating to navigation safety in the Lower Mississippi River.

''(e) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

''(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

''(2) TERMINATION.—The Committee shall terminate on September 30, 2027.

''§ 706. Merchant Marine Personnel Advisory Committee

''(a) ESTABLISHMENT.—There is established a Merchant Marine Personnel Advisory Committee (referred to in this section as the 'Committee').

''(b) FUNCTION.—The Committee, acting through the Commandant (or the Commandant's designee), is authorized to advise, consult with, report to, and make recommendations to the Secretary on matters relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards.

''(c) MEETING.—The Committee shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant's designee).

''(d) MEMBERSHIP.—

''(1) IN GENERAL.—The Committee shall consist of 19 members.

''(2) POINTS OF VIEW.—Except as provided in subparagraph (C), each member of the Committee shall represent the point of view of an entity or group, as follows:

''(A) 9 members representing the interests of mariners—

''(i) each of whom—

''(I) shall be a citizen of the United States; and

''(II) shall hold an active license or certificate issued under chapter 71 of this title or a merchant mariner document issued under chapter 73 of this title; and

''(ii) among whom shall be—

''(I) 3 deck officers representing the interests of merchant marine deck officers, of whom—

''(aa) 2 shall be licensed for oceans any gross tons;

''(bb) 1 shall be licensed for inland river route with a limited or unlimited tonnage;

''(cc) 2 shall have a master's license or a master of towing vessels license;

''(dd) 1 shall have significant tanker experience; and

''(ee) to the extent practicable—

''(AA) 1 shall represent the interests of labor; and

''(BB) 1 shall represent the interests of management;

''(II) 3 engineering officers representing the interests of merchant marine engineering officers, of whom—

''(aa) 2 shall be licensed as chief engineer any horsepower;

''(bb) 1 shall be licensed as either a limited chief engineer or a designated duty engineer; and

''(cc) to the extent practicable—

''(AA) 1 shall represent the interests of labor; and

''(BB) 1 shall represent the interests of management;

''(III) 2 unlicensed seamen, of whom—

''(aa) 1 shall represent the interests of able-bodied seamen; and

''(bb) 1 shall represent the interests of qualified members of the engine department; and

''(IV) 1 pilot representing the interests of merchant marine pilots.

''(B) 6 members representing the interests of marine educators—

''(i) each of whom shall be a marine educator; and

''(ii) among whom shall be—

''(I) 3 marine educators who shall represent the interests of maritime academies, including—

''(aa) 2 who shall represent the interests of State maritime academies; and

''(bb) 1 who shall represent either the viewpoint of the State maritime academies or the United States Merchant Marine Academy; and

''(II) 3 marine educators who shall represent the interests of other maritime training institutions, 1 of whom shall represent the interests of the small vessel industry.

''(C) 2 members representing the interests of shipping companies employed in ship operation management.

''(D) 2 members of the Committee shall represent the general public.

''(3) STATUS OF MEMBERS.—

''(A) IN GENERAL.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 18—

''(i) a member of the Committee, whom the Secretary appoints to represent the point of view of an entity or group set out in paragraph (2)(B), is hereby deemed a representative of the member's respective special interest entity or group, and not a special Government employee (as defined in section 202(a) of title 18); and

''(ii) a member of the Committee, whom the Secretary appoints to represent the general public, is hereby deemed a special Government employee (as defined in section 202(a) of title 18).

''(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the nomination or appointment of a Federal employee to serve as a member of the Committee representing the interests of the United States Merchant Marine Academy.

''(4) NOMINATIONS; APPOINTMENTS; SERVICE.—

''(A) NOMINATIONS.—As necessary, the Secretary shall publish, in the Federal Register, a notice soliciting nominations for membership on the Committee.

''(B) APPOINTMENTS.—

''(i) IN GENERAL.—After timely notice is published, the Secretary shall, as necessary, appoint members to the Committee.

''(ii) LIMITATIONS.—The Secretary may not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to the Committee.

''(iii) REAPPOINTMENT.—The Secretary may reappoint a member to the Committee more than once.

''(C) SOLICITING NOMINATIONS.—Notwithstanding subparagraphs (A) and (B), the Secretary may—

''(i) with regard to the appointment of a member or members to represent the interests of the State maritime academies, solicit nominations for membership on the Committee from each State maritime academy or a joint nomination from some or all State maritime academies; and

''(ii) with regard to the appointment of a member to represent the interests of the United States Merchant Marine Academy, solicit a nomination for membership on the Committee from the Secretary of Transportation.

''(D) SERVICE.—Each member of the Committee shall serve at the pleasure of the Secretary.

''(5) TERM; VACANCY.—

''(A) TERM.—

''(i) IN GENERAL.—The term of each member of the Committee shall expire on December 31 of the third full year after the effective date of the appointment.

''(ii) EXTENSIONS.—Notwithstanding clause (i), paragraph (4), or any other provision of law or policy, the Commandant (or the Commandant's designee) may extend the term of a member of the Committee to December 31 of the fifth full year after the effective date of the appointment.

''(iii) VACANCY.—In the case of an appointment to fill a vacancy on the Committee, the Secretary shall appoint an individual for a full term.

''(6) CHAIRPERSON; VICE CHAIRPERSON.—

''(A) IN GENERAL.—The Commandant (or the Commandant's designee) shall designate 1 member of the Committee as the Chairperson and another member of the Committee as the Vice Chairperson, both of whom shall serve in such capacity at the pleasure of the Commandant (or the Commandant's designee) and for a term to be fixed by the Commandant (or the Commandant's designee).

''(B) RECOMMENDATIONS.—The Commandant (or the Commandant's designee) may solicit, from the Committee, recommendations with regard to the members whom the Commandant (or the Commandant's designee) shall designate as the Chairperson and the Vice Chairperson.

''(C) VACANCY.—The Vice Chairperson shall act as Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

''(7) DESIGNATED FEDERAL OFFICER.—The Commandant (or the Commandant's designee) shall designate a Designated Federal Officer to the Committee in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

''(e) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

''(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

''(2) TERMINATION.—The Committee shall terminate on September 30, 2027.

''§ 707. Merchant Mariner Medical Advisory Committee

''(a) ESTABLISHMENT.—There is established a Merchant Mariner Medical Advisory Committee (referred to in this section as the 'Committee').

''(b) FUNCTION.—The Committee, acting through the Commandant (or the Commandant's designee), is authorized to advise, consult with, report to, and make recommendations to the Secretary on matters relating to—

''(1) medical certification determinations of merchant mariners;

''(2) medical standards and guidelines for the physical qualifications of operators of commercial vessels;

''(3) medical examiner education; and

''(4) medical research.

''(c) ORGANIZATION.—

''(1) MEETING.—The Committee shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant's designee).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Committee shall consist of 14 members.

''(B) RESTRICTION.—No member of the Committee shall be a regular Federal employee.

''(C) EXPERIENCE.—Of the members of the Committee—

''(i) 10 members shall be healthcare professionals with particular expertise, knowledge, or experience regarding the medical examinations of merchant mariners or occupational medicine; and

''(ii) 4 members shall be professional mariners with knowledge and experience in mariners' occupational requirements.

''(3) STATUS OF MEMBERS.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 18, each member of the Committee is hereby deemed a special Government employee (as defined in section 202(a) of title 18).

''(4) NOMINATIONS; APPOINTMENTS; SERVICE.—

''(A) NOMINATIONS.—As necessary, the Secretary shall publish, in the Federal Register, a notice soliciting nominations for membership on the Committee.

''(B) APPOINTMENTS.—

''(i) IN GENERAL.—After timely notice is published, the Secretary shall, as necessary, appoint members to the Committee.

''(ii) LIMITATIONS.—The Secretary may not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to the Committee.

''(iii) REAPPOINTMENTS.—The Secretary may reappoint a member to the Committee more than once.

''(C) SERVICE.—Each member of the Committee shall serve at the pleasure of the Secretary.

''(5) TERM; VACANCY.—

''(A) TERM.—

''(i) IN GENERAL.—The term of each member of the Committee shall expire on December 31 of the third full year after the effective date of the appointment.

''(ii) EXTENSIONS.—Notwithstanding clause (i), paragraph (4), or any other provision of law or policy, the Commandant (or the Commandant's designee) may extend the term of a member of the Committee to December 31 of the fifth full year after the effective date of the appointment.

''(iii) VACANCY.—In the case of an appointment to fill a vacancy on the Committee, the Secretary shall appoint an individual for a full term.

''(6) CHAIRPERSON; VICE CHAIRPERSON.—

''(A) IN GENERAL.—The Commandant (or the Commandant's designee) shall designate 1 member of the Committee as the Chairperson and another member of the Committee as the Vice Chairperson, both of whom shall serve in such capacity at the pleasure of the Commandant (or the Commandant's designee) and for a term to be fixed by the Commandant (or the Commandant's designee).

''(B) RECOMMENDATIONS.—The Commandant (or the Commandant's designee) may solicit, from the Committee, recommendations with regard to the members whom the Commandant (or the Commandant's designee) shall designate as the Chairperson and the Vice Chairperson.

''(C) VACANCY.—The Vice Chairperson shall act as Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

''(7) DESIGNATED FEDERAL OFFICER.—The Commandant (or the Commandant's designee) shall designate a Designated Federal Officer to the Committee in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

''(d) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

''(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

''(2) TERMINATION.—The Committee shall terminate on September 30, 2027.

''§ 708. National Boating Safety Advisory Council

''(a) ESTABLISHMENT.—There is established a National Boating Safety Advisory Council (referred to in this section as the 'Council').

''(b) ORGANIZATION.—

''(1) MEETING.—The Council shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant's designee).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Council shall consist of 21 members.

''(B) EXPERIENCE.—Each member of the Council shall have particular expertise, knowledge, and experience in recreational boating safety.

''(C) POINTS OF VIEW.—Except as provided in subparagraph (D), each member of the Council shall represent the point of view of an entity or group, as follows:

''(i) 7 members representing State officials responsible for State boating safety programs.

''(ii) 7 members representing manufacturers, wholesale distributors, or retail distributors of recreational vessels or associated equipment.

''(iii) At least 5 members representing national recreational boating organizations.

''(D) ADDITIONAL MEMBERS.—Not more than 2 members of the Council may represent the general public.

''(E) PANELS.—Additional individuals from an entity or group set out in subparagraph (C) may be appointed to panels of the Council to assist the Council in performing its duties.

''(3) STATUS OF MEMBERS.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 18—

''(A) a member of the Council, whom the Secretary appoints to represent the point of view of an entity or group set out in paragraph (2)(C), is hereby deemed a representative of the member's respective special interest entity or group, and not a special Government employee (as defined in section 202(a) of title 18); and

''(B) in the event that the Secretary appoints a member to represent the general public, such member of the Council is hereby deemed a special Government employee (as defined in section 202(a) of title 18).

''(4) NOMINATIONS; APPOINTMENTS; SERVICE.—

''(A) NOMINATIONS.—As necessary, the Secretary shall publish, in the Federal Register, a notice soliciting nominations for membership on the Council.

''(B) APPOINTMENTS.—

''(i) IN GENERAL.—After timely notice is published, the Secretary shall, as necessary, appoint members to the Council.

''(ii) LIMITATIONS.—The Secretary may not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to the Council.

''(iii) VACANCY.—The Secretary may reappoint a member to the Council more than once.

''(C) SERVICE.—Each member of the Council shall serve at the pleasure of the Secretary.

''(5) TERM; VACANCY.—

''(A) TERM.—

''(i) IN GENERAL.—The term of each member of the Council shall expire on December 31 of the third full year after the effective date of the appointment.

''(ii) EXTENSIONS.—Notwithstanding clause (1), paragraph (4), or any other provision of law or policy, the Commandant (or the Commandant's designee) may extend the term of a member of the Council to December 31 of the fifth full year after the effective date of the appointment.

''(iii) VACANCY.—In the case of an appointment to fill a vacancy on the Council, the Secretary shall appoint an individual for a full term.

''(6) CHAIRPERSON; VICE CHAIRPERSON.—

''(A) IN GENERAL.—The Commandant (or the Commandant's designee) shall designate 1 member of the Council as the Chairperson and another member of the Council as the Vice Chairperson, both of whom shall serve in such capacity at the pleasure of the Commandant (or the Commandant's designee) and for a term to be fixed by the Commandant (or the Commandant's designee).

''(B) RECOMMENDATIONS.—The Commandant (or the Commandant's designee) may solicit, from the Council, recommendations with regard to the members whom the Commandant (or the Commandant's designee) shall designate as the Chairperson and the Vice Chairperson.

''(C) VACANCY.—The Vice Chairperson shall act as Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

''(7) DESIGNATED FEDERAL OFFICER.—The Commandant (or the Commandant's designee) shall designate a Designated Federal Officer to the Council in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

''(c) CONSULTATION.—In addition to the consultation required by section 4302 of this title, the Commandant (or the Commandant's designee) shall, whenever practicable, consult with the Council on boating safety matters related to chapter 131 of this title.

''(d) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

''(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Council.

''(2) TERMINATION.—The Council shall terminate on September 30, 2027.

''§ 709. National Maritime Security Advisory Committee

''(a) ESTABLISHMENT.—There is established a National Maritime Security Advisory Committee (referred to in this section as the 'Committee').

''(b) FUNCTION.—The Committee, acting through the Commandant (or the Commandant's designee), is authorized to advise, consult with, report to, and make recommendations to the Secretary on matters relating to national maritime security.

''(c) ORGANIZATION.—

''(1) MEETING.—The Committee shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant's designee).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Committee shall consist of not less than 8 members, but not more than 21 members.

''(B) EXPERIENCE.—Each member of the Committee shall have at least 5 years practical experience in maritime security operations.

''(C) POINTS OF VIEW.—Each member of the Committee shall represent the point of view of an entity or group, as follows:

''(i) At least 1 member representing the port authorities.

''(ii) At least 1 member representing the facilities owners or operators.

''(iii) At least 1 member representing the terminal owners or operators.

''(iv) At least 1 member representing the vessel owners or operators.

''(v) At least 1 member representing the maritime labor organizations.

''(vi) At least 1 member representing the academic community.

''(vii) At least 1 member representing State or local governments.

''(viii) At least 1 member representing the maritime industry.

''(ix) Not more than 4 members, each representing an entity or group, the point of view of which or the area of expertise of which the Commandant (or the Commandant's designee) determines would aid the Committee's deliberations.

''(3) STATUS OF MEMBERS.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 18, each member of the Committee is hereby deemed a representative of the member's respective special interest entity or group, and not a special Government employee (as defined in section 202(a) of title 18).

''(4) NOMINATIONS; APPOINTMENTS; SERVICE.—

''(A) NOMINATIONS.—As necessary, the Secretary shall publish in the Federal Register, a notice soliciting nominations for membership on the Committee.

''(B) APPOINTMENTS.—

''(i) IN GENERAL.—After timely notice is published, the Secretary shall appoint members to the Committee.

''(ii) LIMITATIONS.—The Secretary may not seek, consider, or otherwise use information concerning the political affiliation of an individual in making an appointment to the Committee.

''(iii) REAPPOINTMENTS.—The Secretary may reappoint a member to the Committee more than once.

''(C) SERVICE.—Each member of the Committee shall serve at the pleasure of the Secretary.

''(D) BACKGROUND EXAMINATIONS.—The Secretary may require an individual to have passed an appropriate security background examination before appointment to the Committee.

''(5) TERM; VACANCY.—

''(A) TERM.—

''(i) IN GENERAL.—The term of each member of the Committee shall expire on December 31 of the third full year after the effective date of the appointment.

''(ii) EXTENSIONS.—Notwithstanding clause (i), paragraph (4), or any other provision of law or policy, the Commandant (or the Commandant's designee) may extend the term of a member of the Committee to December 31 of the fifth full year after the effective date of the appointment.

''(iii) VACANCY.—In the case of an appointment to fill a vacancy on the Committee, the Secretary shall appoint an individual for a full term.

''(6) CHAIRPERSON; VICE CHAIRPERSON.—

''(A) IN GENERAL.—The Commandant (or the Commandant's designee) shall designate 1 member of the Committee as the Chairperson and another member of the Committee as the Vice Chairperson, both of whom shall serve in such capacity at the pleasure of the Commandant (or the Commandant's designee) and for a term to be fixed by the Commandant (or the Commandant's designee).

''(B) RECOMMENDATIONS.—The Commandant (or the Commandant's designee) may solicit, from the Committee, recommendations with regard to the members whom the Commandant (or the Commandant's designee) shall designate as the Chairperson and the Vice Chairperson.

''(C) VACANCY.—The Vice Chairperson shall act as Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

''(7) DESIGNATED FEDERAL OFFICER.—The Commandant (or the Commandant's designee) shall designate a Designated Federal Officer to the Committee in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

''(d) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

''(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

''(2) TERMINATION.—The Committee shall terminate on September 30, 2027.

''§ 710. National Offshore Safety Advisory Committee

''(a) ESTABLISHMENT.—There is established a National Offshore Safety Advisory Committee (referred to in this section as the 'Committee').

''(b) FUNCTION.—The Committee, acting through the Commandant (or the Commandant's designee), is authorized to advise, consult with, report to, and make recommendations to the Secretary on matters relating to activities directly involved with, or in support of, the exploration of offshore mineral and energy resources insofar as such activities relate to matters within Coast Guard jurisdiction.

''(c) ORGANIZATION.—

''(1) MEETING.—The Committee shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant's designee).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Committee shall consist of 15 members.

''(B) POINTS OF VIEW.—Except as provided in subparagraph (C), each member of the Committee shall represent the point of view of an entity or group, as follows:

''(i) 2 members representing companies, organizations, enterprises, or similar entities engaged in the production of petroleum.

''(ii) 2 members representing companies, organizations, enterprises, or similar entities engaged in offshore drilling.

''(iii) 2 members representing companies, organizations, enterprises or similar entities engaged in the support, by offshore supply vessels or other vessels, of offshore operations.

''(iv) 1 member representing a company, organization, enterprise or similar entity engaged in the construction of offshore facilities.

''(v) 1 member representing a company, organization, enterprise or similar entity providing diving services to the offshore industry.

''(vi) 1 member representing a company, organization, enterprise or similar entity providing safety and training services to the offshore industry.

''(vii) 1 member representing a company, organization, enterprise or similar entity providing subsea engineering, construction or remotely operated vehicle support to the offshore industry.

''(viii) 2 members representing employees of companies, organizations, enterprises or similar entities engaged in offshore operations, 1 of whom should have recent practical experience on vessels or units involved in the offshore industry.

''(ix) 1 member representing a company, organization, enterprise or similar entity providing environmental protection, compliance or response services to the offshore industry.

''(x) 1 member representing a company, organization, enterprise or similar entity engaged in offshore oil exploration or production on the Outer Continental Shelf of Alaska.

''(C) ADDITIONAL MEMBER.—1 member of the Committee shall represent the general public.

''(3) STATUS OF MEMBERS.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 18—

''(A) a member of the Committee, whom the Secretary appoints to represent the point of view of an entity or group set out in paragraph (2)(C), is hereby deemed a representative of the member's respective special interest entity or group, and not a special Government employee (as defined in section 202(a) of title 18); and

''(B) a member of the Committee, whom the Secretary appoints to represent the general public, is hereby deemed a special Government employee (as defined in section 202(a) of title 18).

''(4) NOMINATIONS; APPOINTMENTS; SERVICE.—

''(A) NOMINATIONS.—As necessary, the Secretary shall publish, in the Federal Register, a notice soliciting nominations for membership on the Committee.

''(B) APPOINTMENTS.—

''(i) IN GENERAL.—After timely notice is published, the Secretary shall, as necessary, appoint members to the Committee.

''(ii) LIMITATIONS.—The Secretary may not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to the Committee.

''(iii) REAPPOINTMENTS.—The Secretary may reappoint a member to the Committee more than once.

''(C) SERVICE.—Each member of the Committee shall serve at the pleasure of the Secretary.

''(5) TERM; VACANCY.—

''(A) TERM.—

''(i) IN GENERAL.—The term of each member of the Committee shall expire on December 31 of the third full year after the effective date of the appointment.

''(ii) EXTENSIONS.—Notwithstanding clause (i), paragraph (4), or any other provision of law or policy, the Commandant (or the Commandant's designee) may extend the term of a member of the Committee to December 31 of the fifth full year after the effective date of the appointment.

''(iii) VACANCY.—In the case of an appointment to fill a vacancy on the Committee, the Secretary shall appoint an individual for a full term.

''(6) CHAIRPERSON; VICE CHAIRPERSON.—

''(A) IN GENERAL.—The Commandant (or the Commandant's designee) shall designate one member of the Committee as the Chairperson and another member of the Committee as the Vice Chairperson, both of whom shall serve in such capacity at the pleasure of the Commandant (or the Commandant's designee) and for a term to be fixed by the Commandant (or the Commandant's designee).

''(B) RECOMMENDATIONS.—The Commandant (or the Commandant's designee) may solicit, from the Committee, recommendations with regard to the members whom the Commandant (or the Commandant's designee) shall designate as the Chairperson and the Vice Chairperson.

''(C) VACANCY.—The Vice Chairperson shall act as Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

''(7) DESIGNATED FEDERAL OFFICER.—The Commandant (or the Commandant's designee) shall designate a Designated Federal Officer to the Committee in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

''(d) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

''(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

''(2) TERMINATION.—The Committee shall terminate on September 30, 2027.

''§ 711. Navigation Safety Advisory Council

''(a) ESTABLISHMENT.—There is established a Navigation Safety Advisory Council (referred to in this section as the 'Council').

''(b) FUNCTION.—The Council, acting through the Commandant (or the Commandant's designee), is authorized to advise, consult with, report to, and make recommendations to the Secretary on matters relating to maritime collisions, rammings and groundings, Inland Rules of the Road, International Rules of the Road, navigation regulations and equipment, routing measures, marine information, and aids to navigation systems.

''(c) ORGANIZATION.—

''(1) MEETING.—The Council shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant's designee).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Council shall consist of not more than 21 members.

''(B) EXPERIENCE.—Each member of the Council shall have expertise in Inland and International vessel navigation Rules of the Road, aids to maritime navigation, maritime law, vessel safety, or port safety.

''(C) POINTS OF VIEW.—Each member of the Council shall represent the point of view of one of the following entities or groups:

''(i) Commercial vessel owners or operators.

''(ii) Professional mariners.

''(iii) Recreational boaters.

''(iv) State agencies responsible for vessel or port safety.

''(v) The Maritime Law Association.

''(vi) Recreational boating industry.

''(3) STATUS OF MEMBERS.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 18, each member of the Council is hereby deemed a representative of the member's respective special interest entity or group, and not a special Government employee (as defined in section 202(a) of title 18).

''(4) NOMINATIONS; APPOINTMENTS; SERVICE.—

''(A) NOMINATIONS.—As necessary, the Secretary shall publish, in the Federal Register, a notice soliciting nominations for membership on the Council.

''(B) APPOINTMENTS.—

''(i) IN GENERAL.—After timely notice is published, the Secretary shall, as necessary, appoint members to the Council.

''(ii) LIMITATIONS.—The Secretary may not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to the Council.

''(iii) REAPPOINTMENTS.—The Secretary may reappoint a member to the Council more than once.

''(C) SERVICE.—Each member of the Council shall serve at the pleasure of the Secretary.

''(5) TERM; VACANCY.—

''(A) TERM.—

''(i) IN GENERAL.—The term of each member of the Council shall expire on December 31 of the third full year after the effective date of the appointment.

''(ii) EXTENSIONS.—Notwithstanding clause (i), paragraph (4), or any other provision of law or policy, the Commandant (or the Commandant's designee) may extend the term of a member of the Council to December 31 of the fifth full year after the effective date of the appointment.

''(iii) REAPPOINTMENTS.—In the case of an appointment to fill a vacancy on the Council, the Secretary shall appoint an individual for a full term.

''(6) CHAIRPERSON; VICE CHAIRPERSON.—

''(A) IN GENERAL.—The Commandant (or the Commandant's designee) shall designate 1 member of the Council as the Chairperson and another member of the Council as the Vice Chairperson, both of whom shall serve in such capacity at the pleasure of the Commandant (or the Commandant's designee) and for a term to be fixed by the Commandant (or the Commandant's designee).

''(B) RECOMMENDATIONS.—The Commandant (or the Commandant's designee) may solicit, from the Council, recommendations with regard to the members whom the Commandant (or the Commandant's designee) shall designate as the Chairperson and the Vice Chairperson.

''(C) VACANCY.—The Vice Chairperson shall act as Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

''(7) DESIGNATED FEDERAL OFFICER.—The Commandant (or the Commandant's designee) shall designate a Designated Federal Officer to the Council in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

''(d) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

''(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Council.

''(2) TERMINATION.—The Council shall terminate on September 30, 2027.

''§ 712. Towing Safety Advisory Committee

''(a) ESTABLISHMENT.—There is established a Towing Safety Advisory Committee (referred to in this section as the 'Committee').

''(b) FUNCTION.—The Committee, acting through the Commandant (or the Commandant's designee), is authorized to advise, consult with, report to, and make recommendations to the Secretary on matters relating to shallow-draft inland navigation, coastal waterway navigation, and towing safety.

''(c) ORGANIZATION.—

''(1) MEETING.—The Committee shall, at least once each calendar year, meet at the call of the Commandant (or the Commandant's designee).

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Committee shall consist of 18 members.

''(B) EXPERIENCE.—Each member of the Committee shall have particular expertise, knowledge, and experience regarding—

''(i) shallow-draft inland navigation or coastal waterway navigation; and

''(ii) towing safety.

''(C) POINTS OF VIEW.—Except as provided in subparagraph (D), each member of the Committee shall represent the point of view of an entity or group, as follows:

''(i) 7 members representing the barge and towing industry, reflecting a regional geographic balance.

''(ii) 1 member representing the offshore mineral and oil supply vessel industry.

''(iii) 1 member representing Masters or Pilots of towing vessels who have experience on the Western Rivers and the Gulf Intracoastal Waterway.

''(iv) 1 member representing Masters of towing vessels who have experience in offshore service.

''(v) 1 member representing Masters of towing vessels who have experience in harbor-assist operations.

''(vi) 1 member representing towing vessel engineers.

''(vii) 2 members representing port districts, authorities, or terminal operators.

''(viii) 1 member representing shippers.

''(ix) 1 member representing shippers who are engaged in the chartering or shipping of oil or hazardous materials by barge.

''(D) ADDITIONAL MEMBERS.—2 members of the Committee shall represent the general public.

''(3) STATUS OF MEMBERS.—For the purposes of Federal law, including the Ethics in Government Act of 1978 and chapter 11 of title 18—

''(A) a member of the Committee, whom the Secretary appoints to represent the point of view of an entity or group set out in paragraph (2)(C), is hereby deemed a representative of the member's respective special interest entity or group, and not a special Government employee (as defined in section 202(a) of title 18); and

''(B) a member of the Committee, whom the Secretary appoints to represent the general public, is hereby deemed a special Government employee (as defined in section 202(a) of title 18).

''(4) NOMINATIONS; APPOINTMENTS; SERVICE.—

''(A) NOMINATIONS.—As necessary, the Secretary shall publish, in the Federal Register, a notice soliciting nominations for membership on the Committee.

''(B) APPOINTMENTS.—

''(i) IN GENERAL.—After timely notice is published, the Secretary shall, as necessary, appoint members to the Committee.

''(ii) LIMITATIONS.—The Secretary may not seek, consider, or otherwise use information concerning the political affiliation of an individual in making an appointment to the Committee.

''(iii) REAPPOINTMENTS.—The Secretary may reappoint a member to the Committee more than once.

''(C) SERVICE.—Each member of the Committee shall serve at the pleasure of the Secretary.

''(5) TERM; VACANCY.—

''(A) TERM.—

''(i) IN GENERAL.—The term of each member of the Committee shall expire on December 31 of the third full year after the effective date of the appointment.

''(ii) EXTENSIONS.—Notwithstanding clause (i), paragraph (4), or any other provision of law or policy, the Commandant (or the Commandant's designee) may extend the term of a member of the Committee to December 31 of the fifth full year after the effective date of the appointment.

''(iii) VACANCY.—In the case of an appointment to fill a vacancy on the Committee, the Secretary shall appoint an individual for a full term.

''(6) CHAIRPERSON; VICE CHAIRPERSON.—

''(A) IN GENERAL.—The Commandant (or the Commandant's designee) shall designate 1 member of the Committee as the Chairperson and another member of the Committee as the Vice Chairperson, both of whom shall serve in such capacity at the pleasure of the Commandant (or the Commandant's designee) and for a term to be fixed by the Commandant (or the Commandant's designee).

''(B) RECOMMENDATIONS.—The Commandant (or the Commandant's designee) may solicit, from the Committee, recommendations with regard to the members whom the Commandant (or the Commandant's designee) shall designate as the Chairperson and the Vice Chairperson.

''(C) VACANCY.—The Vice Chairperson shall act as Chairperson in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairperson.

''(7) DESIGNATED FEDERAL OFFICER.—The Commandant (or the Commandant's designee) shall designate a Designated Federal Officer to the Committee in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

''(d) CONSULTATION.—The Commandant (or the Commandant's designee) shall, whenever practicable, consult with the Committee before taking any significant action affecting shallow-draft inland navigation, coastal waterway navigation, and towing safety.

''(e) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION.—

''(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

''(2) TERMINATION.—The Committee shall terminate on September 30, 2027.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CHAPTERS.—The table of chapters for subtitle I of title 46, United States Code, is amended by adding at the end the following:

''7. Coast Guard advisory committees 701.''

(2) COMMERCIAL FISHING SAFETY ADVISORY COMMITTEE.—

(A) REPEAL.—Section 4508 of title 46, United States Code, is repealed.

(B) TABLE OF CONTENTS.—The table of contents of chapter 45 of title 46, United States Code, is amended by striking the item relating to section 4508.

(3) GREAT LAKES PILOTAGE ADVISORY COMMITTEE.—

(A) REPEAL.—Section 9307 of title 46, United States Code, is repealed.

(B) TABLE OF CONTENTS.—The table of contents of chapter 93 of title 46, United States Code, is amended by striking the item relating to section 9307.

(4) LOWER MISSISSIPPI RIVER WATERWAY SAFETY ADVISORY COMMITTEE.—Section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102–241; 105 Stat. 2215) is repealed.

(5) MERCHANT MARINE PERSONNEL ADVISORY COMMITTEE.—

(A) REPEAL.—Section 8108 of title 46, United States Code, is repealed.

(B) TABLE OF CONTENTS.—The table of contents of chapter 81 of title 46, United States Code, is amended by striking the item relating to section 8108.

(6) MERCHANT MARINER MEDICAL ADVISORY COMMITTEE.—

(A) REPEAL.—Section 7115 of title 46, United States Code, is repealed.

(B) TABLE OF CONTENTS.—The table of contents of chapter 71 of title 46, United States Code, is amended by striking the item relating to section 7115.

(7) NATIONAL BOATING SAFETY ADVISORY COUNCIL.—

(A) REPEAL.—Section 13110 of title 46, United States Code, is repealed.

(B) TABLE OF CONTENTS.—The table of contents of chapter 131 of title 46, United States Code, is amended by striking the item relating to section 13110.

(C) TECHNICAL AMENDMENT.—Section 4302(c)(4) of title 46, United States Code, is amended by striking ''13110'' and inserting ''708''.

(8) NATIONAL MARITIME SECURITY ADVISORY COMMITTEE.—Section 109(a)(1) of the Maritime Transportation Security Act of 2002 (46 U.S.C. 70101 note) is amended by striking ''section 70112 of title 46, United States Code, as amended by this Act'' and inserting ''section 709 of title 46, United States Code''.

(9) NAVIGATION SAFETY ADVISORY COUNCIL.—Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is repealed.

(10) TOWING SAFETY ADVISORY COMMITTEE.—The Act to establish a Towing Safety Advisory Committee in the Department of Transportation, approved October 6, 1980, (33 U.S.C. 1231a) is repealed.

(c) AREA MARITIME SECURITY ADVISORY COMMITTEES.—

(1) IN GENERAL.—Section 70112 of title 46, United States Code, is amended—

(A) in the heading, by striking ''**Maritime Security Advisory Committees**'' and inserting ''**Area Maritime Security Advisory Committees**'';

(B) by amending subsection (a) to read as follows:

''(a) ESTABLISHMENT OF COMMITTEES.—

''(1) The Secretary may—

''(A) establish an Area Maritime Security Advisory Committee for any port area of the United States; and

''(B) request an Area Maritime Security Committee to review the proposed Area Maritime Transportation Security Plan developed under section 70103(b) and make recommendations to the Secretary that the Committee considers appropriate.

''(2) Each Area Maritime Security Advisory Committee—

''(A) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to maritime security in that area;

''(B) may make available to the Congress recommendations that the Committee makes to the Secretary; and

''(C) shall meet at the call of—

''(i) the Secretary, who shall call such a meeting at least once during each calendar year; or

''(ii) a majority of the Committee.'';

(C) in subsection (b)—

(i) in paragraph (1), by striking ''of the committees'' and inserting ''Area Maritime Security Advisory Committee'';

(ii) in paragraph (3)—

(I) by striking ''such a committee'' and inserting ''an Area Maritime Security Advisory Committee''; and

(II) by striking ''the committee'' and inserting ''an Area Maritime Security Advisory Committee'';

(iii) in paragraph (4), by striking ''the Committee'' and inserting ''an Area Maritime Security Advisory Committee''; and

(iv) in paragraph (5)—

(I) by striking subparagraph (A); and

(II) in subparagraph (B), by striking ''(B)'' and indenting appropriately;

(D) in subsection (c)(1), by striking ''committee'' and inserting ''Area Maritime Security Advisory Committee'';

(E) by striking subsection (d);

(F) by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively;

(G) in subsection (d), as redesignated—

(i) by striking ''the Committee'' and inserting ''an Area Maritime Security Advisory Committee''; and

(ii) by striking the period at the end and inserting ''for an area.'';

(H) in subsection (e), as redesignated—

(i) in paragraph (1), by striking ''a committee'' and inserting ''an Area Maritime Security Advisory Committee''; and

(ii) in paragraph (2), by striking ''such a committee'' and inserting ''an Area Maritime Security Advisory Committee''; and

(I) by amending subsection (f), as redesignated, to read as follows:

''(f) FEDERAL ADVISORY COMMITTEE ACT; TERMINATION DATE.—

''(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to Area Maritime Security Advisory Committees established under this section.

''(2) TERMINATION.—The Area Maritime Security Advisory Committees shall terminate on September 30, 2027.''.

(d) TABLE OF CONTENTS.—The table of contents of chapter 701 of title 46, United States Code, is amended in the item relating to section 70112 by striking ''Maritime Security Advisory Committees'' and inserting ''Area Maritime Security Advisory Committees''.

(e) HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE; REPEAL.—Section 18 of the Coast Guard Authorization Act of 1991 (Public Law 102–241; 105 Stat. 2213) is repealed.

(f) TRANSITION OF COAST GUARD ADVISORY COMMITTEES.—

(1) IN GENERAL.—Notwithstanding the amendments made under subsections (b) and (c) of this section, an advisory committee described in paragraph (2) of this subsection shall continue to be subject to the requirements under law to which such advisory committee was subject as in effect on the day before the date of enactment of this Act, including its charter, and the members appointed to such advisory committee shall continue to serve pursuant thereto, until the Secretary of the department in which the Coast Guard is operating makes the applicable appointments under sections 702 through 712 of title 46, United States Code.

(2) COAST GUARD ADVISORY COMMITTEES.—An advisory committee described in this paragraph is as follows:

(A) Chemical Transportation Advisory Committee.

(B) Commercial Fishing Safety Advisory Committee established under section 4508 of title 46, United States Code.

(C) Great Lakes Pilotage Advisory Committee established under section 9307 of title 46, United States Code.

(D) Lower Mississippi River Waterway Safety Advisory Committee established under section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102–241; 105 Stat. 2215).

(E) Merchant Marine Personnel Advisory Committee established under section 8108 of title 46, United States Code.

(F) Merchant Mariner Medical Advisory Committee established under section 7115 of title 46, United States Code.

(G) National Boating Safety Advisory Council established under section 13110 of title 46, United States Code.

(H) National Maritime Security Advisory Committee established under section 70112 of title 46, United States Code.

(I) National Offshore Safety Advisory Committee.

(J) Navigation Safety Advisory Council established under section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073).

(K) Towing Safety Advisory Committee established under the Act entitled the ''Act to establish a Towing Safety Advisory Committee in the Department of Transportation'', approved October 6, 1980 (33 U.S.C. 1231a).

(3) DEADLINE.—Not later than 2 years after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall make the appointments, and file any necessary charters, under sections 702 through 712 of title 46, United States Code.

SEC. 3642. CLARIFICATION OF LOGBOOK AND ENTRY REQUIREMENTS.

Section 11304 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''an official logbook, which'' and inserting ''a logbook, which may be in any form, including electronic, and''; and

(B) by inserting ''or a ferry, passenger vessel, or small passenger vessel (as those terms are defined in section 2101)'' after ''Canada''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''log book'' and inserting ''logbook''; and

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

''(3) Each illness or injury, the nature of the illness or injury, and any medical treatment administered.''.

SEC. 3643. TECHNICAL AMENDMENTS; LICENSES, CERTIFICATIONS OF REGISTRY, AND MERCHANT MARINER DOCUMENTS.

Part E of subtitle II of title 46, United States Code, is amended—

(1) in section 7106(b), by striking ''merchant mariner's document'' and inserting ''license'';

(2) in section 7107(b), by striking ''merchant mariner's document'' and inserting ''certificate of registry''; and

(3) in section 7507(b)—

(A) in paragraph (1), by striking ''licenses or certificates of registry'' and inserting ''merchant mariner documents''; and

(B) in paragraph (2), by striking ''a merchant mariner's document'' and inserting ''a license or a certificate of registry.''.

SEC. 3644. NUMBERING FOR UNDOCUMENTED BARGES.

Chapter 121 of title 46, United States Code, is amended—

(1) in section 12102—

(A) in subsection (c), by adding at the end the following: ''The Secretary may require such an undocumented barge more than 100 gross tons operating on the navigable waters of the United States to be numbered.''; and

(B) in subsection (d), by striking ''Secretary of Transportation'' and inserting ''Secretary of the department in which the Coast Guard is operating''; and

(2) in section 12301—

(A) by striking subsection (b); and

(B) by striking the subsection designation in subsection (a) and indenting appropriately.

SEC. 3645. EQUIPMENT REQUIREMENTS; EXEMPTION FROM THROWABLE PERSONAL FLOTATION DEVICES.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall revise section 175.17 of title 33, Code of Federal Regulations, to exempt paddleboards and rafts from the requirement for carriage of an additional throwable personal flotation device if each person is required to wear a personal flotation device while under way and at least 1 rescue throw bag, as typically used in whitewater rafting, is on board.

SEC. 3646. ENSURING MARITIME COVERAGE.

In order to meet Coast Guard mission requirements for search and rescue, all-hazard incident response, and maritime environmental response during recapitalization of Coast Guard vessels, the Coast Guard shall ensure continuity of the coverage, to the maximum extent practicable, in the locations that may lose assets.

SEC. 3647. DEADLINE FOR COMPLIANCE WITH ALTERNATE SAFETY COMPLIANCE PROGRAM.

(a) IN GENERAL.—Section 4503(d) of title 46, United States Code, is amended—

(1) in paragraph (1), by striking ''After January 1, 2020,'' and all that follows through ''the Secretary, if'' and inserting ''Subject to paragraph (3), beginning on the date that is 3 years after the date that the Secretary prescribes an alternate safety compliance program, a fishing vessel, fish processing vessel, or fish tender vessel to

which section 4502(b) of this title applies shall comply with the alternate safety compliance program if'';

(2) in paragraph (2), by striking ''establishes standards for an alternate safety compliance program, shall comply with such an alternative safety compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary'' and inserting ''prescribes an alternate safety compliance program under paragraph (1), shall comply with the alternate safety compliance program''; and

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

''(3) For purposes of paragraph (1), a separate alternate safety compliance program may be developed for a specific region or specific fishery.''.

(b) FINAL RULE.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall issue a final rule implementing the alternate to classing under section 4503(e) of title 46, United States Code, as amended by subsection (a) of this section.

SEC. 3648. FISHING, FISH TENDER, AND FISH PROCESSING VESSEL CERTIFICATION.

(a) NONAPPLICATION.—Section 4503(c)(2)(A) of title 46, United States Code, is amended by striking ''79'' and inserting ''180''.

(b) DETERMINING WHEN KEEL IS LAID.—Section 4503 of title 46, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

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

''(g) For purposes of this section, a keel is laid when a structure, adequate of serving as a keel for a vessel greater than 79 feet in length is identified for use in the construction of a specific vessel and is so affirmed by a marine surveyor.''.

SEC. 3649. TERMINATION OF UNSAFE OPERATIONS; TECHNICAL AMENDMENT.

Section 4505 of title 46, United States Code, is amended by striking ''4503(1)'' and inserting ''4503(a)''.

SEC. 3650. INSTALLATION AND USE OF ENGINE CUT-OFF SWITCHES ON RECREATIONAL VESSEL.

(a) USE OF ENGINE CUT-OFF SWITCH LINKS.—

(1) REQUIREMENT.—The Secretary of the department in which the Coast Guard is operating shall revise the regulations under part 175 of title 33, Code of Federal Regulations, to prohibit a person from operating a recreational vessel 25 feet or less in length unless—

(A) the person is wearing an engine cut-off switch link while operating on plane or above displacement speed; and

(B) the engine cut-off switch is factory equipped on the primary propulsion machinery.

(2) EXCEPTIONS.—The requirement under paragraph (1) shall not apply to the following:

(A) A vessel 25 feet or less in length whose main helm is installed within an enclosed cabin that would protect an operator from being thrown overboard should the operator be displaced from the helm.

(B) A vessel with propulsion machinery developing static thrust of less than 115 pounds or 3 horsepower.

(C) A vessel that is not equipped with an engine cut-off switch.

(b) INSTALLATION OF ENGINE CUT-OFF SWITCHES.—The Secretary of the department in which the Coast Guard is operating shall revise the regulations under part 183 of title 33, Code of Federal Regulations, to require an equipment manufacturer, distributor, or dealer that installs propulsion machinery and associate starting controls on a recreational vessel 25 feet or less in length and capable of developing at least 115 pounds of static thrust to install an engine cut-off switch on such recreational vessel in accordance with the American Boat and Yacht Standard A–33, as amended.

(c) PENALTY.—A person that violates a regulation promulgated under subsection (a)(1) of this section shall be subject to a civil penalty under section 4311 of title 46, United States Code, not to exceed—

(1) $100 for the first offense;

(2) $250 for the second offense; and

(3) $500 for any subsequent offense.

(d) PREEMPTION.—In accordance with section 4306 of title 46, United States Code, a State may not establish, continue in effect, or enforce any law or regulation addressing engine cut-off switch requirements that is not identical to a regulation prescribed under this section.

(e) DEFINITIONS.—In this section:

(1) ENGINE CUT-OFF SWITCH.—The term ''engine cut-off switch'' means a mechanical or electronic device that is connected to propulsion machinery that will stop propulsion if—

(A) the switch is not properly connected; or

(B) the switch components are submerged in water or separated from the switch by a predetermined distance.

(2) ENGINE CUT-OFF SWITCH LINK.—The term ''engine cut-off switch link'' means the equipment attached to the recreational vessel operator and which activates the engine cut-off switch.

(f) EFFECTIVE DATES.—A regulation prescribed under this section shall specify an effective date that is not earlier than 1 year from the date the regulation was published.

SEC. 3651. VISUAL DISTRESS SIGNALS AND ALTERNATIVE USE.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall develop a performance standard for the alternative use and possession of visual distress alerting and locating signals as mandated by carriage requirements for recreational boats in subpart C of part 175 of title 33, Code of Federal Regulations.

(b) REGULATIONS.—Not later than 180 days after the performance standard for alternative use and possession of visual distress alerting and locating signals is finalized, the Secretary shall revise part 175 of title 33, Code of Federal Regulations, to allow for carriage of such alternative signal devices.

SEC. 3652. RENEWAL PERIOD FOR DOCUMENTED RECREATIONAL VESSELS.

Section 12114 of title 46, United States Code, is amended by adding at the end the following:

''(d) ISSUANCE OF CERTIFICATE OF DOCUMENTATION.—The Secretary of the department in which the Coast Guard is operating is authorized to issue certificates of documentation with effective periods of 1 year, 2 years, 3 years, 4 years, or 5 years.

''(1) PHASED IN ISSUANCE OF CERTIFICATES.—

''(A) In fiscal year 2019, vessel owners or operators with vessel documentation numbers ending in 0, 1, 2, 3 shall be qualified to apply for a renewal certificate of documentation with an effective period of 5 years. Alternatively, vessel owners or operators with vessel documentation numbers ending in 0, 1, 2, 3 may elect to apply for a renewal certificate of documentation with an effective period of 1 year, 2 years, 3 years, or 4 years. All other vessel owners and operators shall be qualified to apply for an initial or renewal certificate with an effective period of 1 year.

''(B) In fiscal year 2020, vessel owners or operators with vessel documentation numbers ending in 4, 5, or 6 shall be qualified to apply for a renewal certificate of documentation with an effective period of 5 years. Alternatively, vessel owners or operators with vessel documentation numbers ending in 4, 5, or 6 may elect to apply for a renewal certificate of documentation with an effective period of 1 year, 2 years, 3 years, or 4 years. All other vessel owners and operators shall be qualified to apply for an initial or renewal certificate with an effective period of 1 year.

''(C) In fiscal year 2021, vessel owners or operators with vessel documentation numbers ending in 7, 8, or 9 shall be qualified to apply for an initial or renewal certificate of documentation with an effective period of 5 years. Alternatively, vessel owners or operators with vessel documentation numbers ending in 7, 8, or 9 may elect to apply for an initial or renewal certificate of documentation with an effective period of 1 year, 2 years, 3 years, or 4 years. All other vessel owners and operators shall be qualified to apply for an initial or renewal certificate with an effective period of 1 year.

''(D) Starting in fiscal year 2022 all vessel owners and operators shall be qualified to apply for a renewal certificate of documentation with effective periods of 1 year, 2 years, 3 years, 4 years, or 5 years.

''(E) Starting in fiscal year 2019 vessel owners and operators applying for an initial certificate of documentation may apply for such documentation with an effective period of 1 year, 2 years, 3 years, 4 years, or 5 years.

''(2) APPLICATION FOR RENEWAL.—Applications for renewal may be submitted no earlier than 90 days prior to the expiration date of a certificate of documentation.

''(3) FEES.—

''(A) For fiscal years 2019 through 2021, the Secretary shall collect the following fees from vessel owners or operators:

''(i) For a certificate of documentation with an effective period of 5 years the fee collected from the vessel owner or operator shall be $130.

''(ii) For a certificate of documentation with an effective period of 4 years the fee collected from the vessel owner or operator shall be $104.

''(iii) For a certificate of documentation with an effective period of 3 years the fee collected from the vessel owner or operator shall be $78.

''(iv) For a certificate of documentation with an effective period of 2 years the fee collected from the vessel owner or operator shall be $52.

''(v) For a certificate of documentation with an effective period of 1 year the fee collected from the vessel owner or operator shall be $26.

''(B) For fiscal years 2022 and thereafter, such fees shall be published in the Federal Register as a direct final rule. Such rulemaking shall be exempt from the requirements of the Administrative Procedure Act (Public Law 79–404; 60 Stat 237).

''(4) FUNDS AVAILABILITY.—Fees collected for the issuance of certificates of documentation by the Secretary of the department in which the Coast Guard is operating—

''(A) shall be deposited into the account that bore the expense for issuance of such certificate of documentation; and

''(B) shall be available until expended.''.

SEC. 3653. EXCEPTION FROM SURVIVAL CRAFT REQUIREMENTS.

Section 4502(b) of title 46, United States Code, is amended—

(1) in paragraph (2)(B), by striking ''a survival craft'' and inserting ''subject to paragraph (3), a survival craft''; and

(2) by adding at the end the following:

''(3)(A) Except for a nonapplicable vessel, an auxiliary craft shall satisfy the equipment requirement under paragraph (2)(B) if—

''(i) it is necessary for normal fishing operations;

''(ii) is readily accessible during an emergency; and

''(iii) is capable of safely holding all individuals on board the vessel, in accordance with the Coast Guard capacity rating, when applicable.

''(B) In this paragraph, the term 'nonapplicable vessel' means a vessel that is—

''(i) operating outside of 12 nautical miles; and

''(ii) required by the Secretary to have an inflatable life raft.''.

SEC. 3654. INLAND WATERWAY AND RIVER TENDER, AND BAY CLASS ICEBREAKER ACQUISITION PLAN.

(a) ACQUISITION PLAN.—Not later than 545 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan to replace the aging fleet of inland waterway and river tenders, and the bay class icebreakers.

(b) CONTENTS.—The plan described in subsection (a) shall include—

(1) a schedule for the acquisition to begin;

(2) the date the first vessel will be delivered;

(3) the date the acquisition will be complete;

(4) a description of the order and location of replacements;

(5) an estimate of the cost per vessel and for total acquisition program of record; and

(6) an analysis of whether existing vessels can be used.

SEC. 3655. ARCTIC PLANNING CRITERIA.

(a) ALTERNATIVE PLANNING CRITERIA.—

(1) IN GENERAL.—The Commandant of the Coast Guard may approve a vessel response plan for the area covered by the Captain of the Port Zone that includes the Arctic, for purposes of complying with the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), if the Commandant—

(A) verifies that equipment included in the plan has been tested and proven capable of operating in the environmental conditions expected in the area in which it is intended to be operated; and

(B) verifies that training has been conducted by the equipment operators on the equipment listed in the plan within the geographic boundaries of the Captain of the Port Zone that includes the Arctic.

(2) POST-APPROVAL REQUIREMENTS.—For each plan approved under paragraph (1)—

(A) the oil spill removal organization listed in the vessel response plan shall conduct regular exercises and drills of the plan in the area covered by the Captain of the Port Zone that includes the Arctic; or

(B) the oil spill removal organization listed in the vessel response plan may take credit for responses to actual spills or releases in the area covered by the Captain of the Port Zone that includes the Arctic instead of conducting regular exercises and drills of the plan, if the oil spill removal organization—

(i) documents which exercise requirements were met during the response; and

(ii) submits a request for credit to and receives approval from the Commandant.

(b) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the oil spill prevention and response capabilities for the area covered by the Captain of the Port Zone that includes the Arctic.

(2) CONTENTS.—The report shall include the following:

(A) A description of equipment and assets available for oil spill response under the vessel response plans approved for vessels operating in the Captain of the Port Zone, including details on the provider of such equipment and assets.

(B) A description of the location of equipment and assets that are to be deployed, including an estimate of the time to deploy the equipment and assets.

(C) A determination on the degree of how effectively the oil spill equipment and assets are distributed throughout the Captain of the Port Zone.

(D) A statement on whether the ability to maintain and deploy equipment and assets is taken into account when measuring the level of equipment available throughout the Captain of the Port Zone.

(E) Validation of port assessment visit process and response resource inventory for oil spill response under the vessel response plans approved for vessels operating in the Captain of the Port Zone.

(F) A determination of the compliance rate with Federal vessel response plan regulations in the Captain of the Port Zone in the previous 3 years.

(G) A description of the resources need throughout the Coast Guard to conduct port assessments, exercises, response plan review, and spill responses.

(c) DEFINITION OF ARCTIC.—In this section, the term ''Arctic'' has the meaning given the term under section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

SEC. 3656. FISHING SAFETY GRANT PROGRAMS.

(a) FISHING SAFETY TRAINING GRANT PROGRAM.—Section 4502(i)(4) of title 46, United States Code, is amended by striking ''2015 through 2017'' and inserting ''2015 through 2019''.

(b) FISHING SAFETY RESEARCH GRANT PROGRAM.—Section 4502(j)(4) of title 46, United States Code, is amended by striking ''2015 through 2017'' and inserting ''2015 through 2019''.

SEC. 3657. SAFETY STANDARDS.

Section 4502(f) of title 46, United States Code, is amended—

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

(2) by striking paragraph (2), and inserting the following:

''(2) shall examine at dockside a vessel described in subsection (b) at least once every 5 years, but may require an exam at dockside every 2 years for certain vessels described in subsection (b) requested by the owner or operator;

''(3) shall issue a certificate of compliance to a vessel meeting the requirements of this chapter and satisfying the requirements in paragraph (2); and''.

SEC. 3658. COMMERCIAL FISHING VESSEL SAFETY OUTREACH STRATEGY.

(a) REQUIREMENT FOR STRATEGY.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall develop and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a national communications plan for the purposes of—

(1) disseminating information to the commercial fishing vessel industry;

(2) conducting outreach with the commercial fishing vessel industry;

(3) facilitating interaction with the commercial fishing vessel industry; and

(4) releasing information collected under section 703 of title 46, United States Code, as amended by this Act, to the commercial fishing vessel industry.

(b) CONTENT.—The plan required by subsection (a), and each annual update, shall—

(1) employ all available staff, resources, and systems available to the Secretary to ensure the widest dissemination of information to the commercial fishing vessel industry;

(2) be individually adapted as necessary by Captain of the Port Zone to ensure the most effective strategy and means to communicate with commercial fishing vessel industry;

(3) include a means to document all communication and outreach conducted with the commercial fishing vessel industry; and

(4) include a mechanism to measure effectiveness of such plan.

(c) UPDATES.—The Secretary of the department in which the Coast Guard is operating shall—

(1) update and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the plan required by subsection (a) not less frequently than once each year; and

(2) include input from individual Captains of the Port and any feedback received from the commercial fishing vessel industry under subsection (b)(3).

SEC. 3659. CONSISTENCY IN MARINE INSPECTIONS.

(a) DEFINITION OF OFFICER IN CHARGE, MARINE INSPECTION.—In this section, the term ''Officer in Charge, Marine Inspection'' has the meaning given the term in section 50.10-10 of title 46, Code of Federal Regulations.

(b) IN GENERAL.—The Commandant of the Coast Guard shall make it a priority to interpret regulations and standards, with respect to inspections, enforcement, and administration under subtitle II of title 46, United States Code, and title 33, United States Code, consistently between all Officers in Charge, Marine Inspections to avoid disruption and undue expense to industry.

(c) DISCREPANCIES.—

(1) IN GENERAL.—Efforts to resolve any disagreements regarding the existing condition of a vessel should be made between the local Officer in Charge, Marine Inspection conducting an inspection and the Officer in Charge, Marine Inspection that issued the most recent Certificate of Inspection or the Marine Safety Center, unless there is a justifiable safety concern.

(2) GOOD FAITH EFFORTS.—The Officer in Charge, Marine Inspection shall make a good faith effort to resolve the discrepance, if possible, or submit a justification for the discrepancy to the Commandant of the Coast Guard, via the cognizant District Commander, before a decision on the appeal is made.

(d) APPEALS FROM DECISIONS OR ACTIONS.—The Coast Guard shall provide the necessary information regarding the right of appeal to any person affected by an Office in Charge, Marine Inspection or Marine Safety Center for any unresolved discrepancy and facilitate the process for appealing that decision or action under parts 1 through 4 of title 46, Code of Federal Regulations.

(e) REPORT ON MARINE INSPECTOR TRAINING.—Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the training, experience, and qualifications required for assignment as a marine inspector under section 57 of title 14, United States Code, including—

(1) a description of any continuing education requirement, including a specific list of the courses;

(2) a description of the training, including a specific list of the courses, offered to a journeyman or an advanced journeyman marine inspector to advance inspection expertise;

(3) a description of any training that was offered in the 15-year period before the date of enactment of this Act, but is no longer required or offered, including a specific list of the courses, including the senior marine inspector course and any plan review courses;

(4) a justification for why a course described in paragraph (3) is no longer required or offered; and

(5) a list of the course content the Commandant considers necessary to promote consistency among marine inspectors in an environment of increasingly complex vessels and vessel systems.

Subtitle D—Maritime Security

SEC. 3661. MARITIME BORDER SECURITY COOPERATION.

The Secretary of the department in which the Coast Guard is operating shall, in accordance with law—

(1) partner with other Federal, State, and local government agencies to leverage existing technology, including camera systems and other sensors, to provide continuous monitoring of high-risk maritime borders, as determined by the Secretary; and

(2) enter into such agreements as the Secretary considers necessary to ensure 24-hour monitoring of such technology.

SEC. 3662. CURRENCY DETECTION CANINE TEAM PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CANINE CURRENCY DETECTION TEAM.—The term ''canine currency detection team'' means a canine and a canine handler that are trained to detect currency.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

(b) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a program to allow the use of canine currency detection teams for purposes of Coast Guard maritime law enforcement and maritime security operations, including underway vessel boardings.

(c) OPERATION.—The Secretary may cooperate with, or enter into an agreement with, the head of another Federal agency to meet the requirements under subsection (b).

SEC. 3663. CONFIDENTIAL INVESTIGATIVE EXPENSES.

Section 658 of title 14, United States Code, is amended by striking ''$45,000'' and inserting ''$250,000''.

SEC. 3664. MONITORING OF ILLEGAL, UNREPORTED, AND UNREGULATED FISHING.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct a 1-year pilot program to determine the impact of persistent use of different types of surveillance systems on illegal maritime activities in the Western Pacific regions.

(b) REQUIREMENTS.—The pilot program shall—

(1) consider using light aircraft-based detection systems which can identify potential illegal activity from higher altitudes and produce enforcement-quality evidence at lower altitudes; and

(2) be directed at detecting and deterring illegal, unreported, and unregulated fishing and enhancing maritime domain awareness.

SEC. 3665. STRATEGIC ASSETS IN THE ARCTIC.

(a) DEFINITION OF ARCTIC.—In this section, the term ''Arctic'' has the meaning given the term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Arctic continues to grow in significance to both the national security interests and the economic prosperity of the United States; and

(2) the Coast Guard must ensure it is positioned to respond to any accident, incident, or threat with appropriate assets.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard, in consultation with the Secretary of Defense and taking into consideration the Department of Defense 2016 Arctic Strategy, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress toward implementing the strategic objectives described in the United States Coast Guard Arctic Strategy dated May 2013.

(d) CONTENTS.—The report under subsection (c) shall include—

(1) a description of the Coast Guard's progress toward each strategic objective;

(2) plans to provide communications throughout the entire Coastal Western Alaska Captain of the Port zone to improve waterway safety and mitigate close calls, collisions, and other dangerous interactions between the shipping industry and subsistence hunters;

(3) plans to prevent marine casualties, when possible, by ensuring vessels avoid environmentally sensitive areas and permanent security zones;

(4) an explanation of—

(A) whether it is feasible to establish a vessel traffic service, using existing resources or otherwise; and

(B) whether an Arctic Response Center of Expertise is necessary to address the gaps in experience, skills, equipment, resources, training, and doctrine to prepare, respond to, and recover spilled oil in the Arctic;

(5) an assessment of whether sufficient agreements are in place to ensure the Coast Guard is receiving the information it needs to carry out its responsibilities;

(6) an assessment of the assets and infrastructure necessary to meet the strategic objectives identified in the United States Coast Guard Arctic Strategy dated May 2013 based on factors such as—

(A) response time;

(B) coverage area;

(C) endurance on scene;

(D) presence; and

(E) deterrence; and

(7) an analysis of National Security Cutters, Offshore Patrol Cutters, and Fast Response Cutters capabilities based on the factors described in subparagraphs (A) through (E) of paragraph (6), both stationed from various Alaska ports and in other locations.

SEC. 3666. FLEET REQUIREMENTS ASSESSMENT AND STRATEGY.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating, in consultation with interested Federal and non-Federal stakeholders, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report including—

(1) an assessment of Coast Guard at-sea operational fleet requirements to support its statutory missions established in the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.); and

(2) a strategic plan for meeting the requirements identified under paragraph (1).

(b) CONTENTS.—The report under subsection (a) shall include—

(1) an assessment of—

(A) the extent to which the Coast Guard at-sea operational fleet requirements are currently being met;

(B) the Coast Guard's current fleet, its operational lifespan, and how the aging of the fleet will impact at-sea operational needs;

(C) fleet operations and recommended improvements to minimize costs and extend operational vessel life spans; and

(D) actual cutter requirements for the Fast Response Cutter, the Offshore Patrol Cutter, and the National Security Cutter to meet at-sea operational needs as compared to planned acquisitions under the current programs of record;

(2) an analysis of—

(A) how the Coast Guard at-sea operational fleet requirements are currently met, including the use of the Coast Guard's current cutter fleet, agreements with partners, chartered vessels, and unmanned vehicle technology; and

(B) how existing and planned cutter programs of record meet the at-sea operational requirements, including the Fast Response Cutter, the Offshore Patrol Cutter, and the National Security Cutter; and

(3) a description of—

(A) planned manned and unmanned vessel acquisition; and

(B) how such acquisitions will change the extent to which the Coast Guard at-sea operational requirements are met.

(c) CONSULTATION AND TRANSPARENCY.—

(1) CONSULTATION.—In consulting with the Federal and non-Federal stakeholders under subsection (a), the Secretary of the department in which the Coast Guard is operating shall—

(A) provide the stakeholders with opportunities for input—

(i) prior to initially drafting the report, including the assessment and strategic plan; and

(ii) not later than 3 months prior to finalizing the report, including the assessment and strategic plan, for submission; and

(B) document the input and its disposition in the report.

(2) TRANSPARENCY.—All input provided under paragraph (1) shall be made available to the public.

SEC. 3667. COMPTROLLER GENERAL REPORT ON CERTAIN TASK FORCES.

(a) FINDINGS.—Congress finds that the Joint Interagency Task Force South (referred to in this section as the ''JIATF-South'') is an exemplary program that executes its counter-narcotics mission with distinction and in a cost-effective manner.

(b) STUDY.—The Comptroller General of the United States shall study each of the following task forces and compare the execution of the task force's counter-narcotics and illegal migrant operation to that of the JIATF-South:

(1) The Joint Interagency Task Force West (referred to in this section as the ''JIATF-West'').

(2) The Department of Homeland Security's Joint Task Forces (referred to in this section as the ''DHS–JTF'').

(c) CONTENTS.—In conducting the study under subsection (b), the Comptroller General shall, at a minimum—

(1) review the JIATF-West Counter-narcotics Operations Center and its performance of its mission to support counter-narcotics missions by United States law enforcement agencies;

(2) compare the JIATF-West, DHS–JTFs, and JIATF-South organizational and manning structure;

(3) assess the JIATF-West's current organizational and manning structure as it relates

to JIATF-West's ability to conduct counter-narcotics missions;

(4) review the JIATF-West's December 2015–May 2017 reorganization initiative and its impact, if any, on improving mission performance;

(5) review the JIATF-West's leadership, including an assessment of—

(A) the role of a Coast Guard flag officer as the director as compared to the Coast Guard's role in JIAFT-South; and

(B) the process used by the JIATF-West for developing and implementing its December 2015–May 2017 reorganization initiative, including how it assessed progress and solicited feedback on the initiative;

(C) its general management and personnel practices, and their impact, if any, on mission performance;

(6) include recommendations for improving the JIATF-West's performance; and

(7) review whether there is any redundancy between DHS–JTF and JIATF-South or JIATF-West.

(d) REPORT.—The Comptroller General shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the study under subsection (b), including any recommendations for improving the counter-narcotics and illegal migrant operations of the JIATF-West or DHS–JTF.

SEC. 3668. SAFETY OF VESSELS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 91 of title 14, United States Code, is amended—

(1) in the heading, by striking ''**naval vessels**'' and inserting ''**vessels of the armed forces**'';

(2) in subsection (a), by striking ''United States naval vessel'' and inserting ''vessel of the armed forces''; and

(3) in subsection (b)—

(A) by striking ''senior naval officer present in command'' and inserting ''senior officer present in command''; and

(B) by striking ''United States naval vessel'' and inserting ''vessel of the armed forces''.

(b) TABLE OF CONTENTS.—The table of contents of chapter 5 of title 14, United States Code, is amended by amending the item relating to section 91 to read as follows:

''91. Safety of vessels of the armed forces.''.

SEC. 3669. PROTECTING AGAINST UNMANNED AIRCRAFT.

(a) PROTECTING AGAINST UNMANNED AIRCRAFT.—Chapter 5 of title 14, United States Code, is amended by inserting after section 91, the following:

''§ 91A. Protecting against unmanned aircraft

''(a) AUTHORITY.—Notwithstanding title 18 (including section 32 (commonly known as the Aircraft Sabotage Act), section 1030 (commonly known as the Computer Fraud and Abuse Act), sections 2510–2522 (commonly known as the Wiretap Act), and sections 3121–3127 (commonly known as the Pen/Trap Statute)), and section 46502 of title 49, the Secretary, or the Secretary's designee, may take such action as necessary to mitigate, prevent, or respond to the operation of an unmanned aircraft that could interfere with the security or safe navigation of—

''(1) any vessel or aircraft of the Coast Guard; or

''(2) any vessel the Coast Guard is assisting or escorting.

''(b) REMEDY.—

''(1) IN GENERAL.—The exclusive remedy for any cause of action by the owner or operator of an unmanned aircraft arising from such action as necessary taken under this section shall be limited to the monetary value of the unmanned aircraft at the time such action as necessary is taken.

''(2) INDEMNIFICATION.—The senior member present and all persons acting under that officer's direction shall be indemnified from any penalties or actions for damages arising from such action as necessary taken under this section.

''(c) POLICY DEVELOPMENT.—The Secretary, in coordination with the Secretary of Transportation, shall develop policy for the actions authorized in subsection (a).

''(d) NOTICE.—

''(1) IN GENERAL.—Any notice, regulation, or amendment to an existing regulation promulgated pursuant to this section shall be deemed a military function of the United States, and the Secretary shall promulgate such notice, regulation, or amendment without regard to chapters 5 and 6 of title 5, and Executive Orders 12866 and 13563.

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the Secretary of Homeland Security to publish information concerning any aspect of any assistance or escort that the Coast Guard may conduct.

''(e) PENALTIES.—Any person who operates an unmanned aircraft which interferes with the security or safe navigation of a vessel or aircraft described in subsection (a) shall be subject to a civil penalty or criminal penalty.

''(1) CIVIL PENALTY.—

''(A) Any person whom Secretary the finds, after notice and an opportunity for a hearing, to have violated this section or a regulation issued hereunder shall be liable to the United States for a civil penalty, not to exceed $25,000 for each violation. The amount of such civil penalty shall be assessed by the Secretary, or the Secretary's designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

''(B) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section.

''(C) If any person fails to pay an assessment of a civil penalty after it has become final, the Secretary may refer the matter to the Attorney General of the United States, for collection in any appropriate district court of the United States.

''(2) CRIMINAL PENALTY.—

''(A) Any person who willfully and knowingly violates this section or any regulation issued hereunder commits a class D felony.

''(B) Any person who, in the willful and knowing violation of this section or of any regulation issued hereunder engages in conduct that causes bodily injury to any person or damage to any vessel or aircraft described in subsection (a) commits a class C felony.

''(f) DEFINITIONS.—In this section:

''(1) INTERFERE.—The term 'interfere', with respect to security or safe navigation, means—

''(A) inflict or otherwise cause physical harm to a person;

''(B) inflict or otherwise cause damage to a vessel or aircraft described in subsection (a);

''(C) impede the operation of a vessel or aircraft described in subsection (a), including the diversion of a crewmember from a duty related to such vessel or aircraft;

''(D) conduct unauthorized surveillance or reconnaissance; or

''(E) result in unauthorized access to, or disclosure of, classified, or otherwise lawfully protected information.

''(2) SUCH ACTION AS NECESSARY.—The term 'such action as necessary' means any action to disable, disrupt or exercise control of, seize, or destroy an unmanned aircraft.

''(3) UNMANNED AIRCRAFT.—The term'unmanned aircraft' has the meaning given the term in section 331 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 49 U.S.C. 40101 note).''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Title 14, United States Code, is amended—

(1) in the heading for section 91, by striking ''**naval vessels**'' and inserting ''VESSELS OF THE ARMED FORCES''; and

(2) in the analysis for chapter 5—

(A) in the item relating to section 91, by striking ''naval vessels'' and inserting ''vessels of the armed forces''; and

(B) by inserting, after the item relating to section 91, the following:

''91A. Protecting against unmanned aircraft.''.

SEC. 3670. JURISDICTION AND VENUE.

Section 70504(b) of title 46, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''the district court of the United States for—'' and inserting ''in any district court of the United States.''; and

(2) by striking paragraphs (1) and (2).

Subtitle E—Miscellaneous

SEC. 3681. SHIP SHOAL LIGHTHOUSE TRANSFER; REPEAL.

Section 27 of the Coast Guard Authorization Act of 1991 (Public Law 102–241; 105 Stat. 2218) is repealed.

SEC. 3682. ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

(a) EXPEDITED HIRING AUTHORITY.—

(1) IN GENERAL.—Chapter 15 of title 14, United States Code, is amended by inserting after section 563 the following:

''§ 563a. Acquisition workforce expedited hiring authority

''For purposes of section 3304 of title 5, the Commandant of the Coast Guard may—

''(1) designate any category of acquisition positions within the Coast Guard as shortage category positions; and

''(2) use the authorities in such section to recruit and appoint highly qualified persons directly to positions so designated.''.

(2) TABLE OF CONTENTS.—The table of contents of chapter 15 of title 14, United States Code, is amended by inserting after the item relating to section 563 the following:

''563a. Acquisition workforce expedited hiring authority.''.

(3) REPEAL.—Section 404 of the Coast Guard Authorization Act of 2010 (Public Law 111–281; 124 Stat. 2950) is repealed.

(b) ACQUISITION WORKFORCE REEMPLOYMENT AUTHORITY.—

(1) IN GENERAL.—Chapter 15 of title 14, as amended by subsection (a) of this section, is further amended by inserting after section 563a the following:

''§ 563b. Acquisition workforce reemployment authority

''(a) IN GENERAL.—Except as provided in subsection (b), if an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes employed in any category of acquisition positions designated by the Commandant of the Coast Guard under section 563a of this title, the annuity of an annuitant so employed shall continue. An annuitant so reemployed shall not be considered an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5.

''(b)(1) ELECTION.—An annuitant retired under section 8336(d)(1) or 8414(b)(1)(A) of title 5, receiving an annuity from the Civil Service Retirement and Disability Fund, who becomes employed in a position within

the Coast Guard after the date of enactment of the National Defense Authorization Act for Fiscal Year 2018', may elect to be subject to section 8344 or 8468 of such title (as the case may be).

''(A) DEADLINE.—An election for coverage under this subsection shall be filed not later than 90 days after the Commandant takes reasonable actions to notify employees who may file an election.

''(B) COVERAGE.—If an employee files an election under this subsection, coverage shall be effective beginning on the first day of the first applicable pay period beginning on or after the date of the filing of the election.

''(2) APPLICATION.—Paragraph (1) shall apply to an individual who is eligible to file an election under paragraph (1) and does not file a timely election under this subsection.''.

(2) TABLE OF CONTENTS.—The table of contents of chapter 15 of title 14, United States Code, as amended in subsection (a) of this section, is further amended by inserting after the item relating to section 563a the following:

''563b. Acquisition workforce reemployment authority.''.

SEC. 3683. DRAWBRIDGES.

(a) PURPOSES.—The purposes of this section are—

(1) to ensure the public is made aware of any temporary change to a drawbridge operating schedule; and

(2) to ensure the operators are maintaining logbook records of drawbridge movement.

(b) TEMPORARY CHANGES TO DRAWBRIDGE OPERATING SCHEDULES.—Section 5 of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved August 18, 1894 (33 U.S.C. 499), is amended by adding at the end the following—

''(d) TEMPORARY CHANGES TO DRAWBRIDGE OPERATING SCHEDULES.—Notwithstanding section 553 of title 5, United States Code, whenever a temporary change to the operating schedule of a drawbridge, lasting 180 days or less—

''(1) is approved—

''(A) the Secretary of the department in which the Coast Guard is operating shall—

''(i) issue a deviation approval letter to the bridge owner; and

''(ii) announce the temporary change in—

''(I) the Local Notice to Mariners;

''(II) broadcast notices to mariners through radio stations; or

''(III) such other local media as the Secretary considers appropriate; and

''(B) the bridge owner, except a railroad bridge owner, shall notify—

''(i) the public by publishing notice of the temporary change in a newspaper of general circulation published in the place where the bridge is located;

''(ii) the department, agency, or office of transportation with jurisdiction over the roadway that abuts the approaches to the bridge; and

''(iii) the law enforcement organization with jurisdiction over the roadway that abuts the approaches to the bridge; or

''(2) is denied, the Secretary of the department in which the Coast Guard is operating shall—

''(A) not later than 10 days after the date of receipt of the request, provide the bridge owner in writing the reasons for the denial, including any supporting data and evidence used to make the determination; and

''(B) provide the bridge owner a reasonable opportunity to address each reason for the denial and resubmit the request.

''(e) DRAWBRIDGE MOVEMENTS.—The Secretary of the department in which the Coast Guard is operating—

''(1) shall require a drawbridge operator to record each movement of the drawbridge in a logbook;

''(2) may inspect the log to ensure drawbridge movement is in accordance with the posted operating schedule;

''(3) shall review whether deviations from the posted operating schedule are impairing vehicular and pedestrian traffic; and

''(4) may determine if the operating schedule should be adjusted for efficiency of maritime or vehicular and pedestrian traffic.

''(f) REQUIREMENTS.—

''(1) RECORDS.—An operator of a drawbridge built across a navigable river or other water of the United States—

''(A) that opens the draw of such bridge for the passage of a vessel, shall maintain for not less than 5 years a logbook record of—

''(i) the bridge identification and date of each opening;

''(ii) the bridge tender or operator for each opening;

''(iii) each time it is opened for navigation;

''(iv) each time it is closed for navigation;

''(v) the number and direction of vessels passing through during each opening;

''(vi) the types of vessels passing through during each opening;

''(vii) an estimated or known size (height, length, and beam) of the largest vessel passing through during each opening;

''(viii) for each vessel, the vessel name and registration number if easily observable; and

''(ix) all maintenance openings, malfunctions, or other comments; and

''(B) that remains open to navigation but closes to allow for trains to cross, shall maintain for not less than 5 years a record of—

''(i) the bridge identification and date of each opening;

''(ii) the bridge tender or operator;

''(iii) each time it is opened to navigation;

''(iv) each time it is closed to navigation; and

''(v) all maintenance openings, malfunctions, or other comments.

''(2) SUBMISSION OF RECORDS.—At the request of the Secretary of the department in which the Coast Guard is operating, a drawbridge operator shall submit to the Secretary such logbook records under paragraph (1) as the Secretary considers necessary to carry out this section.

''(3) EXEMPTION.—The requirements under paragraph (1) of this section shall be exempt from sections 3501 through 3521 of title 44, United States Code.''.

SEC. 3684. INCENTIVE CONTRACT; COAST GUARD YARD AND INDUSTRIAL ESTABLISHMENTS.

(a) IN GENERAL.—Whenever the parties to a project order for industrial work to be performed by the Coast Guard Yard or a designated Coast Guard industrial establishment agree that delivery or technical performance of the wage-grade industrial employees may, during the term of such project order, improve, the parties to such project order may, notwithstanding any other provision of law, including any provision of law that provides for the time or purpose of appropriated funds, enter into an incentive project order or a cost-plus-incentive-fee project order by which an agreed upon amount of the adjustment to be made pursuant to section 648(a) of title 14, United States Code, may, notwithstanding that provision of law or any other provision of law, be distributed as an incentive to the wage-grade industrial employees who completed the project order.

(b) CONDITION.—Before entering into an incentive project order or a cost-plus-incentive-fee project order, the commanding officer of the Coast Guard Yard or the commanding officer of the Coast Guard industrial establishment, as the case may be, shall complete a determination and finding for such incentive project order or cost-plus-incentive-fee project order that justifies the use of such project order as in the best interest of the Federal Government.

(c) TREATMENT OF INCENTIVE AWARD.—Notwithstanding any other provision of law, in the event that the industrial workforce of the Coast Guard Yard or a Coast Guard industrial establishment satisfies the performance target set out in an incentive project order or a cost-plus-incentive-fee project order—

(1) the adjustment to be made pursuant to section 648(a) of title 14, United States Code, shall, notwithstanding that provision of law, be reduced by the agreed amount and distributed as an incentive to such wage-grade industrial employees; and

(2) the remainder of the adjustment shall be credited to the appropriation current at that time.

SEC. 3685. COAST GUARD HEALTH-CARE PROFESSIONALS; LICENSURE PORTABILITY.

(a) IN GENERAL.—Section 1094(d)(1) of title 10, United States Code, shall apply in the same manner and to the same degree as such section applies to a health-care professional described in subsection (d)(2) of that section to a health-care professional described in subsection (b) of this section.

(b) HEALTH-CARE PROFESSIONAL.—A health-care professional described in this subsection is a member of the Coast Guard, civilian employee of the Coast Guard, member of the Public Health Service assigned to the Coast Guard, personal services contractor under section 1091 of title 10, United States Code, or other health-care professional credentialed and privileged at a Federal health care institution or location specially designated by the Secretary of the department in which the Coast Guard is operating for this purpose who—

(1) has a current license to practice medicine, osteopathic medicine, dentistry, or another health profession; and

(2) is performing authorized duties for the Coast Guard.

SEC. 3686. LAND EXCHANGE; AYAKULIK ISLAND, ALASKA.

(a) LAND EXCHANGE; AYAKULIK ISLAND, ALASKA.—If the owner of Ayakulik Island, Alaska, offers to exchange the Island for the Tract—

(1) within 10 days after receiving such offer, the Secretary shall provide notice of the offer to the Commandant;

(2) within 60 days after receiving the notice under paragraph (1), the Commandant shall develop and transmit to the Secretary proposed operational restrictions on commercial activity conducted on the Tract, including the right of the Commandant to—

(A) order the immediate termination, for a period of up to 72 hours, of any activity occurring on or from the Tract that violates or threatens to violate 1 or more of such restrictions; or

(B) commence a civil action for appropriate relief, including a permanent or temporary injunction enjoining the activity that violates or threatens to violate such restrictions;

(3) within 30 days after receiving the proposed operational restrictions from the Commandant, the Secretary shall transmit such restrictions to the owner of Ayakulik Island; and

(4) within 30 days after transmitting the proposed operational restrictions to the owner of Ayakulik Island, and if the owner agrees to such restrictions, the Secretary

shall convey all right, title, and interest of the United States in and to the Tract to the owner, subject to an easement granted to the Commandant to enforce such restrictions, in exchange for all right, title, and interest of such owner in and to Ayakulik Island.

(b) BOUNDARY REVISIONS.—The Secretary may make technical and conforming revisions to the boundaries of the Tract before the date of the exchange.

(c) PUBLIC LAND ORDER.—Effective on the date of an exchange under subsection (a), Public Land Order 5550 shall have no force or effect with respect to submerged lands that are part of the Tract.

(d) FAILURE TO TIMELY RESPOND TO NOTICE.—If the Commandant does not transmit proposed operational restrictions to the Secretary within 60 days after receiving the notice under subsection (a)(1), the Secretary shall, by not later than 75 days after transmitting such notice, convey all right, title, and interest of the United States in and to the Tract to the owner of Ayakulik Island in exchange for all right, title, and interest of such owner in and to Ayakulik Island.

(e) CERCLA.—

(1) IN GENERAL.—This section and an exchange under this section shall not be construed to limit the application of or otherwise affect section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(2) EXEMPTION.—Notwithstanding paragraph (1), the Coast Guard shall be exempt from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(f) DEFINITIONS.—In this section:

(1) COMMANDANT.—The term ''Commandant'' means the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) TRACT.—The term ''Tract'' means the land (including submerged land) depicted as ''PROPOSED PROPERTY EXCHANGE AREA'' on the survey titled ''PROPOSED PROPERTY EXCHANGE PARCEL'' and dated March 22, 2017.

SEC. 3687. ABANDONED SEAFARERS FUND AMENDMENTS.

Section 11113 of title 46, United States Code, is amended—

(1) in subsection (a)(2), by striking ''may be appropriated to the Secretary'' in the matter before subparagraph (A) and inserting ''shall be available to the Secretary without further appropriation, and shall remain available until expended,''; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''plus a surcharge of 25 percent of such total amount,'' after ''seafarer,'' in the matter preceding subparagraph (A); and

(B) by striking paragraph (4).

SEC. 3688. SMALL SHIPYARD CONTRACTS.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by inserting after section 667 the following:

''§ 667a. Construction of Coast Guard vessels and assignment of vessel projects

''The assignment of Coast Guard vessel conversion, alteration, and repair projects shall be based on economic and military considerations and may not be restricted by a requirement that certain parts of Coast Guard shipwork be assigned to a particular type of shipyard or geographical area or by a similar requirement.''.

(b) TABLE OF CONTENTS.—The table of contents of chapter 17 of title 14, United States Code, is amended by inserting after the item relating to section 667 the following:

''667a. Construction of Coast Guard vessels and assignment of vessel projects.''.

SEC. 3689. WESTERN CHALLENGER; CERTIFICATE OF DOCUMENTATION.

Section 604(b) of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (Public Law 113–281; 128 Stat. 3062) is amended by inserting ''and a fisheries endorsement'' after ''endorsement''.

SEC. 3690. RADAR REFRESHER TRAINING.

Not later than 60 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall prescribe a final rule eliminating the requirement that a mariner actively using the mariner's credential complete an approved refresher or recertification course to maintain a radar observer endorsement. This rulemaking shall be exempt from chapters 5 and 6 of title 5, United States Code, and Executive Orders 12866 and 13563.

SEC. 3691. VESSEL RESPONSE PLAN AUDIT.

(a) REQUIREMENT FOR AUDIT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall complete and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an audit of the verification and approval process of the Coast Guard for vessel response plans required under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321).

(b) REVIEW AND RECOMMENDATIONS.—The audit required by subsection (a) shall—

(1) review and make recommendations regarding the verification and approval process of the Coast Guard for vessel response plans required under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) for—

(A) the current Coast Guard staffing model and organization used for such process;

(B) the amount of time expended by the Coast Guard verifying and approving such vessel response plans; and

(C) the amount of time expended by the Coast Guard for verification and approval of a single such vessel response plan; and

(2) include a detailed analysis of—

(A) such process beginning with initial submission from the vessel through final approval;

(B) how such process ensures compliance with applicable statutes and regulations;

(C) the role of local and regional Coast Guard units in such process;

(D) any public comment or other forms of engagement with regional stakeholders, including State governments and Indian tribes;

(E) any engagement or utilization of Federal or State agency resources and consultation, including weather data systems, oil spill trajectory modeling, or risk management information for the purposes of reviewing vessel response plans;

(F) how the Coast Guard verifies availability and contractual obligation of resources required in a such a vessel response plan;

(G) the resources available and used by the Coast Guard to verify operational capability and capacity of equipment listed in a vessel response plan for the applicable operating environment;

(H) how the Coast Guard verifies alternate measures when a vessel cannot meet the National Planning Criteria;

(I) the weather data, modeling software, and information systems available and used by the Coast Guard when determining compliance for response resource mobilization times stipulated in regulation;

(J) how the Coast Guard factors in regional specific adverse weather, as defined in section 155.1020 of title 33, Code of Federal Regulations, in determining compliance for response resource mobilization times stipulated in regulation;

(K) how the Coast Guard reviews and verifies previously approved vessel response plans for compliance when there is a change in statute or regulation which effects response planning criteria or resource mobilization times;

(L) the Coast Guard process for calculating compliance for response resource mobilization times stipulated in statute and regulation;

(M) how the Coast Guard verifies availability and compliance with response resource mobilization requirements for different geographic regions;

(N) how the Coast Guard ensures vessel response plans are adapted and updated to account for new regional response needs, such as regional trends of transportation of heavy oils and volume of traffic;

(O) the Coast Guard processes and actions taken if an approved vessel response plan is discovered to be noncompliant;

(P) how such process could be improved; and

(Q) the resources needed to improve such process.

SEC. 3692. CENTER OF EXPERTISE FOR GREAT LAKES OIL SPILL RESEARCH AND RESPONSE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard shall establish a Center of Expertise for Great Lakes Oil Spill Preparedness and Response (referred to in this section as the ''Center of Expertise'') in accordance with section 58 of title 14, United States Code.

(b) LOCATION.—The Center of Expertise shall be located in close proximity to—

(1) critical crude oil transportation infrastructure on and connecting the Great Lakes, such as submerged pipelines and high-traffic navigation locks; and

(2) an institution of higher education with adequate aquatic research laboratory facilities and capabilities and expertise in Great Lakes aquatic ecology, environmental chemistry, fish and wildlife, and water resources.

(c) FUNCTIONS.—The Center of Expertise shall—

(1) monitor and assess, on an ongoing basis, the current state of knowledge regarding freshwater oil spill response technologies and the behavior and effects of oil spills in the Great Lakes;

(2) identify any significant gaps in Great Lakes oil spill research, including an assessment of major scientific or technological deficiencies in responses to past spills in the Great Lakes and other freshwater bodies, and seek to fill those gaps;

(3) conduct research, development, testing, and evaluation for freshwater oil spill response equipment, technologies, and techniques to mitigate and respond to oil spills in the Great Lakes;

(4) educate and train Federal, State, and local first responders located in United States Coast Guard District 9 in—

(A) the incident command system structure;

(B) Great Lakes oil spill response techniques and strategies; and

(C) public affairs; and

(5) work with academic and private sector response training centers to develop and standardize maritime oil spill response training and techniques for use on the Great Lakes.

(d) DEFINITION.—In this section, the term ''Great Lakes'' means Lake Superior, Lake Michigan, Lake Huron, Lake Erie, and Lake Ontario.

Subtitle F—Department of Commerce Vessels

SEC. 3701. WAIVERS FOR CERTAIN CONTRACTS.

Section 3134 of title 40, United States Code, is amended—

(1) by inserting ''Secretary of Homeland Security,'' after ''Air Force,'' each place it appears; and

(2) by adding at the end the following:

''(c) COMMERCE.—The Secretary of Commerce may waive this subchapter with respect to contracts for the construction, alteration, or repair of vessels, regardless of the terms of the contracts as to payment or title, when the contract is made under the Act entitled 'An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes', approved August 6, 1947 (33 U.S.C. 883a et seq.).''.

Subtitle G—Federal Maritime Commission Authorization Act of 2017

SEC. 3711. SHORT TITLE.

This subtitle may be cited as the ''Federal Maritime Commission Authorization Act of 2017''.

SEC. 3712. AUTHORIZATION OF APPROPRIATIONS.

Section 308 of title 46, United States Code, is amended by striking ''$24,700,000 for each of fiscal years 2016 and 2017'' and inserting ''$28,490,000 for each of fiscal years 2018 and 2019''.

SEC. 3713. RECORD OF MEETINGS AND VOTES.

(a) IN GENERAL.—Section 303 of title 46, United States Code, is amended to read as follows:

''§ 303. Meetings

''(a) IN GENERAL.—The Federal Maritime Commission shall be deemed to be an agency for purposes of section 552b of title 5.

''(b) RECORD.—The Commission, through its secretary, shall keep a record of its meetings and the votes taken on any action, order, contract, or financial transaction of the Commission.

''(c) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

''(1) IN GENERAL.—Notwithstanding section 552b of title 5, a majority of the Commissioners may hold a meeting that is not open to public observation to discuss official agency business if—

''(A) no formal or informal vote or other official agency action is taken at the meeting;

''(B) each individual present at the meeting is a Commissioner or an employee of the Commission; and

''(C) the General Counsel of the Commission is present at the meeting.

''(2) DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.—Except as provided under paragraph (3), not later than 2 business days after the conclusion of a meeting under paragraph (1), the Commission shall make available to the public, in a place easily accessible to the public—

''(A) a list of the individuals present at the meeting; and

''(B) a summary of the matters discussed at the meeting, except for any matters the Commission properly determines may be withheld from the public under section 552b(c) of title 5.

''(3) EXCEPTION.—If the Commission properly determines matters may be withheld from the public under section 555b(c) of title 5, the Commission shall provide a summary with as much general information as possible on those matters withheld from the public.

''(4) ONGOING PROCEEDINGS.—If a meeting under paragraph (1) directly relates to an ongoing proceeding before the Commission, the Commission shall make the disclosure under paragraph (2) on the date of the final Commission decision.

''(5) PRESERVATION OF OPEN MEETINGS REQUIREMENTS FOR AGENCY ACTION.—Nothing in this subsection may be construed to limit the applicability of section 552b of title 5 with respect to a meeting of the Commissioners other than that described in this subsection.

''(6) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed—

''(A) to limit the applicability of section 552b of title 5 with respect to any information which is proposed to be withheld from the public under paragraph (2)(B) of this subsection; or

''(B) to authorize the Commission to withhold from any individual any record that is accessible to that individual under section 552a of title 5.''.

(b) TABLE OF CONTENTS.—The table of contents of chapter 3 of title 46, United States Code, is amended by amending the item relating to section 303 to read as follows:

''303. Meetings.''.

SEC. 3714. PUBLIC PARTICIPATION.

(a) NOTICE OF FILING.—Section 40304(a) of title 46, United States Code, is amended to read as follows:

''(a) NOTICE OF FILING.—Not later than 7 days after the date an agreement is filed, the Federal Maritime Commission shall—

''(1) transmit a notice of the filing to the Federal Register for publication; and

''(2) request interested persons to submit relevant information and documents.''.

(b) REQUEST FOR INFORMATION AND DOCUMENTS.—Section 40304(d) of title 46, United States Code, is amended by striking ''section'' and inserting ''part''.

(c) SAVING CLAUSE.—Nothing in this section, or the amendments made by this section, may be construed—

(1) to prevent the Federal Maritime Commission from requesting from a person, at any time, any additional information or documents the Commission considers necessary to carry out chapter 403 of title 46, United States Code;

(2) to prescribe a specific deadline for the submission of relevant information and documents in response to a request under section 40304(a)(2) of title 46, United States Code; or

(3) to limit the authority of the Commission to request information under section 40304(d) of title 46, United States Code.

SEC. 3715. REPORTS FILED WITH THE COMMISSION.

Section 40104(a) of title 46, United States Code, is amended to read as follows:

''(a) REPORTS.—

''(1) IN GENERAL.—The Federal Maritime Commission may require a common carrier or marine terminal operator, or an officer, receiver, trustee, lessee, agent, or employee of the common carrier or marine terminal operator to file with the Commission a periodical or special report, an account, record, rate, or charge, or a memorandum of facts and transactions related to the business of the common carrier or marine terminal operator, as applicable.

''(2) REQUIREMENTS.—The report, account, record, rate, charge, or memorandum shall—

''(A) be made under oath if the Commission requires; and

''(B) be filed in the form and within the time prescribed by the Commission.''.

SEC. 3716. TRANSPARENCY.

(a) IN GENERAL.—Beginning not later than 60 days after the date of enactment of this Act, the Federal Maritime Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives biannual reports that describe the Commission's progress toward addressing the issues raised in each unfinished regulatory proceeding, regardless of whether the proceeding is subject to a statutory or regulatory deadline.

(b) FORMAT OF REPORTS.—Each report under subsection (a) shall, among other things, clearly identify for each unfinished regulatory proceeding—

(1) the popular title;

(2) the current stage of the proceeding;

(3) an abstract of the proceeding;

(4) what prompted the action in question;

(5) any applicable statutory, regulatory, or judicial deadline;

(6) the associated docket number;

(7) the date the rulemaking was initiated;

(8) a date for the next action; and

(9) if a date for next action identified in the previous report is not met, the reason for the delay.

SEC. 3717. NEGOTIATIONS.

(a) EXCEPTIONS.—Section 40307(b)(1) of title 46, United States Code, is amended by inserting ''tug operators,'' after ''motor carriers,''.

(b) CONCERTED ACTION.—Section 41105 of title 46, United States Code, is amended—

(1) in paragraph (4)—

(A) by striking ''non-ocean carrier'' and inserting ''tug operator, non-ocean carrier,''; and

(B) by inserting ''tug operators or'' after ''States by those'';

(2) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(3) by inserting after paragraph (4) the following:

''(5) negotiate with a marine terminal operator on any rate or service matter associated with certain covered services provided to ocean common carriers within the United States by those marine terminal operators, unless the negotiations and any resulting agreements are not in violation of the antitrust laws and are consistent with the purposes of this part, except that this paragraph does not prohibit the setting and publishing of a joint through rate by a conference, joint venture, or association of ocean common carriers;'';

(4) in the matter preceding paragraph (1), by inserting ''(a) IN GENERAL.—'' before ''A conference'' and indenting appropriately; and

(5) by adding at the end the following:

''(b) DEFINITION OF CERTAIN COVERED SERVICES.—In this section, the term 'certain covered services' means berthing, the loading or unloading of cargo to or from a vessel to or from a point of rest on a wharf, the bunkering of such a vessel, towage and tug assistance of such a vessel, or the positioning, removal, or replacement of navigation buoys.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CONTENT REQUIREMENTS.—Section 40303(b)(5) of title 46, United States Code, is amended by striking ''section 41105(1) or (3) of this title'' and inserting ''paragraph (1) or paragraph (3) of section 41105(a) of this title''; and

(2) AWARD OF REPARATIONS.—Section 41305(c) of title 46, United States Code, is amended by striking ''section 41105(1) or (3) of this title'' and inserting ''paragraph (1) or paragraph (3) of section 41105(a) of this title''.

(d) SAVINGS CLAUSE.—Nothing in this section or the amendments made by this section shall be construed to limit the authority of the Department of Justice regarding antitrust matters.

SEC. 3718. PROHIBITIONS AND PENALTIES.

Section 41104(11) of title 46, United States Code, is amended to read as follows:

''(11) knowingly and willfully accept cargo from or transport cargo for the account of a non-vessel-operating common carrier that

does not have a tariff as required by section 40501 of this title, or an ocean transportation intermediary that does not have a bond, insurance, or other surety as required by section 40902 of this title; or''.

Subtitle H—Vessel Incidental Discharge Act

SEC. 3721. SHORT TITLE.

This subtitle may be cited as the ''Vessel Incidental Discharge Act''.

SEC. 3722. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) AQUATIC NUISANCE SPECIES.—The term ''aquatic nuisance species'' means a nonindigenous species (including a pathogen) that threatens the diversity or abundance of native species or the ecological stability of navigable waters of the United States, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.

(3) BALLAST WATER.—The term ''ballast water'' means any water and suspended matter taken on board a commercial vessel to control or maintain trim, draught, stability, or stresses of the commercial vessel, regardless of how it is carried.

(4) BALLAST WATER DISCHARGE STANDARD.—The term ''ballast water discharge standard'' means the numerical ballast water discharge standard set forth in section 151.2030 of title 33, Code of Federal Regulations, or section 151.1511 of such title, or a revised numerical ballast water discharge standard established under section 805, as applicable.

(5) BALLAST WATER MANAGEMENT SYSTEM.—The term ''ballast water management system'' means any system (including all ballast water treatment equipment and all associated control and monitoring equipment) that processes ballast water to kill, render harmless, or remove organisms.

(6) COMMERCIAL VESSEL.—

(A) IN GENERAL.—The term ''commercial vessel'' means a vessel (as defined in section 3 of title 1, United States Code) that is engaged in commercial service (as defined in section 2101 of title 46, United States Code).

(B) EXCLUSION.—The term ''commercial vessel'' does not include a recreational vessel.

(7) DISCHARGE INCIDENTAL TO THE NORMAL OPERATION OF A COMMERCIAL VESSEL.—

(A) IN GENERAL.—The term ''discharge incidental to the normal operation of a commercial vessel'' means—

(i) a discharge into navigable waters of the United States from a commercial vessel of—

(I)(aa) graywater, bilge water, cooling water, oil water separator effluent, anti-fouling hull coating leachate, boiler or economizer blowdown, byproducts from cathodic protection, controllable pitch propeller and thruster hydraulic fluid, distillation and reverse osmosis brine, elevator pit effluent, firemain system effluent, freshwater layup effluent, gas turbine wash water, motor gasoline and compensating effluent, refrigeration and air condensate effluent, seawater piping biofouling prevention substances, boat engine wet exhaust, sonar dome effluent, exhaust gas scrubber washwater, or stern tube packing gland effluent; or

(bb) any other pollutant associated with the operation of a marine propulsion system, shipboard maneuvering system, habitability system, or installed major equipment, or from a protective, preservative, or absorptive application to the hull of a commercial vessel;

(II) deck runoff, deck washdown, above the waterline hull cleaning effluent, aqueous film forming foam effluent, chain locker effluent, non-oily machinery wastewater, underwater ship husbandry effluent, welldeck effluent, or fish hold and fish hold cleaning effluent; or

(III) any effluent from a properly functioning marine engine; or

(ii) a discharge of a pollutant into navigable waters of the United States in connection with the testing, maintenance, or repair of a system, equipment, or engine described in subclause (I)(bb) or (III) of clause (i) whenever the commercial vessel is waterborne.

(B) EXCLUSIONS.—The term ''discharge incidental to the normal operation of a commercial vessel'' does not include—

(i) a discharge into navigable waters of the United States from a commercial vessel of—

(I) ballast water;

(II) rubbish, trash, garbage, incinerator ash, or other such material discharged overboard;

(III) oil or a hazardous substance (as such terms are defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321)); or

(IV) sewage (as defined in section 312(a)(6) of the Federal Water Pollution Control Act (33 U.S.C. 1322(a)(6))); or

(ii) any emission of an air pollutant resulting from the operation onboard a commercial vessel of a commercial vessel propulsion system, motor driven equipment, or incinerator; or

(iii) any discharge into navigable waters of the United States from a commercial vessel when the commercial vessel is operating in a capacity other than as a means of transportation on water.

(8) GENERAL PERMIT.—The term ''General Permit'' means the Final National Pollutant Discharge Elimination System Vessel General Permit for Discharges Incidental to the Normal Operation of a Vessel noticed in the Federal Register on April 12, 2013 (78 Fed. Reg. 21938).

(9) GEOGRAPHICALLY LIMITED AREA.—The term ''geographically limited area'' means an area—

(A) with a physical limitation that prevents a commercial vessel from operating outside the area, such as the Great Lakes and Saint Lawrence River, as determined by the Secretary; or

(B) that is ecologically homogeneous, as determined by the Secretary in consultation with the heads of other Federal departments or agencies the Secretary considers appropriate.

(10) MAJOR CONVERSION.—The term ''major conversion'' has the meaning given such term in section 2101(14a) of title 46, United States Code.

(11) NAVIGABLE WATERS OF THE UNITED STATES.—The term ''navigable waters of the United States'' has the meaning given such term in section 2101(17a) of title 46, United States Code.

(12) OWNER OR OPERATOR.—The term ''owner or operator'' means a person owning, operating, or chartering by demise a commercial vessel.

(13) POLLUTANT.—The term ''pollutant'' has the meaning given such term in section 502(6) of the Federal Water Pollution Control Act (33 U.S.C. 1362(6)).

(14) RECREATIONAL VESSEL.—The term ''recreational vessel'' has the meaning given such term in section 2101(25) of title 46, United States Code.

(15) SECRETARY.—The term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

SEC. 3723. EXISTING BALLAST WATER REGULATIONS.

(a) EFFECT ON EXISTING REGULATIONS.—Any regulation issued pursuant to the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 that is in effect on the date immediately preceding the effective date of this subtitle, and that relates to a matter subject to regulation under this subtitle, shall remain in full force and effect unless or until superseded by a new regulation issued under this subtitle relating to such matter.

(b) APPLICATION OF OTHER REGULATIONS.—The regulations issued pursuant to the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) relating to sanctions for violating a regulation under that Act shall apply to violations of a regulation issued under this subtitle.

SEC. 3724. BALLAST WATER DISCHARGE REQUIREMENTS.

(a) IN GENERAL.—

(1) REQUIREMENTS.—Except as provided in paragraph (3), and subject to sections 151.2035 and 151.2036 of title 33, Code of Federal Regulations (as in effect on the date of the enactment of this Act), an owner or operator may discharge ballast water into navigable waters of the United States from a commercial vessel covered under subsection (b) only if—

(A) by applying the best available technology economically achievable, the discharge meets the ballast water discharge standard; and

(B) the owner or operator discharges the ballast water in accordance with other requirements established by the Secretary.

(2) COMMERCIAL VESSELS ENTERING THE GREAT LAKES SYSTEM AND HUDSON RIVER.—If a commercial vessel enters the Great Lakes through the Saint Lawrence River or the Hudson River north of the George Washington Bridge after operating outside the exclusive economic zone of the United States or Canada, the owner or operator shall—

(A) comply with the requirements of—

(i) paragraph (1);

(ii) subpart C of part 151 of title 33, Code of Federal Regulations; and

(iii) section 401.30 of such title; and

(B) conduct a complete ballast water exchange in an area that is 200 nautical miles or more from any shore before the owner or operator may discharge ballast water while operating in the Saint Lawrence River or the Great Lakes, subject to any requirements the Secretary determines necessary with regard to such exchange, or any ballast water management system that is to be used in conjunction with such exchange, to ensure that any discharge of ballast water complies with the requirements under paragraph (1).

(3) SAFETY EXEMPTION.—Notwithstanding paragraphs (1) and (2), an owner or operator may discharge any ballast water into navigable waters of the United States from a commercial vessel if—

(A) the ballast water is discharged solely to ensure the safety of life at sea;

(B) the ballast water is discharged accidentally as the result of damage to the commercial vessel or its equipment and—

(i) all reasonable precautions to prevent or minimize the discharge have been taken; and

(ii) the owner or operator did not willfully or recklessly cause such damage; or

(C) the ballast water is discharged solely for the purpose of avoiding or minimizing a discharge from the commercial vessel of a pollutant that would violate an applicable Federal or State law.

(4) LIMITATION ON REQUIREMENTS.—In establishing requirements under this subsection, the Secretary may not require the installation of a ballast water management system on a commercial vessel that—

(A) carries all of its ballast water in sealed tanks that are not subject to discharge; or

(B) discharges ballast water solely into a reception facility described in section 3727.

(b) APPLICABILITY.—

(1) COVERED VESSELS.—Except as provided in paragraph (2), subsection (a) shall apply to

any commercial vessel that is designed, constructed, or adapted to carry ballast water while such commercial vessel is operating in navigable waters of the United States.

(2) EXEMPTED VESSELS.—Subsection (a) shall not apply to a commercial vessel—

(A) that continuously takes on and discharges ballast water in a flow-through system, if such system does not introduce aquatic nuisance species into navigable waters of the United States, as determined by the Secretary;

(B) that operates exclusively within a geographically limited area;

(C) that operates pursuant to a geographic restriction issued as a condition under section 3309 of title 46, United States Code, or an equivalent restriction issued by the country of registration of the commercial vessel;

(D) in the National Defense Reserve Fleet that is scheduled to be disposed of through scrapping or sinking;

(E) that discharges ballast water consisting solely of water taken aboard from a public or commercial source that, at the time the water is taken aboard, meets the applicable regulations or permit requirements for such source under the Safe Drinking Water Act (42 U.S.C. 300f et seq.); or

(F) in an alternative compliance program established pursuant to section 3726.

(c) TYPE APPROVAL OF BALLAST WATER MANAGEMENT SYSTEMS THAT RENDER BALLAST WATER ORGANISMS INCAPABLE OF REPRODUCTION.—

(1) IN GENERAL.—Notwithstanding chapter 5 of title 5, United States Code, part 151 of title 33, Code of Federal Regulations, and part 162 of title 46, Code of Federal Regulations, a ballast water management system that renders organisms in ballast water incapable of reproduction at the concentrations prescribed in the ballast water discharge standard shall be type approved by the Secretary, if—

(A) such system—

(i) undergoes type approval testing at an independent laboratory designated by the Secretary under such regulations; and

(ii) meets the requirements of subpart 162.060 of title 46, Code of Federal Regulations, other than the requirements related to staining methods or measuring the concentration of living organisms; and

(B) such laboratory uses a type approval testing method described in a final policy letter published under paragraph (2).

(2) TYPE APPROVAL TESTING METHODS.—

(A) DRAFT POLICY.—Not later than 60 days after the date of enactment of this Act, the Secretary shall publish a draft policy letter describing type approval testing methods capable of measuring the concentration of organisms in ballast water that are capable of reproduction.

(B) PUBLIC COMMENT.—The Secretary shall provide for a period of not more than 60 days for the public to comment on the draft policy letter published under paragraph (1).

(C) FINAL POLICY.—Not later than 150 days after the date of the enactment of this Act, the Secretary shall publish a final policy letter describing type approval testing methods capable of measuring the concentration of organisms in ballast water that are capable of reproduction.

(D) REVISIONS.—The Secretary shall revise such policy letter as additional testing methods are determined by the Secretary to be capable of measuring the concentration of organisms in ballast water that are capable of reproduction.

(E) CONSIDERATIONS.—In developing a policy letter under this paragraph, the Secretary—

(i) shall consider a type approval testing method that uses organism grow out and most probable number statistical analysis to determine the concentration of organisms in ballast water that are capable of reproduction; and

(ii) shall not consider a type approval testing method that relies on a staining method that measures the concentration of organisms greater than or equal to 10 micrometers and organisms less than or equal to 50 micrometers.

SEC. 3725. REVIEW OF BALLAST WATER DISCHARGE STANDARD.

(a) EFFECTIVENESS REVIEW.—

(1) IN GENERAL.—The Secretary shall conduct reviews in accordance with this section to determine whether revising the ballast water discharge standard based on the application of the best available technology economically achievable would result in a reduction in the risk of the introduction or establishment of aquatic nuisance species.

(2) REQUIRED REVIEWS.—Not later than January 1, 2022, and every 10 years thereafter, the Secretary, in consultation with the Administrator, shall complete a review under paragraph (1).

(3) STATE PETITIONS FOR REVIEW.—

(A) IN GENERAL.—The Governor of a State may submit a petition requesting the Secretary to conduct a review under paragraph (1) if there is significant new information that could reasonably indicate the ballast water discharge standard could be revised to result in a reduction in the risk of the introduction or establishment of aquatic nuisance species.

(B) TIMING.—A Governor may not submit a petition under subparagraph (A) during the 1-year period following the date of completion of a review under paragraph (1).

(C) REQUIRED INFORMATION.—A petition submitted to the Secretary under subparagraph (A) shall include—

(i) a proposed ballast water discharge standard that would result in a reduction in the risk of the introduction or establishment of aquatic nuisance species;

(ii) information regarding any ballast water management systems that may achieve the proposed ballast water discharge standard;

(iii) the scientific and technical information on which the petition is based, including a description of the risk reduction that would result from the proposed ballast water discharge standard included under clause (i); and

(iv) any additional information the Secretary considers appropriate.

(D) PUBLIC AVAILABILITY.—Upon receiving a petition under subparagraph (A), the Secretary shall make publicly available a copy of the petition, including the information included under subparagraph (C).

(E) TREATMENT OF MORE THAN ONE PETITION AS A SINGLE PETITION.—The Secretary may treat more than one petition submitted under subparagraph (A) as a single such petition.

(F) AUTHORITY TO REVIEW.—After receiving a petition that meets the requirements of this paragraph, the Secretary, in consultation with the Administrator, may conduct a review under paragraph (1).

(b) PRACTICABILITY REVIEW.—

(1) IN GENERAL.—If the Secretary determines under subsection (a) that revision of the ballast water discharge standard would result in a reduction in the risk of the introduction or establishment of aquatic nuisance species, the Secretary, in consultation with the Administrator, shall conduct a practicability review to determine whether—

(A) a ballast water management system that is capable of achieving the ballast water discharge standard as proposed to be revised is economically achievable and operationally practicable; and

(B) testing protocols that can assure accurate measurement of compliance with the ballast water discharge standard as proposed to be revised can be practicably implemented.

(2) CRITERIA FOR PRACTICABILITY REVIEW.—In conducting a practicability review under paragraph (1), the Secretary shall consider—

(A) improvements in the scientific understanding of biological and ecological processes that lead to the introduction or establishment of aquatic nuisance species;

(B) improvements in ballast water management systems, including—

(i) the capability of such systems to achieve the ballast water discharge standard as proposed to be revised;

(ii) the effectiveness and reliability of such systems in the shipboard environment;

(iii) the compatibility of such systems with the design and operation of a commercial vessel by class, type, and size;

(iv) the commercial availability of such systems; and

(v) the safety of such systems;

(C) improvements in the capabilities to detect, quantify, and assess whether aquatic nuisance species are capable of reproduction under the ballast water discharge standard as proposed to be revised;

(D) the impact of ballast water management systems on water quality;

(E) the costs, cost-effectiveness, and effects of—

(i) a revised ballast water discharge standard; and

(ii) maintaining the existing ballast water discharge standard; and

(F) other criteria that the Secretary considers appropriate.

(3) INFORMATION FROM STATES.—In conducting a practicability review under paragraph (1), the Secretary shall solicit information from the States concerning matters the Secretary is required to consider under paragraph (2).

(c) REVISED BALLAST WATER DISCHARGE STANDARD.—The Secretary shall issue a rule to revise the ballast water discharge standard if the Secretary, in consultation with the Administrator, determines on the basis of the practicability review under subsection (b) that—

(1) a ballast water management system that is capable of achieving the ballast water discharge standard as proposed to be revised is economically achievable and operationally practicable; and

(2) testing protocols that can assure accurate measurement of compliance with the ballast water discharge standard as proposed to be revised can be practicably implemented.

(d) REVISED BALLAST WATER DISCHARGE STANDARD EFFECTIVE DATE AND COMPLIANCE DEADLINE.—

(1) IN GENERAL.—If the Secretary issues a rule to revise the ballast water discharge standard under subsection (c), the Secretary shall include in such rule—

(A) an effective date for the revised ballast discharge standard that is 3 years after the date on which such rule is published in the Federal Register; and

(B) for the owner or operator of a commercial vessel that is constructed or completes a major conversion on or after the date that is 3 years after the date on which the rule is published in the Federal Register, a deadline to comply with the revised ballast water discharge standard that is the first day on which such commercial vessel operates in navigable waters of the United States.

(2) EXTENSIONS.—The Secretary shall establish a process for an owner or operator to submit a petition to the Secretary for an extension of a compliance deadline under paragraph (1)(B).

(3) FACTORS.—In reviewing a petition under this subsection, the Secretary shall consider, with respect to the ability of an owner or operator to meet a compliance deadline—

(A) whether the ballast water management system to be installed, if applicable, is available in sufficient quantities to meet the compliance deadline;

(B) whether there is sufficient shipyard or other installation facility capacity;

(C) whether there is sufficient availability of engineering and design resources;

(D) commercial vessel characteristics, such as engine room size, layout, or a lack of installed piping;

(E) electric power generating capacity aboard the commercial vessel;

(F) the safety of the commercial vessel and crew; and

(G) any other factor that the Secretary determines appropriate.

(4) CONSIDERATION OF PETITIONS.—

(A) DETERMINATIONS.—The Secretary shall approve or deny a petition for an extension of a compliance deadline submitted by an owner or operator under this subsection.

(B) DEADLINE.—If the Secretary does not approve or deny a petition referred to in subparagraph (A) on or before the last day of the 90-day period beginning on the date of submission of the petition, the petition shall be deemed approved.

(5) PERIOD OF USE OF INSTALLED BALLAST WATER MANAGEMENT SYSTEM.—

(A) IN GENERAL.—Subject to subparagraph (B), an owner or operator shall be considered to be in compliance with the ballast water discharge standard if—

(i) the ballast water management system installed on the commercial vessel complies with the ballast water discharge standard in effect at the time of installation, notwithstanding any revisions to the ballast water discharge standard occurring after the installation;

(ii) the owner or operator maintains the ballast water management system in proper working condition, as determined by the Secretary; and

(iii) the ballast water management system continues to meet the ballast water discharge standard applicable to the commercial vessel at the time of installation, as determined by the Secretary.

(B) LIMITATION.—Subparagraph (A) shall cease to apply with respect to a commercial vessel after—

(i) the expiration of the service life of the ballast water management system of the commercial vessel, as determined by the Secretary;

(ii) the expiration of the service life of the commercial vessel, as determined by the Secretary; or

(iii) the completion of a major conversion of the commercial vessel.

SEC. 3726. ALTERNATIVE COMPLIANCE PROGRAM.

The Secretary, in consultation with the Administrator, may issue a rule establishing 1 or more compliance programs that may be used by an owner or operator as an alternative to compliance with the requirements of section 3724(a) for a commercial vessel that—

(1) has a maximum ballast water capacity of less than 8 cubic meters; or

(2) is less than 3 years from the end of the service life of the commercial vessel, as determined by the Secretary.

SEC. 3727. RECEPTION FACILITIES.

(a) IN GENERAL.—Notwithstanding the requirements under section 3724(a), an owner or operator may discharge ballast water into an onshore or offshore facility for the reception of ballast water that meets the standards established by the Administrator, in consultation with the Secretary, under subsection (b).

(b) ISSUANCE OF STANDARDS.—Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Secretary, shall publish a rule in the Federal Register that establishes reasonable and practicable standards for reception facilities to mitigate adverse effects of aquatic nuisance species on navigable waters of the United States.

SEC. 3728. REQUIREMENTS FOR DISCHARGES INCIDENTAL TO THE NORMAL OPERATION OF A COMMERCIAL VESSEL.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the Administrator, shall publish a rule in the Federal Register that establishes best management practices for discharges incidental to the normal operation of a commercial vessel for commercial vessels that are—

(1) greater than or equal to 79 feet in length; and

(2) not fishing vessels, including fish processing vessels and fish tender vessels (as such terms are defined in section 2101 of title 46, United States Code).

(b) TRANSITION.—

(1) IN GENERAL.—Notwithstanding the expiration date for the General Permit, any practice, limitation, or concentration applicable to any discharge incidental to the normal operation of a commercial vessel that is required by the General Permit on the date of enactment of this Act, and any reporting requirement required by the General Permit on such date of enactment, shall remain in effect until the effective date of a rule issued by the Secretary under subsection (a).

(2) PART 6 CONDITIONS.—Notwithstanding paragraph (1) and any other provision of law, the terms and conditions of Part 6 of the General Permit (relating to specific requirements for individual States or Indian country lands) shall expire on the date of enactment of this Act.

(c) APPLICATION TO CERTAIN VESSELS.—

(1) APPLICATION OF FEDERAL WATER POLLUTION CONTROL ACT.—No permit shall be required under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) or prohibition enforced under any other provision of law for, nor shall any best management practice regarding a discharge incidental to the normal operation of a commercial vessel under this subtitle apply to, a discharge incidental to the normal operation of a commercial vessel if the commercial vessel is—

(A) less than 79 feet in length; or

(B) a fishing vessel, including a fish processing vessel and a fish tender vessel (as such terms are defined in section 2101 of title 46, United States Code).

(2) APPLICATION OF GENERAL PERMIT.—The terms and conditions of the General Permit shall cease to apply to vessels described in subparagraphs (A) and (B) of paragraph (1) on the date of enactment of this Act.

(d) STATE PETITION FOR REVISION OF BEST MANAGEMENT PRACTICES.—

(1) IN GENERAL.—The Governor of a State may submit a petition to the Secretary requesting that the Secretary revise a best management practice established under subsection (a) if there is significant new information that could reasonably indicate that—

(A) revising the best management practice would substantially reduce the adverse effects on navigable waters of the United States of discharges incidental to the normal operation of a commercial vessel; and

(B) the revised best management practice would be economically achievable and operationally practicable.

(2) REQUIRED INFORMATION.—A petition submitted to the Secretary under paragraph (1) shall include—

(A) the scientific and technical information on which the petition is based; and

(B) any additional information the Secretary considers appropriate.

(3) PUBLIC AVAILABILITY.—Upon receiving a petition under paragraph (1), the Secretary shall make publicly available a copy of the petition, including the information included under paragraph (2).

(4) TREATMENT OF MORE THAN ONE PETITION AS A SINGLE PETITION.—The Secretary may treat more than one petition submitted under paragraph (1) as a single petition.

(5) REVISION OF BEST MANAGEMENT PRACTICES.—If, after reviewing a petition submitted by a Governor under paragraph (1), the Secretary, in consultation with the Administrator, determines that revising a best management practice would substantially reduce the adverse effects on navigable waters of the United States of discharges incidental to the normal operation of a commercial vessel, and the revised best management practice would be economically achievable and operationally practicable, the Secretary, in consultation with the Administrator, may issue a rule to revise the best management practice established under subsection (a).

SEC. 3729. JUDICIAL REVIEW.

(a) IN GENERAL.—A person may file a petition for review of a final rule issued under this subtitle in the United States Court of Appeals for the District of Columbia Circuit.

(b) DEADLINE.—

(1) IN GENERAL.—A petition shall be filed under this section not later than 120 days after the date on which the rule to be reviewed is published in the Federal Register.

(2) EXCEPTION.—Notwithstanding paragraph (1), a petition that is based solely on grounds that arise after the deadline to file a petition under paragraph (1) has passed may be filed not later than 120 days after the date on which such grounds first arise.

SEC. 3730. STATE ENFORCEMENT.

The Secretary may enter into an agreement with the Governor of a State to authorize the State to enforce the provisions of this subtitle, as the Secretary considers appropriate.

SEC. 3731. EFFECT ON STATE AUTHORITY.

(a) IN GENERAL.—Except as provided in subsection (b) and as necessary to implement an agreement entered into under section 3730, no State or political subdivision thereof may adopt or enforce any statute, regulation, or other requirement of the State or political subdivision with respect to—

(1) a discharge into navigable waters of the United States from a commercial vessel of ballast water; or

(2) a discharge incidental to the normal operation of a commercial vessel.

(b) PRESERVATION OF AUTHORITY.—Nothing in this subtitle may be construed as affecting the authority of a State or political subdivision thereof to adopt or enforce any statute, regulation, or other requirement with respect to any water or other substance discharged or emitted from a vessel in preparation for transport of the vessel by land from one body of water to another body of water.

SEC. 3732. EFFECT ON OTHER LAWS.

(a) APPLICATION OF FEDERAL WATER POLLUTION CONTROL ACT.—

(1) IN GENERAL.—Except as provided in section 3728(b), on or after the date of enactment of this Act, the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) shall not apply to a discharge into navigable waters of the United States of ballast water from a commercial vessel or a discharge incidental to the normal operation of a commercial vessel.

(2) OIL AND HAZARDOUS SUBSTANCE LIABILITY; MARINE SANITATION DEVICES.—Nothing in

this subtitle may be construed as affecting the application to a commercial vessel of section 311 or 312 of the Federal Water Pollution Control Act (33 U.S.C. 1321 and 1322).

(b) ESTABLISHED REGIMES.—Notwithstanding any other provision of this subtitle, nothing in this subtitle may be construed as affecting the authority of the Federal Government under—

(1) the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to the regulation by the Federal Government of any discharge or emission that, on or after the date of enactment of this Act, is covered under the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978; and

(2) title X of the Coast Guard Authorization Act of 2010 (33 U.S.C. 3801 et seq.) with respect to the regulation by the Federal Government of any anti-fouling system that, on or after the date of enactment of this Act, is covered under the International Convention on the Control of Harmful Anti-fouling Systems on Ships, done at London October 5, 2001.

(c) INTERNATIONAL LAW.—

(1) IN GENERAL.—Any action taken under this subtitle shall be taken in accordance with international law.

(2) STANDARDS.—Nothing in this subtitle may be construed to impose any design, equipment, or operation standard on a commercial vessel not documented under the laws of the United States and engaged in innocent passage unless the standard implements a generally accepted international rule, as determined by the Secretary.

(d) OTHER AUTHORITIES.—Nothing in this subtitle may be construed as affecting the authority of the Secretary of Commerce or the Secretary of the Interior, as the case may be, to administer lands or waters under such Secretary's administrative control.

(e) CONFORMING AMENDMENTS.—The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.) is amended—

(1) in section 1101(c)(2) (16 U.S.C. 4711(c)(2))—

(A) in subparagraph (K), by striking ''; and'' and inserting a period; and

(B) by striking subparagraph (L); and

(2) in section 1205 (16 U.S.C. 4725), by adding at the end the following: ''Ballast water and discharges incidental to the normal operation of a commercial vessel (as such terms are defined in the Vessel Incidental Discharge Act) shall be regulated pursuant to such Act.''.

Subtitle I—National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments and Hydrographic Services Improvement Act Reauthorization and Amendments Act of 2017

SEC. 3801. SHORT TITLE.

This subtitle may be cited as the ''National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments and Hydrographic Services Improvement Act Reauthorization and Amendments Act of 2017''.

SEC. 3802. REFERENCES TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS ACT OF 2002.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.).

PART I—GENERAL PROVISIONS

SEC. 3811. STRENGTH AND DISTRIBUTION IN GRADE.

Section 214 (33 U.S.C. 3004) is amended to read as follows:

''SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.

''(a) GRADES.—The commissioned grades in the commissioned officer corps of the Administration are the following, in relative rank with officers of the Navy:

''(1) Vice admiral.

''(2) Rear admiral.

''(3) Rear admiral (lower half).

''(4) Captain.

''(5) Commander.

''(6) Lieutenant commander.

''(7) Lieutenant.

''(8) Lieutenant (junior grade).

''(9) Ensign.

''(b) GRADE DISTRIBUTION.—The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percentages applicable to the grades set forth in subsection (a).

''(c) ANNUAL COMPUTATION OF NUMBER IN GRADE.—

''(1) IN GENERAL.—Not less frequently than once each year, the Secretary shall make a computation to determine the number of officers on the lineal list authorized to be serving in each grade.

''(2) METHOD OF COMPUTATION.—The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made.

''(3) FRACTIONS.—If a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken. If the fraction is ½, the next higher whole number shall be taken.

''(d) TEMPORARY INCREASE IN NUMBERS.—The total number of officers authorized by law to be on the lineal list during a fiscal year may be temporarily exceeded if the average number on that list during that fiscal year does not exceed the authorized number.

''(e) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228(a) and officers recalled from retired status shall not be counted when computing authorized strengths under subsection (c) and shall not count against those strengths.

''(f) PRESERVATION OF GRADE AND PAY.—No officer may be reduced in grade or pay or separated from the commissioned officer corps of the Administration as the result of a computation made to determine the authorized number of officers in the various grades.''.

SEC. 3812. RECALLED OFFICERS.

Section 215 (33 U.S.C. 3005) is amended—

(1) in the matter before paragraph (1), by striking ''Effective'' and inserting the following:

''(a) IN GENERAL.—Effective''; and

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

''(b) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228 and officers recalled from retired status or detailed to an agency other than the Administration—

''(1) may not be counted in determining the total number of authorized officers on the lineal list under this section; and

''(2) may not count against such number.''.

SEC. 3813. OBLIGATED SERVICE REQUIREMENT.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

''SEC. 216. OBLIGATED SERVICE REQUIREMENT.

''(a) IN GENERAL.—

''(1) RULEMAKING.—The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirement of officers not otherwise covered by law.

''(2) WRITTEN AGREEMENTS.—The Secretary and officers shall enter into written agreements that describe the officers' obligated service requirements prescribed under paragraph (1) in return for such appointments, training, promotions, separations, and retirements as the Secretary considers appropriate.

''(b) REPAYMENT FOR FAILURE TO SATISFY REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may require an officer who fails to meet the service requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the training provided to that officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

''(2) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary under paragraph (1) shall be considered for all purposes as a debt owed to the United States.

''(3) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a)(2) does not discharge the individual signing the agreement from a debt arising under such agreement.

''(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary may waive the service obligation of an officer who—

''(1) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that officer; or

''(2) is—

''(A) not physically qualified for appointment; and

''(B) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the officer's own misconduct or grossly negligent conduct.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 215 the following:

''Sec. 216. Obligated service requirement.''.

SEC. 3814. TRAINING AND PHYSICAL FITNESS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 3813(a), is further amended by adding at the end the following:

''SEC. 217. TRAINING AND PHYSICAL FITNESS.

''(a) TRAINING.—The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include the following:

''(1) Carrying out training programs and correspondence courses, including establishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, midcareer training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

''(2) Providing officers and officer candidates with books and school supplies.

''(3) Acquiring such equipment as may be necessary for training and instructional purposes.

''(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high

physical state of readiness by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Coast Guard.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 3813(b), is further amended by inserting after the item relating to section 216 the following:

''Sec. 217. Training and physical fitness.''.

SEC. 3815. RECRUITING MATERIALS.

(a) IN GENERAL.—Subtitle A (33 U.S.C. 3001 et seq.), as amended by section 3814(a), is further amended by adding at the end the following:

''SEC. 218. USE OF RECRUITING MATERIALS FOR PUBLIC RELATIONS.

''The Secretary may use for public relations purposes of the Department of Commerce any advertising materials developed for use for recruitment and retention of personnel for the commissioned officer corps of the Administration. Any such use shall be under such conditions and subject to such restrictions as the Secretary shall prescribe.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 3814(b), is further amended by inserting after the item relating to section 217 the following:

''Sec. 218. Use of recruiting materials for public relations.''.

SEC. 3816. TECHNICAL CORRECTION.

Section 101(21)(C) of title 38, United States Code, is amended by inserting ''in the commissioned officer corps'' before ''of the National''.

PART II—PARITY AND RECRUITMENT

SEC. 3821. EDUCATION LOANS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

''SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.

''(a) AUTHORITY TO REPAY EDUCATION LOANS.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty who have skills required by the commissioned officer corps, the Secretary may repay, in the case of a person described in subsection (b), a loan that—

''(1) was used by the person to finance education; and

''(2) was obtained from a governmental entity, private financial institution, educational institution, or other authorized entity.

''(b) ELIGIBLE PERSONS.—To be eligible to obtain a loan repayment under this section, a person must—

''(1) satisfy 1 of the requirements specified in subsection (c);

''(2) be fully qualified for, or hold, an appointment as a commissioned officer in the commissioned officer corps of the Administration; and

''(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

''(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—One of the following academic requirements must be satisfied for purposes of determining the eligibility of an individual for a loan repayment under this section:

''(1) The person is fully qualified in a profession that the Secretary has determined to be necessary to meet identified skill shortages in the commissioned officer corps.

''(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution (as determined by the Secretary of Education) leading to a degree in a profession that will meet identified skill shortages in the commissioned officer corps.

''(d) LOAN REPAYMENTS.—

''(1) IN GENERAL.—Subject to the limits established under paragraph (2), a loan repayment under this section may consist of the payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b).

''(2) LIMITATION ON AMOUNT.—For each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(3), the Secretary may pay not more than the amount specified in section 2173(e)(2) of title 10, United States Code.

''(e) ACTIVE DUTY SERVICE OBLIGATION.—

''(1) IN GENERAL.—A person entering into an agreement described in subsection (b)(3) incurs an active duty service obligation.

''(2) LENGTH OF OBLIGATION DETERMINED UNDER REGULATIONS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the length of the obligation under paragraph (1) shall be determined under regulations prescribed by the Secretary.

''(B) MINIMUM OBLIGATION.—The regulations prescribed under subparagraph (A) may not provide for a period of obligation of less than 1 year for each maximum annual amount, or portion thereof, paid on behalf of the person for qualified loans.

''(3) PERSONS ON ACTIVE DUTY BEFORE ENTERING INTO AGREEMENT.—The active duty service obligation of persons on active duty before entering into the agreement shall be served after the conclusion of any other obligation incurred under the agreement.

''(f) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—

''(1) ALTERNATIVE OBLIGATIONS.—An officer who is relieved of the officer's active duty obligation under this section before the completion of that obligation may be given any alternative obligation, at the discretion of the Secretary.

''(2) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b)(3), or the alternative obligation imposed under paragraph (1), shall be subject to the repayment provisions under section 216.

''(g) RULEMAKING.—The Secretary shall prescribe regulations to carry out this section, including—

''(1) standards for qualified loans and authorized payees; and

''(2) other terms and conditions for the making of loan repayments.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 266 the following:

''Sec. 267. Education loan repayment program.''.

SEC. 3822. INTEREST PAYMENTS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 3821(a), is further amended by adding at the end the following:

''SEC. 268. INTEREST PAYMENT PROGRAM.

''(a) AUTHORITY.—The Secretary may pay the interest and any special allowances that accrue on 1 or more student loans of an eligible officer, in accordance with this section.

''(b) ELIGIBLE OFFICERS.—An officer is eligible for the benefit described in subsection (a) while the officer—

''(1) is serving on active duty;

''(2) has not completed more than 3 years of service on active duty;

''(3) is the debtor on 1 or more unpaid loans described in subsection (c); and

''(4) is not in default on any such loan.

''(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans:

''(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

''(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.).

''(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.).

''(d) MAXIMUM BENEFIT.—Interest and any special allowance may be paid on behalf of an officer under this section for any of the 36 consecutive months during which the officer is eligible under subsection (b).

''(e) FUNDS FOR PAYMENTS.—The Secretary may use amounts appropriated for the pay and allowances of personnel of the commissioned officer corps of the Administration for payments under this section.

''(f) COORDINATION WITH SECRETARY OF EDUCATION.—

''(1) IN GENERAL.—The Secretary shall consult with the Secretary of Education regarding the administration of this section.

''(2) TRANSFER OF FUNDS.—The Secretary shall transfer to the Secretary of Education the funds necessary—

''(A) to pay interest and special allowances on student loans under this section (in accordance with sections 428(o), 455(l), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(l), and 1087dd(j)); and

''(B) to reimburse the Secretary of Education for any reasonable administrative costs incurred by the Secretary in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.).

''(g) SPECIAL ALLOWANCE DEFINED.—In this section, the term 'special allowance' means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 428(o) of the Higher Education Act of 1965 (20 U.S.C. 1078(o)) is amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively,'' after ''Armed Forces''.

(2) Sections 455(l) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(l) and 1087dd(j)) are each amended—

(A) by striking the subsection heading and inserting ''ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS''; and

(B) in paragraph (1)—

(i) by inserting ''or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002'' after ''Code,''; and

(ii) by inserting ''or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively'' after ''Armed Forces''.

(c) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by

section 3821(b), is further amended by inserting after the item relating to section 267 the following:

''Sec. 268. Interest payment program.''.

SEC. 3823. STUDENT PRE-COMMISSIONING PROGRAM.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by section 3822(a), is further amended by adding at the end the following:

''SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.

''(a) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in subsection (b) for expenses of the person while the person is pursuing on a full-time basis at an accredited educational institution (as determined by the Secretary of Education) a program of education approved by the Secretary that leads to—

''(1) a baccalaureate degree in not more than 5 academic years; or

''(2) a postbaccalaureate degree.

''(b) ELIGIBLE PERSONS.—

''(1) IN GENERAL.—A person is eligible to obtain financial assistance under subsection (a) if the person—

''(A) is enrolled on a full-time basis in a program of education referred to in subsection (a) at any educational institution described in such subsection;

''(B) meets all of the requirements for acceptance into the commissioned officer corps of the Administration except for the completion of a baccalaureate degree; and

''(C) enters into a written agreement with the Secretary described in paragraph (2).

''(2) AGREEMENT.—A written agreement referred to in paragraph (1)(C) is an agreement between the person and the Secretary in which the person—

''(A) agrees to accept an appointment as an officer, if tendered; and

''(B) upon completion of the person's educational program, agrees to serve on active duty, immediately after appointment, for—

''(i) up to 3 years if the person received less than 3 years of assistance; and

''(ii) up to 5 years if the person received at least 3 years of assistance.

''(c) QUALIFYING EXPENSES.—Expenses for which financial assistance may be provided under subsection (a) are the following:

''(1) Tuition and fees charged by the educational institution involved.

''(2) The cost of books.

''(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

''(4) Such other expenses as the Secretary considers appropriate.

''(d) LIMITATION ON AMOUNT.—The Secretary shall prescribe the amount of financial assistance provided to a person under subsection (a), which may not exceed the amount specified in section 2173(e)(2) of title 10, United States Code, for each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(2).

''(e) DURATION OF ASSISTANCE.—Financial assistance may be provided to a person under subsection (a) for not more than 5 consecutive academic years.

''(f) SUBSISTENCE ALLOWANCE.—

''(1) IN GENERAL.—A person who receives financial assistance under subsection (a) shall be entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) for the duration of the period for which the person receives such financial assistance.

''(2) DETERMINATION OF AMOUNT.—The Secretary shall prescribe monthly rates for subsistence allowance provided under paragraph (1), which shall be equal to the amount specified in section 2144(a) of title 10, United States Code.

''(g) INITIAL CLOTHING ALLOWANCE.—

''(1) TRAINING.—The Secretary may prescribe a sum which shall be credited to each person who receives financial assistance under subsection (a) to cover the cost of the person's initial clothing and equipment issue.

''(2) APPOINTMENT.—Upon completion of the program of education for which a person receives financial assistance under subsection (a) and acceptance of appointment in the commissioned officer corps of the Administration, the person may be issued a subsequent clothing allowance equivalent to that normally provided to a newly appointed officer.

''(h) TERMINATION OF FINANCIAL ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall terminate the assistance provided to a person under this section if—

''(A) the Secretary accepts a request by the person to be released from an agreement described in subsection (b)(2);

''(B) the misconduct of the person results in a failure to complete the period of active duty required under the agreement; or

''(C) the person fails to fulfill any term or condition of the agreement.

''(2) REIMBURSEMENT.—The Secretary may require a person who receives assistance described in subsection (c), (f), or (g) under an agreement entered into under subsection (b)(1)(C) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the assistance provided to that person as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve under the agreement.

''(3) WAIVER.—The Secretary may waive the service obligation of a person through an agreement entered into under subsection (b)(1)(C) if the person—

''(A) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that person; or

''(B) is—

''(i) not physically qualified for appointment; and

''(ii) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the person's own misconduct or grossly negligent conduct.

''(4) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary imposed under paragraph (2) is, for all purposes, a debt owed to the United States.

''(5) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11, United States Code, that is entered less than 5 years after the termination of a written agreement entered into under subsection (b)(1)(C) does not discharge the person signing the agreement from a debt arising under such agreement or under paragraph (2).

''(i) REGULATIONS.—The Secretary may promulgate such regulations and orders as the Secretary considers appropriate to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 3822(c), is further amended by inserting after the item relating to section 268 the following:

''Sec. 269. Student pre-commissioning education assistance program.''.

SEC. 3824. LIMITATION ON EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Each fiscal year, beginning with the fiscal year in which this Act is enacted, the Secretary of Commerce shall ensure that the total amount expended by the Secretary under section 267 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (as added by section 3821(a)), section 268 of such Act (as added by section 3822(a)), and section 269 of such Act (as added by section 3823(a)) does not exceed the amount by which—

(1) the total amount the Secretary would pay in that fiscal year to officer candidates under section 203(f)(1) of title 37, United States Code (as added by section 3846(d)), if such section entitled officer candidates to pay at monthly rates equal to the basic pay of a commissioned officer in the pay grade O–1 with less than 2 years of service; exceeds

(2) the total amount the Secretary actually pays in that fiscal year to officer candidates under section 203(f)(1) of such title (as so added).

(b) OFFICER CANDIDATE DEFINED.—In this section, the term ''officer candidate'' has the meaning given the term in section 212 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3002), as added by section 3846(c).

SEC. 3825. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10, UNITED STATES CODE, AND EXTENSION OF CERTAIN AUTHORITIES APPLICABLE TO MEMBERS OF THE ARMED FORCES TO COMMISSIONED OFFICER CORPS.

(a) APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10.—Section 261(a) (33 U.S.C. 3071(a)) is amended—

(1) by redesignating paragraphs (13) through (16) as paragraphs (22) through (25), respectively;

(2) by redesignating paragraphs (7) through (12) as paragraphs (14) through (19), respectively;

(3) by redesignating paragraphs (4) through (6) as paragraphs (8) through (10), respectively;

(4) by inserting after paragraph (3) the following:

''(4) Section 771, relating to unauthorized wearing of uniforms.

''(5) Section 774, relating to wearing religious apparel while in uniform.

''(6) Section 982, relating to service on State and local juries.

''(7) Section 1031, relating to administration of oaths.'';

(5) by inserting after paragraph (10), as redesignated, the following:

''(11) Section 1074n, relating to annual mental health assessments.

''(12) Section 1090a, relating to referrals for mental health evaluations.

''(13) Chapter 58, relating to the Benefits and Services for members being separated or recently separated.''; and

(6) by inserting after paragraph (19), as redesignated, the following:

''(20) Subchapter I of chapter 88, relating to Military Family Programs.

''(21) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.''.

(b) EXTENSION OF CERTAIN AUTHORITIES.—

(1) NOTARIAL SERVICES.—Section 1044a of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking ''armed forces'' and inserting ''uniformed services''; and

(B) in subsection (b)(4), by striking ''armed forces'' both places it appears and inserting ''uniformed services''.

(2) ACCEPTANCE OF VOLUNTARY SERVICES FOR PROGRAMS SERVING MEMBERS AND THEIR

FAMILIES.—Section 1588 of such title is amended—

(A) in subsection (a)(3), in the matter before subparagraph (A), by striking ''armed forces'' and inserting ''uniformed services''; and

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

''(g) SECRETARY CONCERNED FOR ACCEPTANCE OF SERVICES FOR PROGRAMS SERVING MEMBERS OF NOAA CORPS AND THEIR FAMILIES.—For purposes of the acceptance of services described in subsection (a)(3), the term 'Secretary concerned' in subsection (a) shall include the Secretary of Commerce with respect to members of the commissioned officer corps of the National Oceanic and Atmospheric Administration.''.

(3) CAPSTONE COURSE FOR NEWLY SELECTED FLAG OFFICERS.—Section 2153 of such title is amended—

(A) in subsection (a)—

(i) by inserting ''or the commissioned officer corps of the National Oceanic and Atmospheric Administration'' after ''in the case of the Navy''; and

(ii) by striking ''other armed forces'' and inserting ''other uniformed services''; and

(B) in subsection (b)(1), in the matter before subparagraph (A), by inserting ''or the Secretary of Commerce, as applicable,'' after ''the Secretary of Defense''.

SEC. 3826. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.) is amended by inserting after section 261 the following:

''SEC. 261A. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.

''(a) PROVISIONS MADE APPLICABLE TO COMMISSIONED OFFICER CORPS.—The provisions of law applicable to the Armed Forces under the following provisions of title 37, United States Code, shall apply to the commissioned officer corps of the Administration:

''(1) Section 324, relating to accession bonuses for new officers in critical skills.

''(2) Section 403(f)(3), relating to prescribing regulations defining the terms 'field duty' and 'sea duty'.

''(3) Section 403(l), relating to temporary continuation of housing allowance for dependents of members dying on active duty.

''(4) Section 488, relating to allowances for recruiting expenses.

''(5) Section 495, relating to allowances for funeral honors duty.

''(b) REFERENCES.—The authority vested by title 37, United States Code, in the 'military departments', 'the Secretary concerned', or 'the Secretary of Defense' with respect to the provisions of law referred to in subsection (a) shall be exercised, with respect to the commissioned officer corps of the Administration, by the Secretary of Commerce or the Secretary's designee.''.

(b) PERSONAL MONEY ALLOWANCE.—Section 414 of title 37, United States Code, is amended by inserting ''or the director of the commissioned officer corps of the National Oceanic and Atmospheric Administration'' after ''Health Service''.

(c) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 261 the following:

''Sec. 261A. Applicability of certain provisions of title 37, United States Code.''.

SEC. 3827. LEGION OF MERIT AWARD.

Section 1121 of title 10, United States Code, is amended by striking ''armed forces'' and inserting ''uniformed services''.

SEC. 3828. PROHIBITION ON RETALIATORY PERSONNEL ACTIONS.

(a) IN GENERAL.—Subsection (a) of section 261 (33 U.S.C. 3071), as amended by section 3825(a), is further amended—

(1) by redesignating paragraphs (8) through (25) as paragraphs (9) through (26), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.''.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by adding at the end the following: ''For purposes of paragraph (8) of subsection (a), the term 'Inspector General' in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce.''.

(c) REGULATIONS.—Such section is further amended by adding at the end the following:

''(c) REGULATIONS REGARDING PROTECTED COMMUNICATIONS AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.—The Secretary may promulgate regulations to carry out the application of section 1034 of title 10, United States Code, to the commissioned officer corps of the Administration, including by promulgating such administrative procedures for investigation and appeal within the commissioned officer corps as the Secretary considers appropriate.''.

SEC. 3829. PENALTIES FOR WEARING UNIFORM WITHOUT AUTHORITY.

Section 702 of title 18, United States Code, is amended by striking ''Service or any'' and inserting ''Service, the commissioned officer corps of the National Oceanic and Atmospheric Administration, or any''.

SEC. 3830. APPLICATION OF CERTAIN PROVISIONS OF COMPETITIVE SERVICE LAW.

Section 3304(f) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ''and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service'' after ''separated from the armed forces'';

(2) in paragraph (2), by striking ''or veteran'' and inserting '', veteran, or member''; and

(3) in paragraph (4), by inserting ''and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service'' after ''separated from the armed forces''.

SEC. 3831. EMPLOYMENT AND REEMPLOYMENT RIGHTS.

Section 4303(16) of title 38, United States Code, is amended by inserting ''the commissioned officer corps of the National Oceanic and Atmospheric Administration,'' after ''Public Health Service,''.

SEC. 3832. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS FOR PURPOSES OF CERTAIN HIRING DECISIONS.

(a) IN GENERAL.—Subtitle E (33 U.S.C. 3071 et seq.), as amended by this subtitle, is further amended by adding at the end the following:

''SEC. 269A. TREATMENT OF COMMISSION IN COMMISSIONED OFFICER CORPS AS EMPLOYMENT IN ADMINISTRATION FOR PURPOSES OF CERTAIN HIRING DECISIONS.

''(a) IN GENERAL.—In any case in which the Secretary accepts an application for a position of employment with the Administration and limits consideration of applications for such position to applications submitted by individuals serving in a career or career-conditional position in the competitive service within the Administration, the Secretary shall deem an officer who has served as an officer in the commissioned officer corps for at least 3 years to be serving in a career or career-conditional position in the competitive service within the Administration for purposes of such limitation.

''(b) CAREER APPOINTMENTS.—If the Secretary selects an application submitted by an officer described in subsection (a) for a position described in such subsection, the Secretary shall give such officer a career or career-conditional appointment in the competitive service, as appropriate.

''(c) COMPETITIVE SERVICE DEFINED.—In this section, the term 'competitive service' has the meaning given the term in section 2102 of title 5, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 269, as added by section 3823, the following new item:

''Sec. 269A. Treatment of commission in commissioned officer corps as employment in Administration for purposes of certain hiring decisions.''.

SEC. 3833. DIRECT HIRE AUTHORITY.

(a) IN GENERAL.—The head of a Federal agency may appoint, without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title, a qualified candidate described in subsection (b) directly to a position in the agency for which the candidate meets qualification standards of the Office of Personnel Management.

(b) CANDIDATES DESCRIBED.—A candidate described in this subsection is a current or former member of the commissioned officer corps of the National Oceanic and Atmospheric Administration who—

(1) fulfilled his or her obligated service requirement under section 216 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, as added by section 3813;

(2) if no longer a member of the commissioned officer corps of the Administration, was not discharged or released therefrom as part of a disciplinary action; and

(3) has been separated or released from service in the commissioned officer corps of the Administration for a period of not more than 5 years.

(c) EFFECTIVE DATE.—This section shall apply with respect to appointments made in fiscal year 2017 and in each fiscal year thereafter.

PART III—APPOINTMENTS AND PROMOTION OF OFFICERS

SEC. 3841. APPOINTMENTS.

(a) ORIGINAL APPOINTMENTS.—Section 221 (33 U.S.C. 3021) is amended to read as follows:

''SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINTMENTS.

''(a) ORIGINAL APPOINTMENTS.—

''(1) GRADES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an original appointment of an officer may be made in such grades as may be appropriate for—

''(i) the qualification, experience, and length of service of the appointee; and

''(ii) the commissioned officer corps of the Administration.

''(B) APPOINTMENT OF OFFICER CANDIDATES.—

''(i) LIMITATION ON GRADE.—An original appointment of an officer candidate, upon graduation from the basic officer training program of the commissioned officer corps of

the Administration, may not be made in any other grade than ensign.

''(ii) RANK.—Officer candidates receiving appointments as ensigns upon graduation from basic officer training program shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

''(2) SOURCE OF APPOINTMENTS.—An original appointment may be made from among the following:

''(A) Graduates of the basic officer training program of the commissioned officer corps of the Administration.

''(B) Graduates of the military service academies of the United States who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

''(C) Graduates of the maritime academies of the States who—

''(i) otherwise meet the academic standards for enrollment in the training program described in subparagraph (A);

''(ii) completed at least 3 years of regimented training while at a maritime academy of a State; and

''(iii) obtained an unlimited tonnage or unlimited horsepower Merchant Mariner Credential from the United States Coast Guard.

''(D) Licensed officers of the United States merchant marine who have served 2 or more years aboard a vessel of the United States in the capacity of a licensed officer, who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

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

''(A) MARITIME ACADEMIES OF THE STATES.—The term 'maritime academies of the States' means the following:

''(i) California Maritime Academy, Vallejo, California.

''(ii) Great Lakes Maritime Academy, Traverse City, Michigan.

''(iii) Maine Maritime Academy, Castine, Maine.

''(iv) Massachusetts Maritime Academy, Buzzards Bay, Massachusetts.

''(v) State University of New York Maritime College, Fort Schuyler, New York.

''(vi) Texas A&M Maritime Academy, Galveston, Texas.

''(B) MILITARY SERVICE ACADEMIES OF THE UNITED STATES.—The term 'military service academies of the United States' means the following:

''(i) The United States Military Academy, West Point, New York.

''(ii) The United States Naval Academy, Annapolis, Maryland.

''(iii) The United States Air Force Academy, Colorado Springs, Colorado.

''(iv) The United States Coast Guard Academy, New London, Connecticut.

''(v) The United States Merchant Marine Academy, Kings Point, New York.

''(b) REAPPOINTMENT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an individual who previously served in the commissioned officer corps of the Administration may be appointed by the Secretary to the grade the individual held prior to separation.

''(2) REAPPOINTMENTS TO HIGHER GRADES.—An appointment under paragraph (1) to a position of importance and responsibility designated under section 228 may only be made by the President.

''(c) QUALIFICATIONS.—An appointment under subsection (a) or (b) may not be given to an individual until the individual's mental, moral, physical, and professional fitness to perform the duties of an officer has been established under such regulations as the Secretary shall prescribe.

''(d) PRECEDENCE OF APPOINTEES.—Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. Appointees whose dates of commission are the same shall take precedence with each other as the Secretary shall determine.

''(e) INTER-SERVICE TRANSFERS.—For inter-service transfers (as described in the Department of Defense Directive 1300.4 (dated December 27, 2006)) the Secretary shall—

''(1) coordinate with the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to promote and streamline inter-service transfers;

''(2) give preference to such inter-service transfers for recruitment purposes as determined appropriate by the Secretary; and

''(3) reappoint such inter-service transfers to the equivalent grade in the commissioned officer corps.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to authorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 221 and inserting the following:

''Sec. 221. Original appointments and reappointments.''.

SEC. 3842. PERSONNEL BOARDS.

Section 222 (33 U.S.C. 3022) is amended to read as follows:

''SEC. 222. PERSONNEL BOARDS.

''(a) CONVENING.—Not less frequently than once each year and at such other times as the Secretary determines necessary, the Secretary shall convene a personnel board.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—A board convened under subsection (a) shall consist of 5 or more officers who are serving in or above the permanent grade of the officers under consideration by the board.

''(2) RETIRED OFFICERS.—Officers on the retired list may be recalled to serve on such personnel boards as the Secretary considers necessary.

''(3) NO MEMBERSHIP ON 2 SUCCESSIVE BOARDS.—No officer may be a member of 2 successive personnel boards convened to consider officers of the same grade for promotion or separation.

''(c) DUTIES.—Each personnel board shall—

''(1) recommend to the Secretary such changes as may be necessary to correct any erroneous position on the lineal list that was caused by administrative error; and

''(2) make selections and recommendations to the Secretary and the President for the appointment, promotion, involuntary separation, continuation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

''(d) ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President considers appropriate.''.

SEC. 3843. DELEGATION OF AUTHORITY.

Section 226 (33 U.S.C. 3026) is amended—

(1) by striking ''Appointments'' and inserting the following:

''(a) IN GENERAL.—Appointments''; and

(2) by adding at the end the following:

''(b) DELEGATION OF APPOINTMENT AUTHORITY.—If the President delegates authority to the Secretary to make appointments under this section, the President shall, during a period in which the position of the Secretary is vacant, delegate such authority to the Deputy Secretary of Commerce or the Under Secretary for Oceans and Atmosphere during such period.''.

SEC. 3844. ASSISTANT ADMINISTRATOR OF THE OFFICE OF MARINE AND AVIATION OPERATIONS.

Section 228(c) (33 U.S.C. 3028(c)) is amended—

(1) in the fourth sentence, by striking ''Director'' and inserting ''Assistant Administrator''; and

(2) in the heading, by inserting ''ASSISTANT ADMINISTRATOR OF THE'' before ''OFFICE''.

SEC. 3845. TEMPORARY APPOINTMENTS.

(a) IN GENERAL.—Section 229 (33 U.S.C. 3029) is amended to read as follows:

''SEC. 229. TEMPORARY APPOINTMENTS.

''(a) APPOINTMENTS BY PRESIDENT.—Temporary appointments in the grade of ensign, lieutenant junior grade, or lieutenant may be made by the President.

''(b) TERMINATION.—A temporary appointment to a position under subsection (a) shall terminate upon approval of a permanent appointment for such position made by the President.

''(c) ORDER OF PRECEDENCE.—Appointees under subsection (a) shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. The order of precedence of appointees who are appointed on the same date shall be determined by the Secretary.

''(d) ANY ONE GRADE.—When determined by the Secretary to be in the best interest of the commissioned officer corps, officers in any permanent grade may be temporarily promoted one grade by the President. Any such temporary promotion terminates upon the transfer of the officer to a new assignment.

''(e) DELEGATION OF APPOINTMENT AUTHORITY.—If the President delegates authority to the Secretary to make appointments under this section, the President shall, during a period in which the position of the Secretary is vacant, delegate such authority to the Deputy Secretary of Commerce or the Under Secretary for Oceans and Atmosphere during such period.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by striking the item relating to section 229 and inserting the following:

''Sec. 229. Temporary appointments.''.

SEC. 3846. OFFICER CANDIDATES.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.) is amended by adding at the end the following:

''SEC. 234. OFFICER CANDIDATES.

''(a) DETERMINATION OF NUMBER.—The Secretary shall determine the number of appointments of officer candidates.

''(b) APPOINTMENT.—Appointment of officer candidates shall be made under regulations which the Secretary shall prescribe, including regulations with respect to determining age limits, methods of selection of officer candidates, term of service as an officer candidate before graduation from the program, and all other matters affecting such appointment.

''(c) DISMISSAL.—The Secretary may dismiss from the basic officer training program of the Administration any officer candidate who, during the officer candidate's term as an officer candidate, the Secretary considers unsatisfactory in either academics or conduct, or not adapted for a career in the commissioned officer corps of the Administration. Officer candidates shall be subject to rules governing discipline prescribed by the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

''(d) AGREEMENT.—

''(1) IN GENERAL.—Each officer candidate shall sign an agreement with the Secretary

in accordance with section 216(a)(2) regarding the officer candidate's term of service in the commissioned officer corps of the Administration.

''(2) ELEMENTS.—An agreement signed by an officer candidate under paragraph (1) shall provide that the officer candidate agrees to the following:

''(A) That the officer candidate will complete the course of instruction at the basic officer training program of the Administration.

''(B) That upon graduation from the such program, the officer candidate—

''(i) will accept an appointment, if tendered, as an officer; and

''(ii) will serve on active duty for at least 4 years immediately after such appointment.

''(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

''(1) standards for determining what constitutes a breach of an agreement signed under such subsection (d)(1); and

''(2) procedures for determining whether such a breach has occurred.

''(f) REPAYMENT.—An officer candidate or former officer candidate who does not fulfill the terms of the obligation to serve as specified under section (d) shall be subject to the repayment provisions of section 216(b).''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372) is amended by inserting after the item relating to section 233 the following:

''Sec. 234. Officer candidates.''.

(c) OFFICER CANDIDATE DEFINED.—Section 212(b) (33 U.S.C. 3002(b)) is amended—

(1) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

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

''(4) OFFICER CANDIDATE.—The term 'officer candidate' means an individual who is enrolled in the basic officer training program of the Administration and is under consideration for appointment as an officer under section 221(a)(2)(A).''.

(d) PAY FOR OFFICER CANDIDATES.—Section 203 of title 37, United States Code, is amended by adding at the end the following:

''(f)(1) An officer candidate enrolled in the basic officer training program of the commissioned officer corps of the National Oceanic and Atmospheric Administration is entitled, while participating in such program, to monthly officer candidate pay at monthly rate equal to the basic pay of an enlisted member in the pay grade E–5 with less than 2 years service.

''(2) An individual who graduates from such program shall receive credit for the time spent participating in such program as if such time were time served while on active duty as a commissioned officer. If the individual does not graduate from such program, such time shall not be considered creditable for active duty or pay.''.

SEC. 3847. PROCUREMENT OF PERSONNEL.

(a) IN GENERAL.—Subtitle B (33 U.S.C. 3021 et seq.), as amended by section 3846(a), is further amended by adding at the end the following:

''SEC. 235. PROCUREMENT OF PERSONNEL.

''The Secretary may make such expenditures as the Secretary considers necessary in order to obtain recruits for the commissioned officer corps of the Administration, including advertising.''.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled ''An Act to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes'' (Public Law 107–372), as amended by section 3846(b), is further amended by inserting after the item relating to section 234 the following:

''235. Procurement of personnel.''.

PART IV—SEPARATION AND RETIREMENT OF OFFICERS

SEC. 3851. INVOLUNTARY RETIREMENT OR SEPARATION.

Section 241 (33 U.S.C. 3041) is amended by adding at the end the following:

''(d) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—

''(1) IN GENERAL.—If the Secretary determines that the evaluation of the medical condition of an officer requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the officer's well being before the date on which the officer would otherwise be required to retire or be separated under this section, the Secretary may defer the retirement or separation of the officer.

''(2) CONSENT REQUIRED.—A deferment may only be made with the written consent of the officer involved. If the officer does not provide written consent to the deferment, the officer shall be retired or separated as scheduled.

''(3) LIMITATION.—A deferral of retirement or separation under this subsection may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.''.

SEC. 3852. SEPARATION PAY.

Section 242 (33 U.S.C. 3042) is amended by adding at the end the following:

''(d) EXCEPTION.—An officer discharged for twice failing selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer—

''(1) expresses a desire not to be selected for promotion; or

''(2) requests removal from the list of selectees.''.

PART V—HYDROGRAPHIC SERVICES AND OTHER MATTERS

SEC. 3861. REAUTHORIZATION OF HYDROGRAPHIC SERVICES IMPROVEMENT ACT OF 1998.

(a) REAUTHORIZATIONS.—Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d) is amended—

(1) in the matter before paragraph (1), by striking ''There are'' and inserting the following:

''(a) IN GENERAL.—There are'';

(2) in subsection (a) (as designated by paragraph (1))—

(A) in paragraph (1), by striking ''surveys—'' and all that follows through the end of the paragraph and inserting ''surveys, $70,814,000 for each of fiscal years 2017 through 2021.'';

(B) in paragraph (2), by striking ''vessels—'' and all that follows through the end of the paragraph and inserting ''vessels, $25,000,000 for each of fiscal years 2017 through 2021.'';

(C) in paragraph (3), by striking ''Administration—'' and all that follows through the end of the paragraph and inserting ''Administration, $29,932,000 for each of fiscal years 2017 through 2021.'';

(D) in paragraph (4), by striking ''title—'' and all that follows through the end of the paragraph and inserting ''title, $26,800,000 for each of fiscal years 2017 through 2021.''; and

(E) in paragraph (5), by striking ''title—'' and all that follows through the end of the paragraph and inserting ''title, $30,564,000 for each of fiscal years 2017 through 2021.''; and

(3) by adding at the end the following:

''(b) ARCTIC PROGRAMS.—Of the amount authorized by this section for each fiscal year—

''(1) $10,000,000 is authorized for use—

''(A) to acquire hydrographic data;

''(B) to provide hydrographic services;

''(C) to conduct coastal change analyses necessary to ensure safe navigation;

''(D) to improve the management of coastal change in the Arctic; and

''(E) to reduce risks of harm to Alaska Native subsistence and coastal communities associated with increased international maritime traffic; and

''(2) $2,000,000 is authorized for use to acquire hydrographic data and provide hydrographic services in the Arctic necessary to delineate the United States extended Continental Shelf.''.

(b) LIMITATION ON ADMINISTRATIVE EXPENSES FOR SURVEYS.—Section 306 of such Act (33 U.S.C. 892d) is further amended by adding at the end the following:

''(c) LIMITATION ON ADMINISTRATIVE EXPENSES FOR SURVEYS.—Of amounts authorized by this section for each fiscal year for contract hydrographic surveys, not more than 5 percent is authorized for administrative costs associated with contract management.''.

SEC. 3862. SYSTEM FOR TRACKING AND REPORTING ALL-INCLUSIVE COST OF HYDROGRAPHIC SURVEYS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Commerce shall—

(1) develop and implement a system to track and report the full cost to the Department of Commerce of hydrographic data collection, including costs relating to vessel acquisition, vessel repair, and administration of contracts to procure data;

(2) evaluate additional measures for comparing cost per unit effort beyond square nautical miles; and

(3) submit to Congress a report on which additional measures for comparing cost per unit effort the Secretary intends to use and the rationale for such use.

(b) DEVELOPMENT OF STRATEGY FOR INCREASED CONTRACTING WITH NONGOVERNMENTAL ENTITIES FOR HYDROGRAPHIC DATA COLLECTION.—Not later than 180 days after the date on which the Secretary completes the activities required by subsection (a), the Secretary shall develop a strategy for how the National Oceanic and Atmospheric Administration will increase contracting with nongovernmental entities for hydrographic data collection in a manner that is consistent with the requirements of the Ocean and Coastal Mapping Integration Act (Public Law 111–11; 33 U.S.C. 3501 et seq.).

SEC. 3863. HOMEPORT OF CERTAIN RESEARCH VESSELS.

(a) ACCEPTANCE OF FUNDS AUTHORIZED.—The Secretary of Commerce may accept non-Federal funds for the purpose of obtaining such cost estimates, designs, permits, and construction as may be necessary for construction of a new port facility—

(1) to facilitate the homeporting of the R/V FAIRWEATHER in accordance with title II of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002 (Public Law 107–77; 115 Stat. 775); and

(2) that is under the administrative jurisdiction of the Under Secretary for Oceans and Atmosphere.

(b) STRATEGIC PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop and submit to Congress a strategic plan for the construction described in subsection (a).

(c) ACCEPTANCE OF FUNDS AUTHORIZED.—The Secretary of Commerce may accept non-Federal funds for the purpose of obtaining such cost estimates, designs, permits, and construction as may be necessary for construction of a new port facility—

(1) to facilitate the homeporting of a new, existing, or reactivated research vessel in the city of St. Petersburg, Florida; and

(2) that is under the administrative jurisdiction of the Under Secretary for Oceans and Atmosphere.

(d) STRATEGIC PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop and submit to Congress a strategic plan for construction or acquisition of the facilities needed to allow for an oceanographic research vessel to be homeported in St. Petersburg, Florida. The strategic plan shall include an estimate of funding needed to construct such facilities.

SA 496. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, insert the following:

SEC. 710. REGULAR UPDATE OF PRESCRIPTION DRUG PRICING STANDARD UNDER TRICARE RETAIL PHARMACY PROGRAM.

Section 1074g(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) With respect to the TRICARE retail pharmacy program described in subsection (a)(2)(E)(ii), the Secretary shall ensure that a contract entered into with a TRICARE pharmacy program contractor includes requirements described in section 1860D–12(b)(6) of the Social Security Act (42 U.S.C. 1395w–112(b)(6)) to ensure the provision of information regarding the pricing standard for prescription drugs.''.

SA 497. Mr. WICKER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. _____. ELIGIBILITY FOR CERTAIN HEALTH CARE BENEFITS OF MEMBERS OF THE SELECTED RESERVE ORDERED TO ACTIVE DUTY FOR PREPLANNED MISSIONS IN SUPPORT OF THE COMBATANT COMMANDS.

(a) PRE-MOBILIZATION HEALTH CARE.—Section 1074(d)(2) of title 10, United States Code, is amended by striking ''in support of a contingency operation under'' and inserting ''under section 12304b of this title or''.

(b) TRANSITIONAL HEALTH CARE.—Section 1145(a)(2)(B) of such title is amended by striking ''in support of a contingency operation'' and inserting ''under section 12304b of this title or a provision of law referred to in section 101(a)(13)(B) of this title''.

SA 498. Mr. McCAIN (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 786, between lines 3 and 4, insert the following:

Subtitle A—Authorization of Appropriations

On page 787, strike lines 1 through 6 and insert the following:

Subtitle B—Defense Force and Infrastructure Review and Recommendations

SEC. 2711. SHORT TITLE; PURPOSE.

(a) SHORT TITLE.—This subtitle may be cited as the ''Defense Force and Infrastructure Review Act of 2017''.

(b) PURPOSE.—The purpose of this subtitle is to provide a fair and transparent process that will result in the credible analysis of infrastructure requirements and recommendations for military infrastructure.

SEC. 2712. PROCEDURE FOR MAKING RECOMMENDATIONS FOR INFRASTRUCTURE CLOSURES AND REALIGNMENTS.

(a) FORCE-STRUCTURE PLAN AND INFRASTRUCTURE INVENTORY.—(1) As part of the budget justification documents submitted to Congress in support of the budget for the Department of Defense for fiscal year 2019, the Secretary shall submit to Congress the following:

(A)(i) Subject to clause (ii), a force-structure plan for the Armed Forces based on the most recent National Military Strategy, an assessment by the Secretary of the probable threats to the national security during the 20-year period beginning with that fiscal year, the probable end-strength levels and major military force units (including land force divisions, carrier and other major combatant vessels, air wings, and other comparable units) needed to meet those threats, and the anticipated levels of funding that will be available for national defense purposes during such period.

(ii) The force structure described in the force-structure plan under clause (i) shall contain, at a minimum, a Navy of 355 ships, an Air Force of 1500 combat coded aircraft, an Army of 60 brigade combat teams, and a Marine Corps of three Marine expeditionary forces, together with all enabling and supporting elements.

(B) A comprehensive inventory of military installations world-wide for each military department, with specifications of the number and type of facilities in the active and reserve forces of each military department.

(2) Using the most recent National Military Strategy and the force-structure plan and infrastructure inventory prepared under paragraph (1), the Secretary shall prepare (and include as part of the submission of such plan and inventory) the following:

(A) A description of the infrastructure necessary to support the force structure described in the force-structure plan.

(B) A discussion of categories of excess infrastructure and infrastructure capacity within the United States and the target of the Secretary for the reduction of such excess capacity.

(C) An economic analysis of the effect of the closure or realignment of military installations to reduce excess infrastructure.

(3) In determining the level of necessary versus excess infrastructure under paragraph (2), the Secretary shall consider the following:

(A) The anticipated continuing need for and availability of military installations outside the United States, taking into account current restrictions on the use of military installations outside the United States and the potential for future prohibitions or restrictions on the use of such military installations.

(B) Any efficiencies that may be gained from joint tenancy by more than one branch of the Armed Forces at a military installation.

(4) The Secretary may revise the force-structure plan and infrastructure inventory prepared under paragraph (1). If the Secretary makes such a revision, the Secretary shall submit the revised plan or inventory to Congress not later than September 15, 2018. For purposes of selecting military installations for closure or realignment under this subtitle, no revision of the force-structure plan or infrastructure inventory is authorized after September 15, 2018.

(b) CERTIFICATION OF NEED FOR FURTHER CLOSURES AND REALIGNMENTS.—(1) On the basis of the force-structure plan and infrastructure inventory prepared under subsection (a) and the descriptions and economic analysis prepared under such subsection, the Secretary shall include as part of the submission of the plan and inventory—

(A) a certification regarding whether the need exists for the closure or realignment of additional military installations; and

(B) if such need exists, a certification that the additional round of closures and realignments would result in substantial annual net savings for the Department of Defense following the completion of such closures and realignments.

(2) If the Secretary does not include the certifications referred to in paragraph (1) as part of the submission of the force-structure plan and infrastructure inventory prepared under subsection (a), the President may not commence a round for the selection of military installations for closure and realignment under this subtitle in the year following submission of the force-structure plan and infrastructure inventory.

(c) COMPTROLLER GENERAL EVALUATION.—(1) If the certification is provided under subsection (b), the Comptroller General of the United States shall prepare an evaluation of the following:

(A) The force-structure plan and infrastructure inventory prepared under subsection (a) and the final selection criteria specified in subsection (d), including an evaluation of the accuracy and analytical sufficiency of such plan, inventory, and criteria.

(B) The need for the closure or realignment of additional military installations.

(2) The Comptroller General shall submit to Congress the evaluation prepared under paragraph (1) not later than 60 days after the date on which the force-structure plan and infrastructure inventory are submitted to Congress.

(d) FINAL SELECTION CRITERIA.—(1) The final criteria to be used by the Secretary in making recommendations for the closure or realignment of military installations in the United States under this subtitle shall be the military value criteria specified in paragraph (2) and other criteria specified in paragraph (3).

(2) The military value criteria specified in this paragraph are as follows:

(A) The current and future mission capabilities and the impact on operational readiness of the total force of the Department of Defense, including the impact on joint warfighting, training, and readiness.

(B) The availability and condition of land, facilities, and associated airspace (including training areas suitable for maneuver by ground, naval, or air forces throughout a diversity of climate and terrain areas and staging areas for the use of the Armed Forces in homeland defense missions) at both existing and potential receiving locations.

(C) The ability to accommodate contingency, mobilization, surge, and future total

force requirements at both existing and potential receiving locations to support operations and training.

(D) The cost of operations and the manpower implications.

(E) The strategic impact of the location of an installation on operational plans, contingency plans, and missions of the combatant commands.

(3)(A) The other criteria that the Secretary shall use in making recommendations for the closure or realignment of military installations in the United States under this subtitle are as follows:

(i) The extent and timing of potential costs and savings, including the number of years, beginning with the date of completion of the closure or realignment, for the savings to exceed the costs.

(ii) The economic impact on existing communities in the vicinity of military installations.

(iii) The extent with which a closure or realignment contributes to the reduction of excess infrastructure and infrastructure capacity to meet the targeted reduction established by the Secretary as required by subsection (a)(2)(B).

(iv) The ability of the infrastructure of both the existing and potential receiving communities to support forces, missions, and personnel.

(v) The cost of mitigating the impact of any increases of such forces, missions, and personnel at receiving locations to maintain the level of service that exists prior to the closure or realignment.

(vi) The environmental impact, including the impact of costs related to potential environmental restoration, vulnerability adaptation, mitigation, waste management, and environmental compliance activities.

(B) When determining the costs associated with a closure or realignment under subparagraph (A)(i), the Secretary shall consider costs associated with military construction, information technology, environmental remediation, relocation of personnel, termination of public-private contracts, guarantees, and other factors contributing to the cost of a closure or realignment as determined by the Secretary.

(e) PRIORITY GIVEN TO MILITARY VALUE.—The Secretary shall give priority consideration to the military value criteria specified in subsection (d)(2) in the making of recommendations for the closure or realignment of military installations.

(f) EFFECT ON DEPARTMENT AND OTHER AGENCY COSTS.—Selection criteria relating to cost savings or return on investment from the proposed closure or realignment of military installations under this subtitle shall take into account the effect of the proposed closure or realignment on the costs of any other activity of the Department of Defense or any other Federal agency that may be required to assume responsibility for activities at the military installations.

(g) RELATION TO OTHER MATERIALS.—The final selection criteria specified in subsection (d) shall be the only criteria to be used, along with the force-structure plan and infrastructure inventory referred to in subsection (a), in making recommendations for the closure or realignment of military installations in the United States under this subtitle.

(h) DEPARTMENT OF DEFENSE RECOMMENDATIONS.—(1)(A) If the Secretary makes the certifications required under subsection (b), the Secretary shall, by not later than May 15, 2019, publish in the Federal Register—

(i) with respect to each military installation in the United States, unclassified assessment data of the current condition of facilities and infrastructure and an environmental baseline of known contamination and remediation activities at each such installation that will be used by the Secretary to develop closure and realignment recommendations; and

(ii) standard rules to be used by the Secretary to calculate annual recurring savings for manpower, base operating costs, utility costs, base closure guarantees, service-sharing agreements, and other installation support activities that the Secretary will use in the determination of the savings derived from closure and realignment of military installations.

(B) The Secretary shall provide a public comment period of 60 days to allow for a review of the data published under subparagraph (A) and an opportunity for the Secretary to correct the assessments to ensure accurate and reliable information is used for final closure and realignment recommendations.

(C) If the Secretary does not publish the data or standard rules under subparagraph (A) by May 15, 2019, the President shall not commence a round for the selection of military installations for closure and realignment under this subtitle.

(2)(A) If the Secretary makes the certifications required under subsection (b), the Secretary shall, by not later than October 15, 2019, publish in the Federal Register and transmit to the congressional defense committees a list of the military installations inside the United States that the Secretary recommends for closure or realignment on the basis of the force-structure plan and infrastructure inventory prepared by the Secretary under subsection (a) and the final selection criteria specified in subsection (d).

(B) The closures and realignments included in the list published by the Secretary under subparagraph (A) may not have an estimated cost to implement that exceeds $5,000,000,000 as certified by the Director of Cost Analysis and Program Evaluation of the Department of Defense.

(C) At the same time as the transmittal of the list under subparagraph (A), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a certification that—

(i) the recommendations included in such list will yield net savings to the Department of Defense within seven years of completing the closures and realignments included in such recommendations; and

(ii) no individual recommendation for closure or realignment is included in such list unless the closure or realignment demonstrates net savings to the Department within 10 years.

(D) Not later than seven days after the transmittal of the list of recommendations for closure and realignment under subparagraph (A), the Secretary shall submit to the congressional defense committees—

(i) a summary of the selection process that resulted in the recommendation for each installation, including a justification for each recommendation based on the final selection criteria under subsection (d); and

(ii) for each such recommendation, a master plan that contains a list of each facility action (including construction, development, conversion, or extension, and any acquisition of land necessary to produce a complete and usable facility or a complete and usable improvement to an existing facility) required to carry out the closure or realignment, including the scope of work, cost, and timing of each construction activity as documented in military construction project data justifications.

(E) With respect to each recommendation for closure or realignment of a military installation under subparagraph (A), the construction scope and cost data contained in the master plan under subparagraph (D)(ii) for such installation shall be deemed to be the authorization by law to carry out the construction activity as required under chapter 169 of title 10, United States Code.

(3)(A) In considering military installations for closure or realignment, the Secretary shall consider all military installations in the United States equally without regard to whether the installation has been previously considered or proposed for closure or realignment by the Department.

(B) In considering military installations for closure or realignment, the Secretary may not take into account for any purpose any advance conversion planning undertaken by an affected community with respect to the anticipated closure or realignment of an installation.

(C) For purposes of subparagraph (B), in the case of a community anticipating the economic effects of a closure or realignment of a military installation, advance conversion planning—

(i) shall include community adjustment and economic diversification planning undertaken by the community before an anticipated selection of a military installation in or near the community for closure or realignment; and

(ii) may include the development of contingency redevelopment plans, plans for economic development and diversification, and plans for the joint use (including civilian and military use, public and private use, civilian dual use, and civilian shared use) of the property or facilities of the installation after the anticipated closure or realignment.

(D) In making recommendations for closure or realignment of a military installation under subparagraph (A), the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation.

(E) Notwithstanding the requirement in subparagraph (D), the Secretary shall make the recommendations referred to in that subparagraph based on the force-structure plan, infrastructure inventory, and final selection criteria otherwise applicable to such recommendations.

(F) The recommendations shall include a statement of the result of the consideration of any notice described in subparagraph (D) that is received with respect to a military installation covered by such recommendations. The statement shall set forth the reasons for the result.

(G) For each closure recommendation, and based on an assessment of the extent of economic impact to local communities supporting the military installation to be closed, the Secretary shall determine and propose an amount to be provided to the local redevelopment agency within a year of the final decision to close the installation to be used to accelerate local redevelopment activities.

(4)(A) In addition to making all information used by the Secretary to prepare the recommendations under this subsection available to Congress (including any committee or member of Congress), the Secretary shall also make such information available to the Comptroller General of the United States.

(B) The Comptroller General shall analyze the information made available to the Comptroller General under subparagraph (A) for each recommendation (including information provided by local communities) and submit any recommendations of the Comptroller General to Congress for consideration.

(5)(A) Each person referred to in subparagraph (B), when submitting information to the Secretary of Defense concerning the closure or realignment of a military installation, shall certify that such information is

accurate and complete to the best of that person's knowledge and belief.

(B) Subparagraph (A) applies to the following persons:

(i) The Secretaries of the military departments.

(ii) The heads of the Defense Agencies.

(iii) Each person who is in a position the duties of which include personal and substantial involvement in the preparation and submission of information and recommendations concerning the closure or realignment of military installations, as designated in regulations that the Secretary of Defense shall prescribe, regulations that the Secretary of each military department shall prescribe for personnel within that military department, or regulations that the head of each Defense Agency shall prescribe for personnel within that Defense Agency.

(6) Any information provided to the Secretary of Defense by a person described in paragraph (5)(B), regardless of the method of transmission, shall be made available for the public record and submitted in written form to the Senate and the House of Representatives to be made available to the Members of the House concerned in accordance with the rules of that House. The information shall be submitted to the Senate and House of Representatives within 48 hours after the submission of the information to the Secretary.

(7) No military installation may be recommended for inactive status under this subsection unless the Secretary certifies that its use for future mobilization is essential to meet operational plans.

(8) The Secretary shall analyze and, to the extent the Secretary considers appropriate, recommend the realignment and closure of military installations outside the United States.

(9) Not later than October 31, 2019, the Secretary shall submit to the President a report containing a list of the military installations that the Secretary recommends for closure or realignment under this subsection, including recommendations regarding military installations outside the United States under paragraph (8).

(i) REVIEW BY THE PRESIDENT.—(1) The President shall, by not later than November 15, 2019, transmit to Congress a report containing the President's approval or disapproval of the recommendations of the Secretary under subsection (h).

(2) If the President approves all of the recommendations of the Secretary, the President shall transmit a copy of such recommendations to Congress, together with a certification of such approval.

(3) If the President disapproves of the recommendations of the Secretary, in whole or in part, the President shall transmit to Congress the reasons for that disapproval. The Secretary shall then transmit to the President, by not later than December 1, 2019, a revised list of recommendations for the closure and realignment of military installations.

(4) If the President approves all of the revised recommendations of the Secretary transmitted to the President under paragraph (3), the President shall transmit a copy of such revised recommendations to Congress, together with a certification of such approval.

(5) If the President does not transmit to Congress an approval and certification described in paragraph (2) or (4) by December 2, 2019, the process by which military installations may be selected for closure or realignment under this subtitle shall be terminated.

SEC. 2713. CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS.

(a) IN GENERAL.—The Secretary shall—

(1) close all military installations recommended for closure in the report transmitted to Congress by the President pursuant to section 2712(i) and approved under subsection (b);

(2) realign all military installations recommended for realignment in such report and approved under such subsection;

(3) carry out the privatization in place of a military installation recommended for closure or realignment in such report and approved under such subsection only if privatization in place is a method of closure or realignment of the military installation specified in the recommendations in such report and is determined by the Secretary to be the most cost-effective method of implementation of the recommendation;

(4) carry out the construction activities contained in the master plan for the military installation as required under section 2712(h)(2)(D)(ii);

(5) initiate all such closures and realignments not later than two years after the date on which the President transmits the report to Congress pursuant to section 2712(i) containing the recommendations for such closures or realignments; and

(6) complete all such closures and realignments not later than the end of the five-year period beginning on the date on which the President transmits the report pursuant to section 2712(i) containing the recommendations for such closures or realignments.

(b) CONGRESSIONAL APPROVAL.—The Secretary may not carry out a closure or realignment recommended in the report transmitted by the President pursuant to section 2712(i) unless a joint resolution is enacted approving that closure or realignment.

SEC. 2714. IMPLEMENTATION AND ANALYSIS.

(a) USE IN MAKING ASSESSMENTS AND RECOMMENDATIONS.—In making assessments and recommendations under section 2712, the Secretary shall analyze the requirements and authorities under this section and consider all of the actions to be taken under this section with respect to closing or realigning a military installation under this subtitle.

(b) IMPLEMENTATION.—(1) In closing or realigning any military installation under this subtitle, the Secretary may—

(A) take such actions as may be necessary to close or realign any military installation, including the acquisition of such land, the construction of such replacement facilities, the performance of such activities, and the conduct of such advance planning and design as may be required to transfer functions from a military installation being closed or realigned to another military installation, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense for use in planning and design, minor construction, or operation and maintenance;

(B)(i) provide—

(I) economic adjustment assistance to any community located near a military installation being closed or realigned, and

(II) community planning assistance to any community located near a military installation to which functions will be transferred as a result of the closure or realignment of a military installation,

if the Secretary of Defense determines that the financial resources available to the community (by grant or otherwise) for such purposes are inadequate, and may use for such purposes funds in the Account or funds appropriated to the Department of Defense for economic adjustment assistance or community planning assistance;

(C) carry out activities for the purposes of environmental restoration and mitigation at any such installation, and shall use for such purposes funds in the Account;

(D) provide outplacement assistance to civilian employees employed by the Department of Defense at military installations being closed or realigned, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense for outplacement assistance to employees; and

(E) reimburse other Federal agencies for actions performed at the request of the Secretary with respect to any such closure or realignment, and may use for such purpose funds in the Account or funds appropriated to the Department of Defense and available for such purpose.

(2) In carrying out any closure or realignment under this subtitle, the Secretary shall ensure that environmental restoration of any property made excess to the needs of the Department of Defense as a result of such closure or realignment be carried out as soon as possible with funds available for such purpose.

(c) MANAGEMENT AND DISPOSAL OF PROPERTY.—(1) The Administrator of General Services shall delegate to the Secretary of Defense, with respect to excess and surplus real property, facilities, and personal property located at a military installation closed or realigned under this subtitle—

(A) the authority of the Administrator to utilize excess property under subchapter II of chapter 5 of title 40, United States Code;

(B) the authority of the Administrator to dispose of surplus property under subchapter III of chapter 5 of title 40, United States Code;

(C) the authority to dispose of surplus property for public airports under sections 47151 through 47153 of title 49, United States Code; and

(D) the authority of the Administrator to determine the availability of excess or surplus real property for wildlife conservation purposes in accordance with the Act of May 19, 1948 (16 U.S.C. 667b et seq.).

(2)(A) Subject to subparagraph (B) and paragraphs (3), (4), (5), and (6), the Secretary of Defense shall exercise the authority delegated to the Secretary pursuant to paragraph (1) in accordance with all regulations governing the utilization of excess property and the disposal of surplus property under subtitle I of title 40, United States Code.

(B) The Secretary may, with the concurrence of the Administrator of General Services—

(i) prescribe general policies and methods for utilizing excess property and disposing of surplus property pursuant to the authority delegated under paragraph (1); and

(ii) issue regulations relating to such policies and methods, which shall supersede the regulations referred to in subparagraph (A) with respect to that authority.

(C) The Secretary of Defense may transfer real property or facilities located at a military installation to be closed or realigned under this subtitle, with or without reimbursement, to a military department or other entity (including a nonappropriated fund instrumentality) within the Department of Defense or the Coast Guard.

(D) Before any action may be taken with respect to the disposal of any surplus real property or facility located at any military installation to be closed or realigned under this subtitle, the Secretary of Defense shall consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering any plan for the use of such property by the local community concerned.

(E) If a military installation to be closed, realigned, or placed in an inactive status under this subtitle includes a road used for public access through, into, or around the installation, the Secretary of Defense shall consult with the Governor of the State and the heads of the local governments concerned for the purpose of considering the

continued availability of the road for public use after the installation is closed, realigned, or placed in an inactive status.

(3)(A) Not later than 180 days after the date of approval of the closure or realignment of a military installation under this subtitle, the Secretary, in consultation with the redevelopment authority with respect to the installation, shall—

(i) inventory the personal property located at the installation; and

(ii) identify the items (or categories of items) of such personal property that the Secretary determines to be related to real property and anticipates will support the implementation of the redevelopment plan with respect to the installation.

(B) If no redevelopment authority referred to in subparagraph (A) exists with respect to an installation, the Secretary shall consult with—

(i) the local government in whose jurisdiction the installation is wholly located; or

(ii) a local government agency or State government agency designated for the purpose of such consultation by the chief executive officer of the State in which the installation is located.

(C)(i) Except as provided in subparagraphs (E) and (F), the Secretary may not carry out any of the activities specified in clause (ii) with respect to an installation referred to in that clause until the earlier of—

(I) one week after the date on which the redevelopment plan for the installation is submitted to the Secretary;

(II) the date on which the redevelopment authority notifies the Secretary that it will not submit such a plan;

(III) two years after the date of approval of the closure or realignment of the installation; or

(IV) 90 days before the date of the closure or realignment of the installation.

(ii) The activities specified in this clause are activities relating to the closure or realignment of an installation to be closed or realigned under this subtitle as follows:

(I) The transfer from the installation of items of personal property at the installation identified in accordance with subparagraph (A).

(II) The reduction in maintenance and repair of facilities or equipment located at the installation below the minimum levels required to support the use of such facilities or equipment for nonmilitary purposes.

(D) Except as provided in paragraph (4), the Secretary may not transfer items of personal property located at an installation to be closed or realigned under this subtitle to another installation, or dispose of such items, if such items are identified in the redevelopment plan for the installation as items essential to the reuse or redevelopment of the installation. In connection with the development of the redevelopment plan for the installation, the Secretary shall consult with the entity responsible for developing the redevelopment plan to identify the items of personal property located at the installation, if any, that the entity desires to be retained at the installation for reuse or redevelopment of the installation.

(E) This paragraph shall not apply to any personal property located at an installation to be closed or realigned under this subtitle if the property—

(i) is required for the operation of a unit, function, component, weapon, or weapons system at another installation;

(ii) is uniquely military in character, and is likely to have no civilian use (other than use for its material content or as a source of commonly used components);

(iii) is not required for the reutilization or redevelopment of the installation (as jointly determined by the Secretary and the redevelopment authority);

(iv) is stored at the installation for purposes of distribution (including spare parts or stock items); or

(v)(I) meets known requirements of an authorized program of another Federal agency for which expenditures for similar property would be necessary; and

(II) is the subject of a written request by the head of the agency.

(F) Notwithstanding subparagraphs (C)(i) and (D), the Secretary may carry out any activity referred to in subparagraph (C)(ii) or (D) if the Secretary determines that the carrying out of such activity is in the national security interest of the United States.

(4)(A) The Secretary may transfer real property and personal property located at a military installation to be closed or realigned under this subtitle to the redevelopment authority with respect to the installation for purposes of job generation on the installation.

(B) The transfer of property located at a military installation under subparagraph (A) may be for consideration at or below the estimated fair market value or without consideration. The determination of such consideration may account for the economic conditions of the local affected community and the estimated costs to redevelop the property. The Secretary may accept, as consideration, a share of the revenues that the redevelopment authority receives from third-party buyers or lessees from sales and long-term leases of the conveyed property, a portion of the profits obtained over time from the development of the conveyed property, consideration in kind (including goods and services), real property and improvements, or such other consideration as the Secretary considers appropriate. The transfer of property located at a military installation under subparagraph (A) may be made for consideration below the estimated fair market value or without consideration only if the redevelopment authority with respect to the installation—

(i) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment authority during at least the first seven years after the date of the initial transfer of property under subparagraph (A) shall be used to support the economic redevelopment of, or related to, the installation; and

(ii) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the date of the property disposal record of decision or finding of no significant impact under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(C) For purposes of subparagraph (B)(i), the use of proceeds from a sale or lease described in such subparagraph to pay for, or offset the costs of, public investment on or related to the installation for any of the following purposes shall be considered a use to support the economic redevelopment of, or related to, the installation:

(i) Road construction.

(ii) Transportation management facilities.

(iii) Storm and sanitary sewer construction.

(iv) Police and fire protection facilities and other public facilities.

(v) Utility construction.

(vi) Building rehabilitation.

(vii) Historic property preservation.

(viii) Pollution prevention equipment or facilities.

(ix) Demolition.

(x) Disposal of hazardous materials generated by demolition.

(xi) Landscaping, grading, and other site or public improvements.

(xii) Planning for or the marketing of the development and reuse of the installation.

(xiii) Adaptation for and mitigation of natural disasters.

(D) The Secretary may recoup from a redevelopment authority such portion of the proceeds from a sale or lease described in subparagraph (B) as the Secretary determines appropriate if the redevelopment authority does not use the proceeds to support economic redevelopment of, or related to, the installation for the period specified in subparagraph (B).

(E)(i) The Secretary may transfer real property at an installation approved for closure or realignment under this subtitle (including property at an installation approved for realignment which will be retained by the Department of Defense or another Federal agency after realignment) to the redevelopment authority for the installation if the redevelopment authority agrees to lease, directly upon transfer, one or more portions of the property transferred under this subparagraph to the Secretary or to the head of another Federal agency. Subparagraph (B) shall apply to a transfer under this subparagraph.

(ii) A lease under clause (i) shall be for a term not to exceed 50 years, but may provide for options for renewal or extension of the term by the agency concerned.

(iii) A lease under clause (i) may not require rental payments by the United States.

(iv) A lease under clause (i) shall include a provision specifying that if the agency concerned ceases requiring the use of the leased property before the expiration of the term of the lease, the remainder of the lease term may be satisfied by the same or another Federal agency using the property for a use similar to the use under the lease. Exercise of the authority provided by this clause shall be made in consultation with the redevelopment authority concerned.

(v) Notwithstanding clause (iii), if a lease under clause (i) involves a substantial portion of the installation, the agency concerned may obtain facility services for the leased property and common area maintenance from the redevelopment authority or the redevelopment authority's assignee as a provision of the lease. The facility services and common area maintenance shall be provided at a rate no higher than the rate charged to non-Federal tenants of the transferred property. Facility services and common area maintenance covered by the lease shall not include—

(I) municipal services that a State or local government is required by law to provide to all landowners in its jurisdiction without direct charge; or

(II) firefighting or security-guard functions.

(F) The transfer of personal property under subparagraph (A) shall not be subject to the provisions of subchapters II and III of chapter 5 of title 40, United States Code, if the Secretary determines that the transfer of such property is necessary for the effective implementation of a redevelopment plan with respect to the installation at which such property is located.

(G) The provisions of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to any transfer of real property under this paragraph.

(H) The Secretary may require any additional terms and conditions in connection with a transfer under this paragraph as the Secretary considers appropriate to protect the interests of the United States.

(5)(A) Except as provided in subparagraphs (B) and (C), the Secretary shall take such actions as the Secretary determines necessary to ensure that final determinations under paragraph (1) regarding whether another Federal agency has identified a use for any

portion of a military installation to be closed or realigned under this subtitle, or will accept transfer of any portion of such installation, are made not later than 180 days after the date of approval of closure or realignment of that installation.

(B) The Secretary may, in consultation with the redevelopment authority with respect to an installation, postpone making the final determinations referred to in subparagraph (A) with respect to the installation for such period as the Secretary determines appropriate if the Secretary determines that such postponement is in the best interests of the communities affected by the closure or realignment of the installation.

(C)(i) Before acquiring non-Federal real property as the location for a new or replacement Federal facility of any type, the head of the Federal agency acquiring the property shall consult with the Secretary regarding the feasibility and cost advantages of using Federal property or facilities at a military installation closed or realigned or to be closed or realigned under this subtitle as the location for the new or replacement facility. In considering the availability and suitability of a specific military installation, the Secretary and the head of the Federal agency involved shall obtain the concurrence of the redevelopment authority with respect to the installation and comply with the redevelopment plan for the installation.

(ii) Not later than 30 days after acquiring non-Federal real property as the location for a new or replacement Federal facility, the head of the Federal agency acquiring the property shall submit to Congress a report containing the results of the consultation under clause (i) and the reasons why military installations referred to in such clause that are located within the area to be served by the new or replacement Federal facility or within a 200-mile radius of the new or replacement facility, whichever area is greater, were considered to be unsuitable or unavailable for the site of the new or replacement facility.

(6)(A) The disposal of buildings and property located at installations approved for closure or realignment under this subtitle shall be carried out in accordance with this paragraph.

(B)(i) Not later than the date on which the Secretary of Defense completes the final determinations referred to in paragraph (5) relating to the use or transferability of any portion of an installation covered by this paragraph, the Secretary shall—

(I) identify the buildings and property at the installation for which the Department of Defense has a use, for which another Federal agency has identified a use, or of which another Federal agency will accept a transfer;

(II) take such actions as are necessary to identify any building or property at the installation not identified under subclause (I) that is excess property or surplus property;

(III) submit to the Secretary of Housing and Urban Development and to the redevelopment authority for the installation (or the chief executive officer of the State in which the installation is located if there is no redevelopment authority for the installation at the completion of such final determinations) information on any building or property that is identified under subclause (II); and

(IV) publish in the Federal Register and in a newspaper of general circulation in the communities in the vicinity of the installation information on the buildings and property identified under subclause (II).

(ii) Upon the recognition of a redevelopment authority for an installation covered by this paragraph, the Secretary of Defense shall publish in the Federal Register and in a newspaper of general circulation in the communities in the vicinity of the installation information on the redevelopment authority.

(C)(i) State and local governments, representatives of the homeless, and other interested parties located in the communities in the vicinity of an installation covered by this paragraph shall submit to the redevelopment authority for the installation a notice of the interest, if any, of such governments, representatives, and parties in the buildings or property, or any portion thereof, at the installation that are identified under subparagraph (B)(i)(II). A notice of interest under this clause shall describe the need of the government, representative, or party concerned for the buildings or property covered by the notice.

(ii) The redevelopment authority for an installation shall assist the governments, representatives, and parties referred to in clause (i) in evaluating buildings and property at the installation for purposes of this subparagraph.

(iii) In providing assistance under clause (ii), a redevelopment authority shall—

(I) consult with representatives of the homeless in the communities in the vicinity of the installation concerned; and

(II) undertake outreach efforts to provide information on the buildings and property to representatives of the homeless, and to other persons or entities interested in assisting the homeless, in such communities.

(iv) It is the sense of Congress that redevelopment authorities should begin to conduct outreach efforts under clause (iii)(II) with respect to an installation as soon as practicable after the date of approval of closure or realignment of the installation.

(D)(i) State and local governments, representatives of the homeless, and other interested parties shall submit a notice of interest to a redevelopment authority under subparagraph (C) not later than the date specified for such notice by the redevelopment authority.

(ii) The date specified under clause (i) shall be—

(I) in the case of an installation for which a redevelopment authority has been recognized as of the date of the completion of the determinations referred to in paragraph (5), not earlier than 90 days and not later than 180 days after the date of publication of such determination in a newspaper of general circulation in the communities in the vicinity of the installation under subparagraph (B)(i)(IV); and

(II) in the case of an installation for which a redevelopment authority is not recognized as of such date, not earlier than 90 days and not later than 180 days after the date of the recognition of a redevelopment authority for the installation.

(iii) Upon specifying a date for an installation under this subparagraph, the redevelopment authority for the installation shall—

(I) publish the date specified in a newspaper of general circulation in the communities in the vicinity of the installation concerned; and

(II) notify the Secretary of Defense of the date.

(E)(i) In submitting to a redevelopment authority under subparagraph (C) a notice of interest in the use of buildings or property at an installation to assist the homeless, a representative of the homeless shall submit the following:

(I) A description of the homeless assistance program that the representative proposes to carry out at the installation.

(II) An assessment of the need for the program.

(III) A description of the extent to which the program is or will be coordinated with other homeless assistance programs in the communities in the vicinity of the installation.

(IV) A list of the buildings and property to be used for the program at the installation and a justification for why such buildings and property are necessary to carry out the program.

(V) A description of the financial plan, the organization, and the organizational capacity of the representative to carry out the program.

(VI) An assessment of the time required in order to commence carrying out the program.

(ii) A redevelopment authority may not release to the public any information submitted to the redevelopment authority under clause (i)(V) without the consent of the representative of the homeless concerned unless such release is authorized under Federal law and under the law of the State and communities in which the installation concerned is located.

(iii) If a redevelopment authority does not receive a notice of interest in accordance with clause (i), the requirements set forth in subparagraph (H) are not applicable.

(F)(i) The redevelopment authority for each installation covered by this paragraph shall prepare a redevelopment plan for the installation. The redevelopment authority shall, in preparing the plan, consider the interests in the use to assist the homeless of the buildings and property at the installation that are expressed in the notices submitted to the redevelopment authority under subparagraph (C).

(ii)(I) In connection with a redevelopment plan for an installation, a redevelopment authority and representatives of the homeless shall prepare legally binding agreements that provide for the use to assist the homeless of buildings and property, resources, and assistance on or off the installation. The implementation of such agreements shall be contingent upon the decision regarding the disposal of the buildings and property covered by the agreements by the Secretary of Defense under subparagraph (K) or (L).

(II) Agreements under this clause shall provide for the reversion to the redevelopment authority concerned, or to such other entity or entities as the agreements shall provide, of buildings and property that are made available under this paragraph for use to assist the homeless in the event that such buildings and property cease being used for that purpose.

(iii) A redevelopment authority shall provide opportunity for public comment on a redevelopment plan before submission of the plan to the Secretary of Defense and the Secretary of Housing and Urban Development under subparagraph (G).

(iv) A redevelopment authority shall complete preparation of a redevelopment plan for an installation and submit the plan under subparagraph (G) not later than 270 days after the date specified by the redevelopment authority for the installation under subparagraph (D).

(G)(i) Upon completion of a redevelopment plan under subparagraph (F), a redevelopment authority shall submit an application containing the plan to the Secretary of Defense and the Secretary of Housing and Urban Development.

(ii) A redevelopment authority shall include in an application under clause (i) the following:

(I) A copy of the redevelopment plan, including a summary of any public comments on the plan received by the redevelopment authority under subparagraph (F)(iii).

(II) A copy of each notice of interest of use of buildings and property to assist the homeless that was submitted to the redevelopment authority under subparagraph (C), together with a description of the manner, if any, in which the plan addresses the interest

expressed in each such notice and, if the plan does not address such an interest, an explanation why the plan does not address the interest.

(III) A summary of the outreach undertaken by the redevelopment authority under subparagraph (C)(iii)(II) in preparing the plan.

(IV) A statement identifying the representatives of the homeless and the homeless assistance planning boards, if any, with which the redevelopment authority consulted in preparing the plan, and the results of such consultations.

(V) An assessment of the manner in which the redevelopment plan balances the expressed needs of the homeless and the need of the communities in the vicinity of the installation for economic redevelopment and other development.

(VI) Copies of the agreements that the redevelopment authority proposes to enter into under subparagraph (F)(ii).

(H)(i) Except as provided in subparagraph (E)(iii), not later than 60 days after receiving a redevelopment plan under subparagraph (G), the Secretary of Housing and Urban Development shall complete a review of the plan. The purpose of the review is to determine whether the plan, with respect to the expressed interest and requests of representatives of the homeless—

(I) takes into consideration the size and nature of the homeless population in the communities in the vicinity of the installation, the availability of existing services in such communities to meet the needs of the homeless in such communities, and the suitability of the buildings and property covered by the plan for the use and needs of the homeless in such communities;

(II) takes into consideration any economic impact of the homeless assistance under the plan on the communities in the vicinity of the installation;

(III) balances in an appropriate manner the needs of the communities in the vicinity of the installation for economic redevelopment and other development with the needs of the homeless in such communities;

(IV) was developed in consultation with representatives of the homeless and the homeless assistance planning boards, if any, in the communities in the vicinity of the installation; and

(V) specifies the manner in which buildings and property, resources, and assistance on or off the installation will be made available for homeless assistance purposes.

(ii) It is the sense of Congress that the Secretary of Housing and Urban Development shall, in completing the review of a plan under this subparagraph, take into consideration and be receptive to the predominant views on the plan of the communities in the vicinity of the installation covered by the plan.

(iii) The Secretary of Housing and Urban Development may engage in negotiations and consultations with a redevelopment authority before or during the course of a review under clause (i) with a view toward resolving any preliminary determination of the Secretary that a redevelopment plan does not meet a requirement set forth in that clause. The redevelopment authority may modify the redevelopment plan as a result of such negotiations and consultations.

(iv)(I) Upon completion of a review of a redevelopment plan under clause (i), the Secretary of Housing and Urban Development shall notify the Secretary of Defense and the redevelopment authority concerned of the determination of the Secretary of Housing and Urban Development under that clause.

(II) If the Secretary of Defense and the redevelopment authority concerned do not receive the notice required by subclause (I) with respect to a military installation within the period required by clause (i), the Secretary of Defense shall dispose of the buildings and property at the installation.

(v) If the Secretary of Housing and Urban Development determines as a result of a review under clause (iv) that a redevelopment plan does not meet the requirements set forth in clause (i), a notice under clause (iv) shall include—

(I) an explanation of that determination; and

(II) a statement of the actions that the redevelopment authority must undertake in order to address that determination.

(I)(i) Upon receipt of a notice under subparagraph (H)(iv) of a determination that a redevelopment plan does not meet a requirement set forth in subparagraph (H)(i), a redevelopment authority shall have the opportunity to—

(I) revise the plan in order to address the determination; and

(II) submit the revised plan to the Secretary of Defense and the Secretary of Housing and Urban Development.

(ii) A redevelopment authority shall submit a revised plan under this subparagraph to such Secretaries, if at all, not later than 90 days after the date on which the redevelopment authority receives the notice referred to in clause (i).

(J)(i) Not later than 30 days after receiving a revised redevelopment plan under subparagraph (I), the Secretary of Housing and Urban Development shall review the revised plan and determine if the plan meets the requirements set forth in subparagraph (H)(i).

(ii)(I) The Secretary of Housing and Urban Development shall notify the Secretary of Defense and the redevelopment authority concerned of the determination of the Secretary of Housing and Urban Development under this subparagraph.

(II) If the Secretary of Defense and the redevelopment authority concerned do not receive the notice required by subclause (I) with respect to a military installation within the period required by clause (i), the Secretary of Defense shall dispose of the buildings and property at the installation.

(K)(i) Upon receipt of a notice under subparagraph (H)(iv) or (J)(ii) of the determination of the Secretary of Housing and Urban Development that a redevelopment plan for an installation meets the requirements set forth in subparagraph (H)(i), the Secretary of Defense shall dispose of the buildings and property at the installation.

(ii) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation.

(iii) The Secretary of Defense shall dispose of buildings and property under clause (i) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In preparing the record of decision or other decision document, the Secretary shall give substantial deference to the redevelopment plan concerned.

(iv) The disposal under clause (i) of buildings and property to assist the homeless shall be without consideration.

(v) In the case of a request for a conveyance under clause (i) of buildings and property for public benefit under section 550 of title 40, United States Code, or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or subchapter II of chapter 471 of title 49, United States Code (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).

(L)(i) If the Secretary of Housing and Urban Development determines under subparagraph (J) that a revised redevelopment plan for an installation does not meet the requirements set forth in subparagraph (H)(i), or if no revised plan is so submitted, that Secretary shall—

(I) review the original redevelopment plan submitted to that Secretary under subparagraph (G), including the notice or notices of representatives of the homeless referred to in clause (ii)(II) of that subparagraph;

(II) consult with the representatives referred to in subclause (I), if any, for purposes of evaluating the continuing interest of such representatives in the use of buildings or property at the installation to assist the homeless;

(III) request that each such representative submit to that Secretary the items described in clause (ii); and

(IV) based on the actions of that Secretary under subclauses (I) and (II), and on any information obtained by that Secretary as a result of such actions, indicate to the Secretary of Defense the buildings and property at the installation that meet the requirements set forth in subparagraph (H)(i).

(ii) The Secretary of Housing and Urban Development may request under clause (i)(III) that a representative of the homeless submit to that Secretary the following:

(I) A description of the program of such representative to assist the homeless.

(II) A description of the manner in which the buildings and property that the representative proposes to use for such purpose will assist the homeless.

(III) Such information as that Secretary requires in order to determine the financial capacity of the representative to carry out the program and to ensure that the program will be carried out in compliance with Federal environmental law and Federal law against discrimination.

(IV) A certification that police services, fire protection services, and water and sewer services available in the communities in the vicinity of the installation concerned are adequate for the program.

(iii) Not later than 30 days after the date of the receipt of a revised plan for an installation under subparagraph (J), the Secretary of Housing and Urban Development shall—

(I) notify the Secretary of Defense and the redevelopment authority concerned of the buildings and property at an installation under clause (i)(IV) that the Secretary of Housing and Urban Development determines are suitable for use to assist the homeless; and

(II) notify the Secretary of Defense of the extent to which the revised plan meets the criteria set forth in subparagraph (H)(i).

(iv)(I) Upon notice from the Secretary of Housing and Urban Development with respect to an installation under clause (iii), the Secretary of Defense shall dispose of buildings and property at the installation in consultation with the Secretary of Housing and Urban Development and the redevelopment authority concerned.

(II) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary of Defense shall treat the redevelopment plan submitted by the redevelopment authority for the installation (including the aspects of the plan providing for disposal to

State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation. The Secretary of Defense shall incorporate the notification of the Secretary of Housing and Urban Development under clause (iii)(I) as part of the proposed Federal action for the installation only to the extent, if any, that the Secretary of Defense considers such incorporation to be appropriate and consistent with the best and highest use of the installation as a whole, taking into consideration the redevelopment plan submitted by the redevelopment authority.

(III) The Secretary of Defense shall dispose of buildings and property under subclause (I) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In preparing the record of decision or other decision document, the Secretary shall give deference to the redevelopment plan submitted by the redevelopment authority for the installation.

(IV) The disposal under subclause (I) of buildings and property to assist the homeless shall be without consideration.

(V) In the case of a request for a conveyance under subclause (I) of buildings and property for public benefit under section 550 of title 40, United States Code, or sections 47151 through 47153 of title 49, United States Code, the sponsoring Federal agency shall use the eligibility criteria set forth in such section or subchapter II of chapter 471 of title 49, United States Code (as the case may be) to determine the eligibility of the applicant and use proposed in the request for the public benefit conveyance. The determination of such eligibility should be made before submission of the redevelopment plan concerned under subparagraph (G).

(VI) It is the sense of Congress that the Secretary of Defense and the redevelopment authority should work with State and local agencies to the maximum extent practicable to collaborate on environmental assessments to reduce redundancy of effort and to accelerate redevelopment actions.

(M)(i) In the event of the disposal of buildings and property of an installation pursuant to subparagraph (K) or (L), the redevelopment authority for the installation shall be responsible for the implementation of and compliance with agreements under the redevelopment plan described in that subparagraph for the installation.

(ii) If a building or property reverts to a redevelopment authority under such an agreement, the redevelopment authority shall take appropriate actions to secure, to the maximum extent practicable, the utilization of the building or property by other homeless representatives to assist the homeless. A redevelopment authority may not be required to utilize the building or property to assist the homeless.

(N) The Secretary of Defense may postpone or extend any deadline provided for under this paragraph in the case of an installation covered by this paragraph for such period as the Secretary considers appropriate if the Secretary determines that such postponement is in the interests of the communities affected by the closure or realignment of the installation. The Secretary shall make such determinations in consultation with the redevelopment authority concerned and, in the case of deadlines provided for under this paragraph with respect to the Secretary of Housing and Urban Development, in consultation with the Secretary of Housing and Urban Development.

(O) For purposes of this paragraph, the term ''communities in the vicinity of the installation'', in the case of an installation, means the communities that constitute the political jurisdictions (other than the State in which the installation is located) that comprise the redevelopment authority for the installation.

(P) For purposes of this paragraph, the term ''other interested parties'', in the case of an installation, includes any parties eligible for the conveyance of property of the installation under section 550 of title 40, United States Code, or sections 47151 through 47153 of title 49, United States Code, whether or not the parties assist the homeless.

(7)(A) Subject to subparagraph (C), the Secretary may enter into agreements (including contracts, cooperative agreements, or other arrangements for reimbursement) with local governments for the provision of police or security services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this subtitle, or at facilities not yet transferred or otherwise disposed of in the case of installations closed under this subtitle, if the Secretary determines that the provision of such services under such agreements is in the best interests of the Department of Defense.

(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

(C) The Secretary may not exercise the authority under subparagraph (A) with respect to an installation earlier than 180 days before the date on which the installation is to be closed.

(D) The Secretary shall include in a contract for services entered into with a local government under this paragraph a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government.

(d) APPLICABILITY OF NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—(1) The provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the actions of the President and, except as provided in paragraph (2), the Department of Defense in carrying out this subtitle.

(2)(A) The provisions of the National Environmental Policy Act of 1969 shall apply to actions of the Department of Defense under this subtitle—

(i) during the process of property disposal; and

(ii) during the process of relocating functions from a military installation being closed or realigned to another military installation after the receiving installation has been selected but before the functions are relocated.

(B) In applying the provisions of the National Environmental Policy Act of 1969 to the processes referred to in subparagraph (A), the Secretary of Defense and the Secretary of the military departments concerned shall not have to consider—

(i) the need for closing or realigning the military installation that has been recommended for closure or realignment;

(ii) the need for transferring functions to any military installation that has been selected as the receiving installation; or

(iii) military installations alternative to those recommended or selected.

(3) A civil action for judicial review, with respect to any requirement of the National Environmental Policy Act of 1969 to the extent such Act is applicable under paragraph (2), of any act or failure to act by the Department of Defense during the closing, realigning, or relocating of functions referred to in clauses (i) and (ii) of paragraph (2)(A), may not be brought more than 60 days after the date of such act or failure to act.

(e) WAIVER.—The Secretary of Defense may close or realign military installations under this subtitle without regard to—

(1) any provision of law restricting the use of funds for closing or realigning military installations included in any appropriations or authorization Act; and

(2) sections 2662 and 2687 of title 10, United States Code.

(f) TRANSFER AUTHORITY IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—(1)(A) Subject to paragraph (2) of this subsection and section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer by deed real property or facilities referred to in subparagraph (B) with any person who agrees to perform all environmental restoration, waste management, and environmental compliance activities that are required for the property or facilities under Federal and State laws, administrative decisions, agreements (including schedules and milestones), and concurrences.

(B) The real property and facilities referred to in subparagraph (A) are the real property and facilities located at an installation closed or to be closed, or realigned or to be realigned, under this subtitle that are available exclusively for the use, or expression of an interest in a use, of a redevelopment authority under subsection (c)(6)(F) during the period provided for that use, or expression of interest in use, under that subsection. The real property and facilities referred to in subparagraph (A) are also the real property and facilities located at an installation approved for closure or realignment under this subtitle that are available for purposes other than to assist the homeless.

(C) The Secretary may require any additional terms and conditions in connection with an agreement authorized by subparagraph (A) as the Secretary considers appropriate to protect the interests of the United States.

(2) A transfer of real property or facilities may be made under paragraph (1) only if the Secretary certifies to Congress that—

(A) the costs of all environmental restoration, waste management, and environmental compliance activities otherwise to be paid by the Secretary with respect to the property or facilities are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the Secretary; or

(B) if such costs are lower than the fair market value of the property or facilities, the recipient of the property or facilities agrees to pay the difference between the fair market value and such costs.

(3) In the case of property or facilities covered by a certification under paragraph (2)(A), the Secretary may pay the recipient of such property or facilities an amount equal to the lesser of—

(A) the amount by which the costs incurred by the recipient of such property or facilities for all environmental restoration, waste, management, and environmental compliance activities with respect to such property or facilities exceed the fair market value of such property or facilities as specified in such certification; or

(B) the amount by which the costs (as determined by the Secretary) that would otherwise have been incurred by the Secretary for such restoration, management, and activities with respect to such property or facilities exceed the fair market value of such property or facilities as so specified.

(4) As part of an agreement under paragraph (1), the Secretary shall disclose to the person to whom the property or facilities

will be transferred any information of the Secretary regarding the environmental restoration, waste management, and environmental compliance activities described in paragraph (1) that relate to the property or facilities. The Secretary shall provide such information before entering into the agreement.

(5) Nothing in this subsection shall be construed to modify, alter, or amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(6) Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2687 note) shall not apply to any transfer under this subsection to persons or entities described in subsection (a)(2) of such section 330, except in the case of releases or threatened releases not disclosed pursuant to paragraph (4) of this subsection.

SEC. 2715. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2017.

(a) IN GENERAL.—(1) If a joint resolution is enacted under section 2713(b), there shall be established on the books of the Treasury an account to be known as the ''Department of Defense Base Closure Account 2017'' (in this section referred to as the ''Account''). The Account shall be administered by the Secretary as a single account.

(2) There shall be deposited into the Account—

(A) funds authorized for and appropriated to the Account;

(B) any funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated to the Department of Defense for any purpose, except that such funds may be transferred only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the congressional defense committees; and

(C) except as provided in subsection (d), proceeds received from the lease, transfer, or disposal of any property at a military installation that is closed or realigned under this subtitle.

(3) The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code. Unobligated funds that remain in the Account upon closure shall be held by the Secretary of the Treasury until transferred by law after the congressional defense committees receive the report transmitted under subsection (c)(2).

(b) USE OF FUNDS.—(1) The Secretary may use the funds in the Account only for the purposes described in section 2714 with respect to military installations approved for closure or realignment under this subtitle.

(2) When a decision is made to use funds in the Account to carry out a construction project under section 2714(a) at a military installation in support of a master plan for the military installation as required under section 2712(h)(2)(D)(ii), such construction project shall be conducted in accordance with the sections of chapter 169 of title 10, United States Code, applicable to such construction project.

(3)(A) In the case of construction projects carried out using funds in the Account that exceed the applicable minor construction threshold under section 2805 of title 10, United States Code, the Secretary may carry out such a project that has not been authorized by law if the Secretary determines that—

(i) the project is necessary for the Department to execute a closure or realignment action under this subtitle; and

(ii) the requirement for the project is so urgent that deferral of the project for authorization by law would pose a significant delay in proceeding with a realignment or closure action under this subtitle or is inconsistent with national security or the protection of health, safety, or environmental quality.

(B)(i) When a decision is made to carry out a construction project under subparagraph (A), the Secretary shall submit to the congressional defense committees in writing a report on that decision. Each such report shall include—

(I) a justification for the project and a current estimate of the cost of the project; and

(II) a justification for carrying out the project under this subtitle.

(ii) The Secretary may carry out a construction project under subparagraph (A) only after the end of the seven-day period beginning on the earlier of—

(I) the date on which the report under clause (i) relating to such project is received by the congressional defense committees; or

(II) the date on which a copy of such report is provided to such committees in an electronic medium pursuant to section 480 of title 10, United States Code.

(4) The maximum amount that the Secretary may obligate in any fiscal year under this section is $100,000,000.

(5) A project carried out using funds under this section shall be carried out within the total amount of funds appropriated for the Account that have not been obligated.

(c) REPORTS.—(1)(A) Not later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this subtitle using funds in the Account, the Secretary shall transmit a report to the congressional defense committees of—

(i) the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year;

(ii) the amount and nature of other expenditures made pursuant to section 2714(a) during such fiscal year;

(iii) the amount and nature of anticipated deposits to be made into, and the anticipated expenditures to be made from, the Account during the first fiscal year commencing after the submission of the report; and

(iv) the amount and nature of anticipated expenditures to be made pursuant to section 2714(a) during the first fiscal year commencing after the submission of the report.

(B) The report for a fiscal year shall include the following:

(i) The obligations and expenditures from the Account during the fiscal year, identified by subaccount and installation, for each military department and Defense Agency.

(ii) The fiscal year in which appropriations for such expenditures were made and the fiscal year in which funds were obligated for such expenditures.

(iii) Each military construction project for which such obligations and expenditures were made, identified by installation and project title.

(iv) A description and explanation of the extent, if any, to which expenditures for military construction projects for the fiscal year differed from any proposals for projects and funding levels for the Account for such fiscal year, including an explanation of—

(I) any failure to carry out military construction projects that were so proposed; and

(II) any expenditures for military construction projects that were not so proposed.

(v) An estimate of the net revenues to be received from property disposals to be completed during the first fiscal year commencing after the submission of the report at military installations approved for closure or realignment under this subtitle.

(2) Not later than 60 days after the closure of the Account under subsection (a)(3), the Secretary shall transmit to the congressional defense committees a report containing an accounting of—

(A) all of the funds deposited into and expended from the Account or otherwise expended under this subtitle with respect to such installations; and

(B) any amount remaining in the Account.

(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.—(1) If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this subtitle, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in the reserve account established under section 204(b)(7)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(2) The amount so deposited shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary.

(3) The Secretary may use amounts in the reserve account, without further appropriation, for the purpose of acquiring, constructing, and improving—

(A) commissary stores; and

(B) real property and facilities for nonappropriated fund instrumentalities.

(4) In this subsection:

(A) The term ''commissary store funds'' means funds received from the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code.

(B) The term ''nonappropriated funds'' means funds received from a nonappropriated fund instrumentality.

(C) The term ''nonappropriated fund instrumentality'' means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.

(e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION PROJECTS.—Except for funds deposited into the Account under subsection (a), funds appropriated to the Department of Defense may not be used for purposes described in section 2714(a)(1)(C). The prohibition in this subsection shall expire upon the closure of the Account under subsection (a)(3).

(f) AUTHORIZED COST AND SCOPE OF WORK VARIATIONS.—(1) Subject to paragraphs (2) and (3), the cost authorized for a military construction project or military family housing project to be carried out using funds in the Account may not be increased or reduced by more than 20 percent or $2,000,000, whichever is less, of the amount specified for the project in the conference report to accompany the Act of Congress authorizing the project. The scope of work for such a project may not be reduced by more than 25 percent from the scope specified in the most recent budget documents for the projects listed in such conference report.

(2) Paragraph (1) shall not apply to a military construction project or military family housing project to be carried out using funds in the Account with an estimated cost of less than $5,000,000, unless the project has not

been previously identified in any budget submission for the Account and exceeds the applicable minor construction threshold under section 2805 of title 10, United States Code.

(3) The limitation on cost or scope variation specified in paragraph (1) shall not apply if the Secretary of Defense makes a determination that an increase or reduction in cost or a reduction in the scope of work for a military construction project or military family housing project to be carried out using funds in the Account is required for the sole purpose of meeting unusual variations in cost or scope. If the Secretary makes such a determination, the Secretary shall notify the congressional defense committees of the variation in cost or scope not later than 21 days before the date on which the variation is made in connection with the project or, if the notification is provided in an electronic medium pursuant to section 480 of title 10, United States Code, not later than 14 days before the date on which the variation is made. The Secretary shall include the reasons for the variation in the notification.

SEC. 2716. RESTRICTION ON OTHER BASE CLOSURE AUTHORITY.

(a) IN GENERAL.—Except as provided in subsection (c), during the period beginning on the date of the enactment of this Act, and ending on April 15, 2020, this subtitle shall be the exclusive authority for selecting for closure or realignment, or for carrying out any closure or realignment of, a military installation inside the United States.

(b) RESTRICTION.—Except as provided in subsection (c), none of the funds available to the Department of Defense may be used, other than under this subtitle, during the period specified in subsection (a)—

(1) to identify, through any transmittal to Congress or through any other public announcement or notification, any military installation inside the United States as an installation to be closed or realigned or as an installation under consideration for closure or realignment; or

(2) to carry out any closure or realignment of a military installation inside the United States.

(c) EXCEPTION.—Nothing in this subtitle affects the authority of the Secretary to carry out closures and realignments to which section 2687 of title 10, United States Code, is not applicable, including closures and realignments carried out for reasons of national security or a military emergency described in subsection (d) of such section.

SEC. 2717. DEFINITIONS.

In this subtitle:

(1) The term ''Account'' means the Department of Defense Base Closure Account established by section 2715(a)(1).

(2) The term ''congressional defense committees'' means the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

(3) The term ''military installation'' means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility. Such term does not include any facility used primarily for civil works, rivers and harbors projects, flood control, or other projects not under the primary jurisdiction or control of the Department of Defense.

(4) The term ''realignment'' includes any action which both reduces and relocates functions and civilian personnel positions but does not include a reduction in force resulting from workload adjustments, reduced personnel or funding levels, or skill imbalances.

(5) The term ''Secretary'' means the Secretary of Defense.

(6) The term ''United States'' means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and any other commonwealth, territory, or possession of the United States.

(7) The term ''date of approval'', with respect to a closure or realignment of an installation, means the date on which Congress approves under section 2713(b) a recommendation of closure or realignment, as the case may be, of such installation.

(8) The term ''redevelopment authority'', in the case of an installation to be closed or realigned under this subtitle, means any entity (including an entity established by a State or local government) recognized by the Secretary of Defense as the entity responsible for developing the redevelopment plan with respect to the installation or for directing the implementation of such plan.

(9) The term ''redevelopment plan'' in the case of an installation to be closed or realigned under this subtitle, means a plan that—

(A) is agreed to by the local redevelopment authority with respect to the installation; and

(B) provides for the reuse or redevelopment of the real property and personal property of the installation that is available for such reuse and redevelopment as a result of the closure or realignment of the installation.

(10) The term ''representative of the homeless'' has the meaning given such term in section 501(i)(4) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(i)(4)).

SEC. 2718. TREATMENT AS A BASE CLOSURE LAW FOR PURPOSES OF OTHER PROVISIONS OF LAW.

(a) DEFINITION OF ''BASE CLOSURE LAW'' IN TITLE 10.—Section 101(a)(17) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(D) The Defense Force and Infrastructure Review Act of 2017.''.

(b) DEFINITION OF ''BASE CLOSURE LAW'' IN OTHER LAWS.—

(1) Section 131(b) of Public Law 107–249 (10 U.S.C. 221 note) is amended by striking ''means'' and all that follows and inserting ''has the meaning given the term 'base closure law' in section 101(a)(17) of title 10, United States Code.''.

(2) Section 1334(k)(1) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2701 note) is amended by adding at the end the following new subparagraph:

''(C) The Defense Force and Infrastructure Review Act of 2017.''.

(3) Section 2918(a)(1) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph:

''(C) The Defense Force and Infrastructure Review Act of 2017.''.

SEC. 2719. CONFORMING AMENDMENTS.

(a) DEPOSIT AND USE OF LEASE PROCEEDS.—Section 2667(e) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking ''on or after January 1, 2005,'' and inserting ''from January 1, 2005 through December 31, 2005,''; and

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

''(6) Money rentals received by the United States from a lease under subsection (g) at a military installation approved for closure or realignment under a base closure law on or after January 1, 2006, shall be deposited into the account established under section 2715 of the Defense Force and Infrastructure Review Act of 2017.''.

(b) RESTORED LEAVE.—Section 6304(d)(3)(A) of title 5, United States Code, is amended by striking ''the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note)'' and inserting ''a base closure law, as that term is defined in section 101(a)(17) of title 10,''.

SA 499. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EMPLOYEE BENEFITS PROTECTION.

(a) NOTIFICATION OF EXTENT TO WHICH HEALTH BENEFITS CAN BE MODIFIED OR TERMINATED.—

(1) INCLUSION IN SUMMARY PLAN DESCRIPTION.—Section 102(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1022) is amended by inserting ''; in the case of a group health plan (as so defined), whether the provisions of the plan permit the plan sponsor or any employer participating in the plan to unilaterally modify or terminate the benefits under the plan with respect to employees, retired employees, and beneficiaries, and when and to what extent benefits under the plan are fully vested with respect to employees, retired employees, and beneficiaries'' after ''the name and address of such issuer''.

(2) PRESUMPTION THAT RETIRED EMPLOYEE HEALTH BENEFITS CANNOT BE MODIFIED OR TERMINATED.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended by adding at the end the following new subsection:

''(n) In the case of a suit brought under this title by a participant or beneficiary relating to benefits of a retired employee or the dependents of a retired employee under a group health plan (as defined in section 733(a)(1)), the presumption for purposes of such suit shall be that as of the date an employee retires or completes 20 years of service with the employer, benefits available under the plan during retirement of the employee are fully vested and cannot be modified or terminated for the life of the employee or, if longer, the life of the employee's spouse. This presumption can be overcome only upon a showing, by clear and convincing evidence, that the terms of the group health plan allow for a modification or termination of benefits available under the plan and that the employee, prior to becoming a participant in the plan, was made aware, in clear and unambiguous terms, that the plan allowed for such modification or termination of benefits.''.

(b) PROTECTION OF RETIREES UNDER CERTAIN COLLECTIVELY BARGAINED AGREEMENTS.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following:

''(h) It shall be an unfair labor practice for any labor organization and any employer to enter into any contract or agreement, express or implied, whereby the organization and employer agree to modify the terms of any previous agreement in a manner that would result in a reduction or termination of retiree health insurance benefits provided to an employee or a dependent of an employee under the previous agreement, if such modification of the terms of the previous agreement occurs after the date on which the employee retires.''.

SA 500. Mr. CARDIN (for himself, Mr. BOOKER, Ms. HIRONO, Mr. NELSON, Mr. VAN HOLLEN, Mr. MARKEY, Mr. BROWN, Mr. CARPER, Mr. BLUMENTHAL, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STRIKING PROVISIONS THAT INCREASE HEALTH DISPARITIES.

Any provision of this Act that would increase health disparities among certain populations, including disparities on the basis of race and ethnicity, socioeconomic status, gender, religion, disability status, geographic location, and sexual identity and orientation shall be null and void and of no effect.

SA 501. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION ___

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Keeping Health Insurance Affordable Act of 2017''.

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

TITLE I—MARKETPLACE STABILITY AND SECURITY

SEC. 101. INDIVIDUAL MARKET REINSURANCE FUND.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established the ''Individual Market Reinsurance Fund'' to be administered by the Secretary to provide funding for an individual market stabilization reinsurance program in each State that complies with the requirements of this section.

(2) FUNDING.—There is appropriated to the Fund, out of any moneys in the Treasury not otherwise appropriated, such sums as are necessary to carry out this section (other than subsection (c)) for each calendar year beginning with 2018. Amounts appropriated to the Fund shall remain available without fiscal or calendar year limitation to carry out this section.

(b) INDIVIDUAL MARKET REINSURANCE PROGRAM.—

(1) USE OF FUNDS.—The Secretary shall use amounts in the Fund to establish a reinsurance program under which the Secretary shall make reinsurance payments to health insurance issuers with respect to high-cost individuals enrolled in qualified health plans offered by such issuers that are not grandfathered health plans or transitional health plans for any plan year beginning with the 2018 plan year. This subsection constitutes budget authority in advance of appropriations Acts and represents the obligation of the Secretary to provide payments from the Fund in accordance with this subsection.

(2) AMOUNT OF PAYMENT.—The payment made to a health insurance issuer under subsection (a) with respect to each high-cost individual enrolled in a qualified health plan issued by the issuer that is not a grandfathered health plan or a transitional health plan shall equal 80 percent of the lesser of—

(A) the amount (if any) by which the individual's claims incurred during the plan year exceeds—

(i) in the case of the 2018, 2019, or 2020 plan year, $50,000; and

(ii) in the case of any other plan year, $100,000; or

(B) for plan years described in—

(i) subparagraph (A)(i), $450,000; and

(ii) subparagraph (A)(ii), $400,000.

(3) INDEXING.—In the case of plan years beginning after 2018, the dollar amounts that appear in subparagraphs (A) and (B) of paragraph (2) shall each be increased by an amount equal to—

(A) such amount; multiplied by

(B) the premium adjustment percentage specified under section 1302(c)(4) of the Affordable Care Act, but determined by substituting ''2018'' for ''2013''.

(4) PAYMENT METHODS.—

(A) IN GENERAL.—Payments under this subsection shall be based on such a method as the Secretary determines. The Secretary may establish a payment method by which interim payments of amounts under this subsection are made during a plan year based on the Secretary's best estimate of amounts that will be payable after obtaining all of the information.

(B) REQUIREMENT FOR PROVISION OF INFORMATION.—

(i) REQUIREMENT.—Payments under this subsection to a health insurance issuer are conditioned upon the furnishing to the Secretary, in a form and manner specified by the Secretary, of such information as may be required to carry out this subsection.

(ii) RESTRICTION ON USE OF INFORMATION.—Information disclosed or obtained pursuant to clause (i) is subject to the HIPAA privacy and security law, as defined in section 3009(a) of the Public Health Service Act (42 U.S.C. 300jj–19(a)).

(5) SECRETARY FLEXIBILITY FOR BUDGET NEUTRAL REVISIONS TO REINSURANCE PAYMENT SPECIFICATIONS.—If the Secretary determines appropriate, the Secretary may substitute higher dollar amounts for the dollar amounts specified under subparagraphs (A) and (B) of paragraph (2) (and adjusted under paragraph (3), if applicable) if the Secretary certifies that such substitutions, considered together, neither increase nor decease the total projected payments under this subsection.

(c) OUTREACH AND ENROLLMENT.—

(1) IN GENERAL.—During the period that begins on January 1, 2018, and ends on December 31, 2020, the Secretary shall award grants to eligible entities for the following purposes:

(A) OUTREACH AND ENROLLMENT.—To carry out outreach, public education activities, and enrollment activities to raise awareness of the availability of, and encourage enrollment in, qualified health plans.

(B) ASSISTING INDIVIDUALS TRANSITION TO QUALIFIED HEALTH PLANS.—To provide assistance to individuals who are enrolled in health insurance coverage that is not a qualified health plan enroll in a qualified health plan.

(C) ASSISTING ENROLLMENT IN PUBLIC HEALTH PROGRAMS.—To facilitate the enrollment of eligible individuals in the Medicare program or in a State Medicaid program, as appropriate.

(D) RAISING AWARENESS OF PREMIUM ASSISTANCE AND COST-SHARING REDUCTIONS.—To distribute fair and impartial information concerning enrollment in qualified health plans and the availability of premium assistance tax credits under section 36B of the Internal Revenue Code of 1986 and cost-sharing reductions under section 1402 of the Patient Protection and Affordable Care Act, and to assist eligible individuals in applying for such tax credits and cost-sharing reductions.

(2) ELIGIBLE ENTITIES DEFINED.—

(A) IN GENERAL.—In this subsection, the term ''eligible entity'' means—

(i) a State; or

(ii) a nonprofit community-based organization.

(B) ENROLLMENT AGENTS.—Such term includes a licensed independent insurance agent or broker that has an arrangement with a State or nonprofit community-based organization to enroll eligible individuals in qualified health plans.

(C) EXCLUSIONS.—Such term does not include an entity that—

(i) is a health insurance issuer; or

(ii) receives any consideration, either directly or indirectly, from any health insurance issuer in connection with the enrollment of any qualified individuals or employees of a qualified employer in a qualified health plan.

(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to awarding grants to States or eligible entities in States that have geographic rating areas at risk of having no qualified health plans in the individual market.

(4) FUNDING.—Out of any moneys in the Treasury not otherwise appropriated, $500,000,000 is appropriated to the Secretary for each of calendar years 2018 through 2020, to carry out this subsection.

(d) REPORTS TO CONGRESS.—

(1) ANNUAL REPORT.—The Secretary shall submit a report to Congress, not later than January 21, 2019, and each year thereafter, that contains the following information for the most recently ended year:

(A) The number and types of plans in each State's individual market, specifying the number that are qualified health plans, grandfathered health plans, or health insurance coverage that is not a qualified health plan.

(B) The impact of the reinsurance payments provided under this section on the availability of coverage, cost of coverage, and coverage options in each State.

(C) The amount of premiums paid by individuals in each State by age, family size, geographic area in the State's individual market, and category of health plan (as described in subparagraph (A)).

(D) The process used to award funds for outreach and enrollment activities awarded to eligible entities under subsection (c), the

amount of such funds awarded, and the activities carried out with such funds.

(E) Such other information as the Secretary deems relevant.

(2) EVALUATION REPORT.—Not later than January 31, 2022, the Secretary shall submit to Congress a report that—

(A) analyzes the impact of the funds provided under this section on premiums and enrollment in the individual market in all States; and

(B) contains a State-by-State comparison of the design of the programs carried out by States with funds provided under this section.

(e) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Department of Health and Human Services.

(2) FUND.—The term ''Fund'' means the Individual Market Reinsurance Fund established under subsection (a).

(3) GRANDFATHERED HEALTH PLAN.—The term ''grandfathered health plan'' has the meaning given that term in section 1251(e) of the Patient Protection and Affordable Care Act.

(4) HIGH-COST INDIVIDUAL.—The term ''high-cost individual'' means an individual enrolled in a qualified health plan (other than a grandfathered health plan or a transitional health plan) who incurs claims in excess of $50,000 during a plan year.

(5) STATE.—The term ''State'' means each of the 50 States and the District of Columbia.

(6) TRANSITIONAL HEALTH PLAN.—The term ''transitional health plan'' means a plan continued under the letter issued by the Centers for Medicare & Medicaid Services on November 14, 2013, to the State Insurance Commissioners outlining a transitional policy for coverage in the individual and small group markets to which section 1251 of the Patient Protection and Affordable Care Act does not apply, and under the extension of the transitional policy for such coverage set forth in the Insurance Standards Bulletin Series guidance issued by the Centers for Medicare & Medicaid Services on March 5, 2014, February 29, 2016, and February 13, 2017.

SEC. 102. PUBLIC HEALTH INSURANCE OPTION.

(a) IN GENERAL.—Part 3 of subtitle D of title I of the Patient Protection and Affordable Care Act (Public Law 111–148) is amended by adding at the end the following new section:

''SEC. 1325. PUBLIC HEALTH INSURANCE OPTION.

''(a) ESTABLISHMENT AND ADMINISTRATION OF A PUBLIC HEALTH INSURANCE OPTION.—

''(1) ESTABLISHMENT.—For years beginning with 2018, the Secretary of Health and Human Services (in this subtitle referred to as the 'Secretary') shall provide for the offering through Exchanges established under this title of a health benefits plan (in this Act referred to as the 'public health insurance option') that ensures choice, competition, and stability of affordable, high-quality coverage throughout the United States in accordance with this section. In designing the option, the Secretary's primary responsibility is to create a low-cost plan without compromising quality or access to care.

''(2) OFFERING THROUGH EXCHANGES.—

''(A) EXCLUSIVE TO EXCHANGES.—The public health insurance option shall only be made available through Exchanges established under this title.

''(B) ENSURING A LEVEL PLAYING FIELD.—Consistent with this section, the public health insurance option shall comply with requirements that are applicable under this title to health benefits plans offered through such Exchanges, including requirements related to benefits, benefit levels, provider networks, notices, consumer protections, and cost sharing.

''(C) PROVISION OF BENEFIT LEVELS.—The public health insurance option—

''(i) shall offer bronze, silver, and gold plans; and

''(ii) may offer platinum plans.

''(3) ADMINISTRATIVE CONTRACTING.—The Secretary may enter into contracts for the purpose of performing administrative functions (including functions described in subsection (a)(4) of section 1874A of the Social Security Act) with respect to the public health insurance option in the same manner as the Secretary may enter into contracts under subsection (a)(1) of such section. The Secretary has the same authority with respect to the public health insurance option as the Secretary has under subsections (a)(1) and (b) of section 1874A of the Social Security Act with respect to title XVIII of such Act. Contracts under this subsection shall not involve the transfer of insurance risk to such entity.

''(4) OMBUDSMAN.—The Secretary shall establish an office of the ombudsman for the public health insurance option which shall have duties with respect to the public health insurance option similar to the duties of the Medicare Beneficiary Ombudsman under section 1808(c)(2) of the Social Security Act. In addition, such office shall work with States to ensure that information and notice is provided that the public health insurance option is one of the health plans available through an Exchange.

''(5) DATA COLLECTION.—The Secretary shall collect such data as may be required to establish premiums and payment rates for the public health insurance option and for other purposes under this section, including to improve quality and to reduce racial, ethnic, and other disparities in health and health care.

''(6) ACCESS TO FEDERAL COURTS.—The provisions of Medicare (and related provisions of title II of the Social Security Act) relating to access of Medicare beneficiaries to Federal courts for the enforcement of rights under Medicare, including with respect to amounts in controversy, shall apply to the public health insurance option and individuals enrolled under such option under this title in the same manner as such provisions apply to Medicare and Medicare beneficiaries.

''(b) PREMIUMS AND FINANCING.—

''(1) ESTABLISHMENT OF PREMIUMS.—

''(A) IN GENERAL.—The Secretary shall establish geographically adjusted premium rates for the public health insurance option—

''(i) in a manner that complies with the premium rules under paragraph (3); and

''(ii) at a level sufficient to fully finance the costs of—

''(I) health benefits provided by the public health insurance option; and

''(II) administrative costs related to operating the public health insurance option.

''(B) CONTINGENCY MARGIN.—In establishing premium rates under subparagraph (A), the Secretary shall include an appropriate amount for a contingency margin.

''(2) ACCOUNT.—

''(A) ESTABLISHMENT.—There is established in the Treasury of the United States an account for the receipts and disbursements attributable to the operation of the public health insurance option, including the start-up funding under subparagraph (B). Section 1854(g) of the Social Security Act shall apply to receipts described in the previous sentence in the same manner as such section applies to payments or premiums described in such section.

''(B) START-UP FUNDING.—

''(i) IN GENERAL.—In order to provide for the establishment of the public health insurance option there is hereby appropriated to the Secretary, out of any funds in the Treasury not otherwise appropriated, $2,000,000,000. In order to provide for initial claims reserves before the collection of premiums, there is hereby appropriated to the Secretary, out of any funds in the Treasury not otherwise appropriated, such sums as necessary to cover 90 days worth of claims reserves based on projected enrollment.

''(ii) AMORTIZATION OF START-UP FUNDING.—The Secretary shall provide for the repayment of the startup funding provided under clause (i) to the Treasury in an amortized manner over the 10-year period beginning with 2018.

''(iii) LIMITATION ON FUNDING.—Nothing in this subsection shall be construed as authorizing any additional appropriations to the account, other than such amounts as are otherwise provided with respect to other health benefits plans participating under the Exchange involved.

''(3) INSURANCE RATING RULES.—The premium rate charged for the public health insurance option may not vary except as provided under section 2701 of the Public Health Service Act.

''(c) PAYMENT RATES FOR ITEMS AND SERVICES.—

''(1) RATES ESTABLISHED BY SECRETARY.—

''(A) IN GENERAL.—The Secretary shall establish payment rates for the public health insurance option for services and health care providers consistent with this subsection and may change such payment rates in accordance with subsection (d).

''(B) INITIAL PAYMENT RULES.—

''(i) IN GENERAL.—During 2018, 2019, and 2020, the Secretary shall set the payment rates under this subsection for services and providers described in subparagraph (A) equal to the payment rates for equivalent services and providers under parts A and B of Medicare, subject to clause (ii), paragraph (4), and subsection (d).

''(ii) EXCEPTIONS.—The Secretary may determine the extent to which Medicare adjustments applicable to base payment rates under parts A and B of Medicare for graduate medical education and disproportionate share hospitals shall apply under this section.

''(C) FOR NEW SERVICES.—The Secretary shall modify payment rates described in subparagraph (B) in order to accommodate payments for services, such as well-child visits, that are not otherwise covered under Medicare.

''(D) PRESCRIPTION DRUGS.—Payment rates under this subsection for prescription drugs that are not paid for under part A or part B of Medicare shall be at rates negotiated by the Secretary.

''(2) SUBSEQUENT PERIODS; PROVIDER NETWORK.—

''(A) SUBSEQUENT PERIODS.—Beginning with 2021 and for subsequent years, the Secretary shall continue to use an administrative process to set such rates in order to promote payment accuracy, to ensure adequate beneficiary access to providers, and to promote affordability and the efficient delivery of medical care consistent with subsection (a)(1). Such rates shall not be set at levels expected to increase average medical costs per enrollee covered under the public health insurance option beyond what would be expected if the process under paragraph (1)(B) were continued, as certified by the Office of the Actuary of the Centers for Medicare & Medicaid Services.

''(B) ESTABLISHMENT OF A PROVIDER NETWORK.—Health care providers participating under Medicare are participating providers in the public health insurance option unless they opt out in a process established by the Secretary.

''(3) ADMINISTRATIVE PROCESS FOR SETTING RATES.—Chapter 5 of title 5, United States Code shall apply to the process for the initial establishment of payment rates under this subsection but not to the specific methodology for establishing such rates or the calculation of such rates.

''(4) CONSTRUCTION.—Nothing in this section shall be construed as limiting the Secretary's authority to correct for payments that are excessive or deficient, taking into account the provisions of subsection (a)(1) and any appropriate adjustments based on the demographic characteristics of enrollees covered under the public health insurance option, but in no case shall the correction of payments under this paragraph result in a level of expenditures per enrollee that exceeds the level of expenditures that would have occurred under paragraph (1)(B), as certified by the Office of the Actuary of the Centers for Medicare & Medicaid Services.

''(5) CONSTRUCTION.—Nothing in this section shall be construed as affecting the authority of the Secretary to establish payment rates, including payments to provide for the more efficient delivery of services, such as the initiatives provided for under subsection (d).

''(6) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review of a payment rate or methodology established under this subsection or under subsection (d).

''(d) MODERNIZED PAYMENT INITIATIVES AND DELIVERY SYSTEM REFORM.—

''(1) IN GENERAL.—For plan years beginning with 2018, the Secretary may utilize innovative payment mechanisms and policies to determine payments for items and services under the public health insurance option. The payment mechanisms and policies under this subsection may include patient-centered medical home and other care management payments, accountable care organizations, value-based purchasing, bundling of services, differential payment rates, performance or utilization based payments, partial capitation, and direct contracting with providers. Payment rates under such payment mechanisms and policies shall not be set at levels expected to increase average medical costs per enrollee covered under the public health insurance option beyond what would be expected if the process under subsection (c)(1)(B) were continued, as certified by the Office of the Actuary of the Centers for Medicare & Medicaid Services.

''(2) REQUIREMENTS FOR INNOVATIVE PAYMENTS.—The Secretary shall design and implement the payment mechanisms and policies under this subsection in a manner that—

''(A) seeks to—

''(i) improve health outcomes;

''(ii) reduce health disparities (including racial, ethnic, and other disparities);

''(iii) provide efficient and affordable care;

''(iv) address geographic variation in the provision of health services; or

''(v) prevent or manage chronic illness; and

''(B) promotes care that is integrated, patient-centered, high-quality, and efficient.

''(3) ENCOURAGING THE USE OF HIGH VALUE SERVICES.—To the extent allowed by the benefit standards applied to all health benefits plans participating under the Exchange involved, the public health insurance option may modify cost sharing and payment rates to encourage the use of services that promote health and value.

''(4) NON-UNIFORMITY PERMITTED.—Nothing in this subtitle shall prevent the Secretary from varying payments based on different payment structure models (such as accountable care organizations and medical homes) under the public health insurance option for different geographic areas.

''(e) PROVIDER PARTICIPATION.—

''(1) IN GENERAL.—The Secretary shall establish conditions of participation for health care providers under the public health insurance option.

''(2) LICENSURE OR CERTIFICATION.—The Secretary shall not allow a health care provider to participate in the public health insurance option unless such provider is appropriately licensed or certified under State law.

''(3) PAYMENT TERMS FOR PROVIDERS.—

''(A) PHYSICIANS.—The Secretary shall provide for the annual participation of physicians under the public health insurance option, for which payment may be made for services furnished during the year, in one of 2 classes:

''(i) PREFERRED PHYSICIANS.—Those physicians who agree to accept the payment rate established under this section (without regard to cost-sharing) as the payment in full.

''(ii) PARTICIPATING, NON-PREFERRED PHYSICIANS.—Those physicians who agree not to impose charges (in relation to the payment rate described in subsection (c) for such physicians) that exceed the ratio permitted under section 1848(g)(2)(C) of the Social Security Act.

''(B) OTHER PROVIDERS.—The Secretary shall provide for the participation (on an annual or other basis specified by the Secretary) of health care providers (other than physicians) under the public health insurance option under which payment shall only be available if the provider agrees to accept the payment rate established under subsection (c) (without regard to cost-sharing) as the payment in full.

''(4) EXCLUSION OF CERTAIN PROVIDERS.—The Secretary shall exclude from participation under the public health insurance option a health care provider that is excluded from participation in a Federal health care program (as defined in section 1128B(f) of the Social Security Act).

''(f) APPLICATION OF FRAUD AND ABUSE PROVISIONS.—Provisions of law (other than criminal law provisions) identified by the Secretary by regulation, in consultation with the Inspector General of the Department of Health and Human Services, that impose sanctions with respect to waste, fraud, and abuse under Medicare, such as the False Claims Act (31 U.S.C. 3729 et seq.), shall also apply to the public health insurance option.

''(g) MEDICARE DEFINED.—For purposes of this section, the term 'Medicare' means the health insurance programs under title XVIII of the Social Security Act.''.

(b) CONFORMING AMENDMENTS.—

(1) TREATMENT AS QUALIFIED HEALTH PLAN.—Section 1301(a)(2) of the Patient Protection and Affordable Care Act is amended—

(A) in the heading, by inserting '', THE PUBLIC HEALTH INSURANCE OPTION,'' before ''AND''; and

(B) by inserting ''the public health insurance option under section 1325,'' before ''and a multi-State plan''.

(2) LEVEL PLAYING FIELD.—Section 1324(a) of such Act is amended by inserting ''the public health insurance option under section 1325,'' before ''or a multi-State qualified health plan''.

TITLE II—HEALTH CARE FINANCIAL ASSISTANCE

SEC. 201. INCREASE IN ELIGIBILITY FOR PREMIUM ASSISTANCE TAX CREDITS.

(a) IN GENERAL.—Subparagraph (A) of section 36B(c)(1) of the Internal Revenue Code of 1986 is amended by striking ''400 percent'' and inserting ''600 percent''.

(b) CONFORMING AMENDMENT.—The table contained in clause (i) of section 36B(b)(3)(A)(i) of the Internal Revenue Code of 1986 is amended by striking ''400%'' and inserting ''600%''.

(c) RECONCILIATION OF CREDIT AND ADVANCE CREDIT.—Clause (i) of section 36B(f)(2)(B) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''In the case of'' and all that follows through ''the amount of'' and inserting ''The amount of'', and

(2) by striking ''but less than 400%'' in the table.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 202. ENHANCEMENTS FOR REDUCED COST SHARING.

(a) MODIFICATION OF AMOUNT.—

(1) IN GENERAL.—Section 1402(c)(2) of the Patient Protection and Affordable Care Act is amended to read as follows:

''(2) ADDITIONAL REDUCTION.—The Secretary shall establish procedures under which the issuer of a qualified health plan to which this section applies shall further reduce cost-sharing under the plan in a manner sufficient to—

''(A) in the case of an eligible insured whose household income is not less than 100 percent but not more than 200 percent of the poverty line for a family of the size involved, increase the plan's share of the total allowed costs of benefits provided under the plan to 95 percent of such costs;

''(B) in the case of an eligible insured whose household income is more than 200 percent but not more than 300 percent of the poverty line for a family of the size involved, increase the plan's share of the total allowed costs of benefits provided under the plan to 90 percent of such costs; and

''(C) in the case of an eligible insured whose household income is more than 300 percent but not more than 400 percent of the poverty line for a family of the size involved, increase the plan's share of the total allowed costs of benefits provided under the plan to 85 percent of such costs.''.

(2) CONFORMING AMENDMENT.—Clause (i) of section 1402(c)(1)(B) of such Act is amended to read as follows:

''(i) IN GENERAL.—The Secretary shall ensure the reduction under this paragraph shall not result in an increase in the plan's share of the total allowed costs of benefits provided under the plan above—

''(I) 95 percent in the case of an eligible insured described in paragraph (2)(A);

''(II) 90 percent in the case of an eligible insured described in paragraph (2)(B); and

''(III) 85 percent in the case of an eligible insured described in paragraph (2)(C).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning after December 31, 2017.

(b) FUNDING.—Section 1402 of the Patient Protection and Affordable Care Act is amended by adding at the end the following new subsection:

''(g) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary such sums as may be necessary for payments under this section.''.

TITLE III—DRUG PRICING

SEC. 301. REQUIRING DRUG MANUFACTURERS TO PROVIDE DRUG REBATES FOR DRUGS DISPENSED TO LOW-INCOME INDIVIDUALS.

(a) IN GENERAL.—Section 1860D–2 of the Social Security Act (42 U.S.C. 1395w–102) is amended—

(1) in subsection (e)(1), in the matter preceding subparagraph (A), by inserting ''and subsection (f)'' after ''this subsection''; and

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

''(f) PRESCRIPTION DRUG REBATE AGREEMENT FOR REBATE ELIGIBLE INDIVIDUALS.—

''(1) REQUIREMENT.—

''(A) IN GENERAL.—For plan years beginning on or after January 1, 2019, in this part, the term 'covered part D drug' does not include any drug or biological product that is manufactured by a manufacturer that has not entered into and have in effect a rebate agreement described in paragraph (2).

''(B) 2018 PLAN YEAR REQUIREMENT.—Any drug or biological product manufactured by a manufacturer that declines to enter into a rebate agreement described in paragraph (2) for the period beginning on January 1, 2018, and ending on December 31, 2018, shall not be included as a 'covered part D drug' for the subsequent plan year.

''(2) REBATE AGREEMENT.—A rebate agreement under this subsection shall require the manufacturer to provide to the Secretary a rebate for each rebate period (as defined in paragraph (6)(B)) ending after December 31, 2017, in the amount specified in paragraph (3) for any covered part D drug of the manufacturer dispensed after December 31, 2017, to any rebate eligible individual (as defined in paragraph (6)(A)) for which payment was made by a PDP sponsor or MA organization under this part for such period, including payments passed through the low-income and reinsurance subsidies under sections 1860D–14 and 1860D–15(b), respectively. Such rebate shall be paid by the manufacturer to the Secretary not later than 30 days after the date of receipt of the information described in section 1860D–12(b)(7), including as such section is applied under section 1857(f)(3), or 30 days after the receipt of information under subparagraph (D) of paragraph (3), as determined by the Secretary. Insofar as not inconsistent with this subsection, the Secretary shall establish terms and conditions of such agreement relating to compliance, penalties, and program evaluations, investigations, and audits that are similar to the terms and conditions for rebate agreements under paragraphs (3) and (4) of section 1927(b).

''(3) REBATE FOR REBATE ELIGIBLE MEDICARE DRUG PLAN ENROLLEES.—

''(A) IN GENERAL.—The amount of the rebate specified under this paragraph for a manufacturer for a rebate period, with respect to each dosage form and strength of any covered part D drug provided by such manufacturer and dispensed to a rebate eligible individual, shall be equal to the product of—

''(i) the total number of units of such dosage form and strength of the drug so provided and dispensed for which payment was made by a PDP sponsor or an MA organization under this part for the rebate period, including payments passed through the low-income and reinsurance subsidies under sections 1860D–14 and 1860D–15(b), respectively; and

''(ii) the amount (if any) by which—

''(I) the Medicaid rebate amount (as defined in subparagraph (B)) for such form, strength, and period, exceeds

''(II) the average Medicare drug program rebate eligible rebate amount (as defined in subparagraph (C)) for such form, strength, and period.

''(B) MEDICAID REBATE AMOUNT.—For purposes of this paragraph, the term 'Medicaid rebate amount' means, with respect to each dosage form and strength of a covered part D drug provided by the manufacturer for a rebate period—

''(i) in the case of a single source drug or an innovator multiple source drug, the amount specified in paragraph (1)(A)(ii)(II) or (2)(C) of section 1927(c) plus the amount, if any, specified in subparagraph (A)(ii) of paragraph (2) of such section, for such form, strength, and period; or

''(ii) in the case of any other covered outpatient drug, the amount specified in paragraph (3)(A)(i) of such section for such form, strength, and period.

''(C) AVERAGE MEDICARE DRUG PROGRAM REBATE ELIGIBLE REBATE AMOUNT.—For purposes of this subsection, the term 'average Medicare drug program rebate eligible rebate amount' means, with respect to each dosage form and strength of a covered part D drug provided by a manufacturer for a rebate period, the sum, for all PDP sponsors under part D and MA organizations administering an MA–PD plan under part C, of—

''(i) the product, for each such sponsor or organization, of—

''(I) the sum of all rebates, discounts, or other price concessions (not taking into account any rebate provided under paragraph (2) or any discounts under the program under section 1860D–14A) for such dosage form and strength of the drug dispensed, calculated on a per-unit basis, but only to the extent that any such rebate, discount, or other price concession applies equally to drugs dispensed to rebate eligible Medicare drug plan enrollees and drugs dispensed to PDP and MA–PD enrollees who are not rebate eligible individuals; and

''(II) the number of the units of such dosage and strength of the drug dispensed during the rebate period to rebate eligible individuals enrolled in the prescription drug plans administered by the PDP sponsor or the MA–PD plans administered by the MA organization; divided by

''(ii) the total number of units of such dosage and strength of the drug dispensed during the rebate period to rebate eligible individuals enrolled in all prescription drug plans administered by PDP sponsors and all MA–PD plans administered by MA organizations.

''(D) USE OF ESTIMATES.—The Secretary may establish a methodology for estimating the average Medicare drug program rebate eligible rebate amounts for each rebate period based on bid and utilization information under this part and may use these estimates as the basis for determining the rebates under this section. If the Secretary elects to estimate the average Medicare drug program rebate eligible rebate amounts, the Secretary shall establish a reconciliation process for adjusting manufacturer rebate payments not later than 3 months after the date that manufacturers receive the information collected under section 1860D–12(b)(7)(B).

''(4) LENGTH OF AGREEMENT.—The provisions of paragraph (4) of section 1927(b) (other than clauses (iv) and (v) of subparagraph (B)) shall apply to rebate agreements under this subsection in the same manner as such paragraph applies to a rebate agreement under such section.

''(5) OTHER TERMS AND CONDITIONS.—The Secretary shall establish other terms and conditions of the rebate agreement under this subsection, including terms and conditions related to compliance, that are consistent with this subsection.

''(6) DEFINITIONS.—In this subsection and section 1860D–12(b)(7):

''(A) REBATE ELIGIBLE INDIVIDUAL.—The term 'rebate eligible individual' means—

''(i) a subsidy eligible individual (as defined in section 1860D–14(a)(3)(A));

''(ii) a Medicaid beneficiary treated as a subsidy eligible individual under clause (v) of section 1860D–14(a)(3)(B); and

''(iii) any part D eligible individual not described in clause (i) or (ii) who is determined for purposes of the State plan under title XIX to be eligible for medical assistance under clause (i), (iii), or (iv) of section 1902(a)(10)(E).

''(B) REBATE PERIOD.—The term 'rebate period' has the meaning given such term in section 1927(k)(8).''.

(b) REPORTING REQUIREMENT FOR THE DETERMINATION AND PAYMENT OF REBATES BY MANUFACTURERS RELATED TO REBATE FOR REBATE ELIGIBLE MEDICARE DRUG PLAN ENROLLEES.—

(1) REQUIREMENTS FOR PDP SPONSORS.—Section 1860D–12(b) of the Social Security Act (42 U.S.C. 1395w–112(b)) is amended by adding at the end the following new paragraph:

''(7) REPORTING REQUIREMENT FOR THE DETERMINATION AND PAYMENT OF REBATES BY MANUFACTURERS RELATED TO REBATE FOR REBATE ELIGIBLE MEDICARE DRUG PLAN ENROLLEES.—

''(A) IN GENERAL.—For purposes of the rebate under section 1860D–2(f) for contract years beginning on or after January 1, 2019, each contract entered into with a PDP sponsor under this part with respect to a prescription drug plan shall require that the sponsor comply with subparagraphs (B) and (C).

''(B) REPORT FORM AND CONTENTS.—Not later than a date specified by the Secretary, a PDP sponsor of a prescription drug plan under this part shall report to each manufacturer—

''(i) information (by National Drug Code number) on the total number of units of each dosage, form, and strength of each drug of such manufacturer dispensed to rebate eligible Medicare drug plan enrollees under any prescription drug plan operated by the PDP sponsor during the rebate period;

''(ii) information on the price discounts, price concessions, and rebates for such drugs for such form, strength, and period;

''(iii) information on the extent to which such price discounts, price concessions, and rebates apply equally to rebate eligible Medicare drug plan enrollees and PDP enrollees who are not rebate eligible Medicare drug plan enrollees; and

''(iv) any additional information that the Secretary determines is necessary to enable the Secretary to calculate the average Medicare drug program rebate eligible rebate amount (as defined in paragraph (3)(C) of such section), and to determine the amount of the rebate required under this section, for such form, strength, and period.

Such report shall be in a form consistent with a standard reporting format established by the Secretary.

''(C) SUBMISSION TO SECRETARY.—Each PDP sponsor shall promptly transmit a copy of the information reported under subparagraph (B) to the Secretary for the purpose of audit oversight and evaluation.

''(D) CONFIDENTIALITY OF INFORMATION.—The provisions of subparagraph (D) of section 1927(b)(3), relating to confidentiality of information, shall apply to information reported by PDP sponsors under this paragraph in the same manner that such provisions apply to information disclosed by manufacturers or wholesalers under such section, except—

''(i) that any reference to 'this section' in clause (i) of such subparagraph shall be treated as being a reference to this section;

''(ii) the reference to the Director of the Congressional Budget Office in clause (iii) of such subparagraph shall be treated as including a reference to the Medicare Payment Advisory Commission; and

''(iii) clause (iv) of such subparagraph shall not apply.

''(E) OVERSIGHT.—Information reported under this paragraph may be used by the Inspector General of the Department of Health and Human Services for the statutorily authorized purposes of audit, investigation, and evaluations.

''(F) PENALTIES FOR FAILURE TO PROVIDE TIMELY INFORMATION AND PROVISION OF FALSE

INFORMATION.—In the case of a PDP sponsor—

''(i) that fails to provide information required under subparagraph (B) on a timely basis, the sponsor is subject to a civil money penalty in the amount of $10,000 for each day in which such information has not been provided; or

''(ii) that knowingly (as defined in section 1128A(i)) provides false information under such subparagraph, the sponsor is subject to a civil money penalty in an amount not to exceed $100,000 for each item of false information.

Such civil money penalties are in addition to other penalties as may be prescribed by law. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).''.

(2) APPLICATION TO MA ORGANIZATIONS.—Section 1857(f)(3) of the Social Security Act (42 U.S.C. 1395w–27(f)(3)) is amended by adding at the end the following:

''(D) REPORTING REQUIREMENT RELATED TO REBATE FOR REBATE ELIGIBLE MEDICARE DRUG PLAN ENROLLEES.—Section 1860D–12(b)(7).''.

(c) DEPOSIT OF REBATES INTO MEDICARE PRESCRIPTION DRUG ACCOUNT.—Section 1860D–16(c) of the Social Security Act (42 U.S.C. 1395w–116(c)) is amended by adding at the end the following new paragraph:

''(6) REBATE FOR REBATE ELIGIBLE MEDICARE DRUG PLAN ENROLLEES.—Amounts paid under a rebate agreement under section 1860D–2(f) shall be deposited into the Account.''.

(d) EXCLUSION FROM DETERMINATION OF BEST PRICE AND AVERAGE MANUFACTURER PRICE UNDER MEDICAID.—

(1) EXCLUSION FROM BEST PRICE DETERMINATION.—Section 1927(c)(1)(C)(ii)(I) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(C)(ii)(I)) is amended by inserting ''and amounts paid under a rebate agreement under section 1860D–2(f)'' after ''this section''.

(2) EXCLUSION FROM AVERAGE MANUFACTURER PRICE DETERMINATION.—Section 1927(k)(1)(B)(i) of the Social Security Act (42 U.S.C. 1396r–8(k)(1)(B)(i)) is amended—

(A) in subclause (IV), by striking ''and'' after the semicolon;

(B) in subclause (V), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(VI) amounts paid under a rebate agreement under section 1860D–2(f).''.

SEC. 302. NEGOTIATION OF PRICES FOR MEDICARE PRESCRIPTION DRUGS.

Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended by striking subsection (i) (relating to noninterference) and inserting the following:

''(i) NEGOTIATION; NO NATIONAL FORMULARY OR PRICE STRUCTURE.—

''(1) NEGOTIATION OF PRICES WITH MANUFACTURERS.—In order to ensure that beneficiaries enrolled under prescription drug plans and MA–PD plans pay the lowest possible price, the Secretary shall have and exercise authority similar to that of other Federal entities that purchase prescription drugs in bulk to negotiate contracts with manufacturers of covered part D drugs, consistent with the requirements and in furtherance of the goals of providing quality care and containing costs under this part.

''(2) NO NATIONAL FORMULARY OR PRICE STRUCTURE.—In order to promote competition under this part and in carrying out this part, the Secretary may not require a particular formulary or institute a price structure for the reimbursement of covered part D drugs.''.

SEC. 303. GUARANTEED PRESCRIPTION DRUG BENEFITS.

(a) IN GENERAL.—Section 1860D–3 of the Social Security Act (42 U.S.C. 1395w–103) is amended to read as follows:

''ACCESS TO A CHOICE OF QUALIFIED PRESCRIPTION DRUG COVERAGE

''SEC. 1860D–3. (a) ASSURING ACCESS TO A CHOICE OF COVERAGE.—

''(1) CHOICE OF AT LEAST THREE PLANS IN EACH AREA.—Beginning on January 1, 2019, the Secretary shall ensure that each part D eligible individual has available, consistent with paragraph (2), a choice of enrollment in—

''(A) a nationwide prescription drug plan offered by the Secretary in accordance with subsection (b); and

''(B) at least 2 qualifying plans (as defined in paragraph (3)) in the area in which the individual resides, at least one of which is a prescription drug plan.

''(2) REQUIREMENT FOR DIFFERENT PLAN SPONSORS.—The requirement in paragraph (1)(B) is not satisfied with respect to an area if only one entity offers all the qualifying plans in the area.

''(3) QUALIFYING PLAN DEFINED.—For purposes of this section, the term 'qualifying plan' means—

''(A) a prescription drug plan;

''(B) an MA–PD plan described in section 1851(a)(2)(A)(i) that provides—

''(i) basic prescription drug coverage; or

''(ii) qualified prescription drug coverage that provides supplemental prescription drug coverage so long as there is no MA monthly supplemental beneficiary premium applied under the plan, due to the application of a credit against such premium of a rebate under section 1854(b)(1)(C); or

''(C) a nationwide prescription drug plan offered by the Secretary in accordance with subsection (b).

''(b) HHS AS PDP SPONSOR FOR A NATIONWIDE PRESCRIPTION DRUG PLAN.—

''(1) IN GENERAL.—The Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall take such steps as may be necessary to qualify and serve as a PDP sponsor and to offer a prescription drug plan that offers basic prescription drug coverage throughout the United States. Such a plan shall be in addition to, and not in lieu of, other prescription drug plans offered under this part.

''(2) PREMIUM; SOLVENCY; AUTHORITIES.—In carrying out paragraph (1), the Secretary—

''(A) shall establish a premium in the amount of $37 for months in 2019 and, for months in subsequent years, in the amount specified in this paragraph for months in the previous year increased by the annual percentage increase described in section 1860D–2(b)(6) (relating to growth in medicare prescription drug costs per beneficiary) for the year involved;

''(B) is deemed to have met any applicable solvency and capital adequacy standards; and

''(C) shall exercise such authorities (including the use of regional or other pharmaceutical benefit managers) as the Secretary determines necessary to offer the prescription drug plan in the same or a comparable manner as is the case for prescription drug plans offered by private PDP sponsors.

''(c) FLEXIBILITY IN RISK ASSUMED.—In order to ensure access pursuant to subsection (a) in an area the Secretary may approve limited risk plans under section 1860D–11(f) for the area.''.

(b) CONFORMING AMENDMENT.—Section 1860D–11(g) of the Social Security Act (42 U.S.C. 1395w–111(g)) is amended by adding at the end the following new paragraph:

''(8) APPLICATION.—This subsection shall not apply on or after January 1, 2019.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning on or after January 1, 2019.

SEC. 304. FULL REIMBURSEMENT FOR QUALIFIED RETIREE PRESCRIPTION DRUG PLANS.

(a) ELIMINATION OF TRUE OUT-OF-POCKET LIMITATION.—Section 1860D–2(b)(4)(C)(iii) of the Social Security Act (42 U.S.C. 1395w–102(b)(4)(C)(iii) is amended—

(1) in subclause (III), by striking ''or'' at the end;

(2) in subclause (IV), by striking the period at the end and inserting ''; or''; and

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

''(V) under a qualified retiree prescription drug plan (as defined in section 1860D–22(a)(2)).''.

(b) EQUALIZATION OF SUBSIDIES.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall provide for such increase in the special subsidy payment amounts under section 1860D–22(a)(3) of the Social Security Act (42 U.S.C. 1395w–132(a)(3)) as may be appropriate to provide for payments in the aggregate equivalent to the payments that would have been made under section 1860D–15 of such Act (42 U.S.C. 1395w–115) if the individuals were not enrolled in a qualified retiree prescription drug plan. In making such computation, the Secretary shall not take into account the application of the amendments made by section 1202 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2480).

(c) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on January 1, 2019.

TITLE IV—MEDICAID COLLABORATIVE CARE MODELS

SEC. 401. ENHANCED FMAP FOR MEDICAL ASSISTANCE PROVIDED THROUGH A COLLABORATIVE CARE MODEL.

Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in the first sentence of subsection (b)—

(A) by striking '', and (5)'' and inserting '', (5)''; and

(B) by inserting '', and (6) beginning January 1, 2018, the Federal medical assistance percentage shall be 100 percent with respect to medical assistance provided by a State for items and services delivered through a collaborative care model (as defined in subsection (ee)) or an evidence-based model (which may be a collaborative care model) that integrates behavioral health services into primary care treatment'' before the period;

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

''(ee) COLLABORATIVE CARE MODELS.—

''(1) IN GENERAL.—The term 'collaborative care model' means a model for providing health care to individuals which adheres to the core services described in paragraph (2) and under which each individual receiving care through the model receives care from a collaborative team of providers described in paragraph (3).

''(2) CORE SERVICES.—The services described in this paragraph are:

''(A) Comprehensive care management.

''(B) Care coordination and health promotion.

''(C) Comprehensive transitional care from inpatient settings to other settings, including appropriate follow up.

''(D) Individual and family support, which shall include authorized representatives.

''(E) Referral to community and social support services, as appropriate.

''(F) The use of health information technology to link services, as feasible and appropriate.

''(3) COLLABORATIVE HEALTH TEAM.—A team described in this paragraph includes the following providers:

''(A) A primary care provider such as a primary care phsyician, an internist, a nurse practitioner, or a physician's assistant.

''(B) Care management staff which shall include a member who is a registered professional nurse, a clinical social worker, or a psychologist, and who specializes in primary care management and is trained to provide evidence based care coordination, brief behavioral interventions, and to support treatments (including medications) initiated by a primary care physician.

''(C) A psychiatric consultant who shall advise the primary care provider as necessary (either in person or remotely).''.

SA 502. Mr. ENZI (for Mr. HELLER (for himself and Mrs. FISCHER)) proposed an amendment to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; as follows:

Strike subsection (c) of section 109.

SA 503. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 105 and insert the following:

SEC. 105. EMPLOYER MANDATE.

(a) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 is amended by striking section 4980H (and the item relating to such section in the table of sections for such chapter).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2015.

SA 504. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 104 and insert the following:

SEC. 104. INDIVIDUAL MANDATE.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by striking chapter 48 (and the item related to such chapter in the table of chapters).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2015.

SA 505. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 114 and insert the following:

SEC. 105. REPEAL OF MEDICAL DEVICE TAX.

(a) IN GENERAL.—Chapter 32 of the Internal Revenue Code of 1986 is amended by striking subchapter E.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales after the date of the enactment of this Act.

SA 506. Mr. SCHATZ (for himself and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OPEN GOVERNMENT DATA.

(a) SHORT TITLE.—This section may be cited as the ''Open, Public, Electronic, and Necessary Government Data Act'' or the ''OPEN Government Data Act''.

(b) DEFINITION.—In this section, the term ''agency'' has the meaning given the term in section 3561 of title 44, United States Code, as added by subsection (c).

(c) OPEN GOVERNMENT DATA.—

(1) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''Subchapter III—Open Government Data

''§ 3561. Definitions

''As used in this subchapter—

''(1) the term 'agency'—

''(A) has the meaning given the term in section 3502; and

''(B) includes the Federal Election Commission;

''(2) the term 'data' means recorded information, regardless of form or the media on which the data is recorded;

''(3) the term 'data asset' means a collection of data elements or data sets that may be grouped together;

''(4) the term 'Director' means the Director of the Office of Management and Budget;

''(5) the term 'Enterprise Data Inventory' means a data inventory developed and maintained under section 3563;

''(6) the terms 'information resources management', 'information system', and 'information technology' have the meanings given those terms in section 3502;

''(7) the term 'machine-readable' means a format in which information or data can be easily processed by a computer without human intervention while ensuring no semantic meaning is lost;

''(8) the term 'metadata' means structural or descriptive information about data such as content, format, source, rights, accuracy, provenance, frequency, periodicity, granularity, publisher or responsible party, contact information, method of collection, and other descriptions;

''(9) the term 'open Government data asset' means a data asset maintained by the Federal Government that is—

''(A) machine-readable;

''(B) available in an open format;

''(C) not encumbered by restrictions that would impede use or reuse;

''(D) releasable to the public according to guidance issued by the Director under section 3562(d); and

''(E) based on an underlying open standard that is maintained by a standards organization; and

''(10) the term 'open license' means a legal guarantee applied to a data asset that the data asset is made available—

''(A) at no cost to the public; and

''(B) with no restrictions on copying, publishing, distributing, transmitting, citing, or adapting.

''§ 3562. Requirements for Government data

''(a) MACHINE-READABLE DATA REQUIRED.—Open Government data assets made available by an agency shall be published as machine-readable data.

''(b) OPEN BY DEFAULT AND OPEN LICENSE REQUIRED.—To the extent permitted by law and subject to privacy, confidentiality, security, and any other restrictions, and according to guidance issued by the Director under subsection (d)—

''(1) data assets maintained by the Federal Government shall—

''(A) be available in an open format; and

''(B) be available under open licenses; and

''(2) open Government data assets published by or for an agency shall be made available under an open license.

''(c) INNOVATION.—Each agency may engage with nongovernmental organizations, citizens, nonprofit organizations, colleges and universities, private and public companies, and other agencies to explore opportunities to leverage the data assets of the agency in a manner that may provide new opportunities for innovation in the public and private sectors in accordance with law, regulation, and policy.

''(d) GUIDANCE FOR OPEN BY DEFAULT AND OPEN LICENSE REQUIREMENTS.—The Director shall issue guidance for agencies to use in implementing subsections (a) and (b), including criteria that the head of each agency shall use in determining whether to make a particular data asset publicly available in a manner that takes into account—

''(1) privacy and confidentiality risks and restrictions, including the risk that an individual data asset in isolation does not pose a privacy or confidentiality risk but when combined with other available information may pose such a risk;

''(2) security considerations, including the risk that information in an individual data asset in isolation does not pose a security risk but when combined with other available information may pose such a risk;

''(3) the cost and benefits to the public of converting a data asset into a machine-readable format that is accessible and useful to the public;

''(4) the expectation that a data asset be disclosed, if it would otherwise be made available under section 552 of title 5 (commonly known as the 'Freedom of Information Act'); and

''(5) any other considerations that the Director determines to be relevant.

''§ 3563. Enterprise Data Inventory

''(a) AGENCY DATA INVENTORY REQUIRED.—

''(1) IN GENERAL.—In order to develop a clear and comprehensive understanding of the data assets in the possession of an agency, the head of each agency, in consultation with the Director, shall develop and maintain an enterprise data inventory that accounts for any data asset created, collected, under the control or direction of, or maintained by the agency after the effective date of this section, with the goal of including all data assets, to the extent practicable.

''(2) CONTENTS.—Each Enterprise Data Inventory shall include the following:

''(A) Data assets used in agency information systems (including program administration, statistics, and financial activity) generated by applications, devices, networks, facilities, and equipment, categorized by source type.

''(B) Data assets shared or maintained across agency programs and bureaus.

''(C) Data assets that are shared among agencies or created by more than 1 agency.

''(D) A clear indication of all data assets that can be made publicly available under section 552 of title 5 (commonly known as the 'Freedom of Information Act').

''(E) A description of whether the agency has determined that an individual data asset may be made publicly available and whether the data asset is available to the public.

''(F) Open Government data assets.

''(G) Other elements as required by the guidance issued by the Director under subsection (c).

''(b) PUBLIC AVAILABILITY.—The Chief Information Officer of each agency, in coordination with privacy and security officials of the agency, shall use the guidance issued by the Director under section 3562(d) in determining whether to make data assets included in the Enterprise Data Inventory of the agency publicly available in an open format and under an open license.

''(c) GUIDANCE FOR ENTERPRISE DATA INVENTORY.—The Director shall issue guidance for each Enterprise Data Inventory, including a requirement that an Enterprise Data Inventory includes a compilation of metadata about agency data assets.

''(d) AVAILABILITY OF ENTERPRISE DATA INVENTORY.—The Chief Information Officer of each agency—

''(1) shall make the Enterprise Data Inventory of the agency available to the public on the Federal Data Catalog required under section 3566;

''(2) shall ensure that access to the Enterprise Data Inventory of the agency and the data contained therein is consistent with applicable law, regulation, and policy; and

''(3) may implement paragraph (1) in a manner that maintains a nonpublic portion of the Enterprise Data Inventory of the agency.

''(e) REGULAR UPDATES REQUIRED.—The Chief Information Officer of each agency shall—

''(1) to the extent practicable, complete the Enterprise Data Inventory for the agency not later than 1 year after the date of enactment of this section; and

''(2) add additional data assets to the Enterprise Data Inventory for the agency not later than 90 days after the date on which the data asset is created or identified.

''(f) USE OF EXISTING RESOURCES.—When practicable, the Chief Information Officer of each agency shall use existing procedures and systems to compile and publish the Enterprise Data Inventory for the agency.

''§ 3564. Federal agency responsibilities

''(a) INFORMATION RESOURCES MANAGEMENT.—With respect to general information resources management, each agency shall—

''(1) improve the integrity, quality, and utility of information to all users within and outside the agency by—

''(A) using open format for any new open Government data asset created or obtained on or after the date that is 1 year after the date of enactment of this section; and

''(B) to the extent practicable, encouraging the adoption of open format for all open Government data assets created or obtained before the date described in subparagraph (A); and

''(2) in consultation with the Director, develop an open data plan that, at a minimum and to the extent practicable—

''(A) requires the agency to develop processes and procedures that—

''(i) require each new data collection mechanism to use an open format; and

''(ii) allow the agency to collaborate with non-Government entities, researchers, businesses, and private citizens for the purpose of understanding how data users value and use open Government data assets;

''(B) identifies and implements methods for collecting and analyzing digital information on data asset usage by users within and outside of the agency, including designating a point of contact within the agency to assist the public and to respond to quality issues, usability issues, recommendations for improvements, and complaints about adherence to open data requirements;

''(C) develops and implements a process to evaluate and improve the timeliness, completeness, accuracy, usefulness, and availability of open Government data assets;

''(D) requires the agency to update the plan at an interval determined by the Director;

''(E) includes requirements for meeting the goals of the agency open data plan including technology, training for employees, and implementing procurement standards, in accordance with existing law, regulation, and policy, that allow for the acquisition of innovative solutions from the public and private sectors; and

''(F) prohibits the disclosure of data assets unless the data asset may be released to the public in accordance with guidance issued by the Director under section 3562(d).

''(b) INFORMATION DISSEMINATION.—With respect to information dissemination, each agency—

''(1) shall provide access to open Government data assets online;

''(2) shall take the necessary precautions to ensure that the agency maintains the production and publication of data assets which are directly related to activities that protect the safety of human life or property, as identified by the open data plan of the agency required under subsection (a)(2); and

''(3) may engage the public in using open Government data assets and encourage collaboration by—

''(A) publishing information on open Government data assets usage in regular, timely intervals, but not less frequently than annually;

''(B) receiving public input regarding priorities for the analysis and disclosure of data assets to be published;

''(C) assisting civil society groups and members of the public working to expand the use of open Government data assets; and

''(D) hosting challenges, competitions, events, or other initiatives designed to create additional value from open Government data assets.

''§ 3565. Additional agency data asset management responsibilities

''The Chief Information Officer of each agency, or other appropriate official designated by the head of an agency, in collaboration with other internal agency stakeholders, is responsible for—

''(1) data asset management, format standardization, sharing of data assets, and publication of data assets for the agency;

''(2) the compilation and publication of the Enterprise Data Inventory for the agency required under section 3563;

''(3) ensuring that agency data conforms with open data best practices;

''(4) engaging agency employees, the public, and contractors in using open Government data assets and encouraging collaborative approaches to improving data use;

''(5) supporting the agency Performance Improvement Officer in generating data to support the function of the Performance Improvement Officer described in section 1124(a)(2) of title 31;

''(6) supporting officials responsible for leading agency mission areas and Governmentwide initiatives in maximizing data available for program administration, statistics, evaluation, research, and internal financial management, subject to any privacy, confidentiality, security laws and policies, and other valid restrictions;

''(7) reviewing the information technology infrastructure of the agency and the impact of the infrastructure on making data assets accessible to reduce barriers that inhibit data asset accessibility;

''(8) ensuring that, to the extent practicable, the agency is maximizing data assets used in agency information systems generated by applications, devices, networks, facilities, and equipment, categorized by source type, and such use is not otherwise prohibited, to reduce costs, improve operations, and strengthen security and privacy protections; and

''(9) identifying points of contact for roles and responsibilities related to open data use and implementation as required by the Director.

''§ 3566. Federal Data Catalog

''(a) FEDERAL DATA CATALOG REQUIRED.—The Administrator of General Services shall maintain a single public interface online, to be known as the 'Federal Data Catalog', as a point of entry dedicated to sharing open Government data assets with the public.

''(b) COORDINATION WITH AGENCIES.—The Director shall determine, after consultation with the head of each agency and the Administrator of General Services, the method to access any open Government data assets published through the interface described in subsection (a).''.

(2) SPECIAL PROVISIONS.—

(A) EFFECTIVE DATE.—Notwithstanding subsection (i), section 3562 of title 44, United States Code, as added by paragraph (1), shall take effect on the date that is 1 year after the date of enactment of this Act and shall apply with respect to any contract entered into by an agency on or after such effective date.

(B) USE OF OPEN DATA ASSETS.—Not later than 1 year after the date of enactment of this Act, the head of each agency shall ensure that any activities by the agency or any new contract entered into by the agency meet the requirements of section 3562 of title 44, United States Code, as added by paragraph (1).

(C) DEADLINE FOR FEDERAL DATA CATALOG.—Not later than 180 days after the effective date of this section, the Administrator of General Services shall meet the requirements of section 3566 of title 44, United States Code, as added by paragraph (1)

(3) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''SUBCHAPTER III—OPEN GOVERNMENT DATA

''3561. Definitions.
''3562. Requirements for Government data.
''3563. Enterprise Data Inventory.
''3564. Federal agency responsibilities.
''3565. Additional agency data asset management responsibilities.
''3566. Federal Data Catalog.''.

(d) EVALUATION OF AGENCY ANALYTICAL CAPABILITIES.—

(1) AGENCY REVIEW OF EVALUATION AND ANALYSIS CAPABILITIES; REPORT.—Not later than 3 years after the date of enactment of this Act, the Chief Operating Officer of each agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Director of the Office of Management and Budget a report on the review described in paragraph (2).

(2) REQUIREMENTS OF AGENCY REVIEW.—The report required under paragraph (1) shall assess the coverage, quality, methods, effectiveness, and independence of the evaluation, research, and analysis efforts of an agency, including each of the following:

(A) A list of the activities and operations of the agency that are being evaluated and analyzed and the activities and operations that have been evaluated and analyzed during the previous 5 years.

(B) The extent to which the evaluations, research, and analysis efforts and related activities of the agency support the needs of various divisions within the agency.

(C) The extent to which the evaluation research and analysis efforts and related activities of the agency address an appropriate balance between needs related to organizational learning, ongoing program management, performance management, strategic management, interagency and private sector coordination, internal and external oversight, and accountability.

(D) The extent to which the agency uses methods and combinations of methods that are appropriate to agency divisions and the corresponding research questions being addressed, including an appropriate combination of formative and summative evaluation research and analysis approaches.

(E) The extent to which evaluation and research capacity is present within the agency to include personnel, agency process for planning and implementing evaluation activities, disseminating best practices and findings, and incorporating employee views and feedback.

(F) The extent to which the agency has the capacity to assist front-line staff and program offices to develop the capacity to use evaluation research and analysis approaches and data in the day-to-day operations.

(3) GAO REVIEW OF AGENCY REPORTS.—Not later than 4 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that summarizes agency findings and highlights trends from the reports submitted under paragraph (1) and, if appropriate, recommends actions to further improve agency capacity to use evaluation techniques and data to support evaluation efforts.

(e) ONLINE REPOSITORY AND ADDITIONAL REPORTS.—

(1) REPOSITORY.—The Director of the Office of Management and Budget shall collaborate with the Office of Government Information Services and the Administrator of General Services to develop and maintain an online repository of tools, best practices, and schema standards to facilitate the adoption of open data practices, which shall—

(A) include definitions, regulation and policy, checklists, and case studies related to open data, this section, and the amendments made by this section; and

(B) facilitate collaboration and the adoption of best practices across the Federal Government relating to the adoption of open data practices.

(2) GAO REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report that identifies—

(A) the value of information made available to the public as a result of this section and the amendments made by this section;

(B) whether it is valuable to expand the publicly available information to any other data assets; and

(C) the completeness of the Enterprise Data Inventory at each agency required under section 3563 of title 44, United States Code, as added by subsection (c).

(3) BIENNIAL OMB REPORT.—Not later than 1 year after the effective date of this section, and every 2 years thereafter, the Director of the Office of Management and Budget shall electronically publish a report on agency performance and compliance with this section and the amendments made by this section.

(4) AGENCY CIO REPORT.—Not later than 1 year after the effective date of this section and every year thereafter, the Chief Information Officer of each agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on compliance with the requirements of this section and the amendments made by this section, including information on the requirements that the agency could not meet and what the agency needs to comply with those requirements.

(f) GUIDANCE.—The Director of the Office of Management and Budget shall delegate to the Administrator of the Office of Information and Regulatory Affairs and the Administrator of the Office of Electronic Government the authority to jointly issue guidance required under this section.

(g) NATIONAL SECURITY SYSTEMS.—This section and the amendments made by this section shall not apply to data assets that are contained in a national security system, as defined in section 11103 of title 40, United States Code.

(h) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to require the disclosure of information or records that may be withheld from public disclosure under any provision of Federal law, including section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'') and section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974'').

(i) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the date that is 180 days after the date of enactment of this Act.

SA 507. Mr. CARDIN (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XII, insert the following:

Subtitle ____—Syrian War Crimes Accountability Act of 2017

SEC. 12__1. SHORT TITLE.

This subtitle may be cited as the ''Syrian War Crimes Accountability Act of 2017''.

SEC. 12__2. FINDINGS.

Congress makes the following findings:

(1) March 2017 marks the sixth year of the ongoing conflict in Syria.

(2) As of February 2017—

(A) more than 600,000 people are living under siege in Syria;

(B) approximately 6,300,000 people are displaced from their homes inside Syria; and

(C) approximately 4,900,000 Syrians have fled to neighboring countries as refugees.

(3) Since the conflict in Syria began, the United States has provided more than $5,900,000,000 to meet humanitarian needs in Syria, making the United States the world's single largest donor by far to the Syrian humanitarian response.

(4) In response to growing concerns over systemic human rights violations in Syria, the Independent International Commission of Inquiry on the Syrian Arab Republic (referred to in this section as ''COI'') was established on August 22, 2011. The purpose of COI is to ''investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, where possible, to identify those responsible with a view to ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable''.

(5) On December 21, 2016, the United Nations General Assembly adopted a resolution to establish the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Those Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011.

(6) The 2016 United States Commission on International Religious Freedom Annual Report states that in Syria ''[r]eports have emerged from all groups, including Muslims, Christians, Ismailis, and others, of gross human rights violations, including beheading, rape, murder, torture of civilians and religious figures, and the destruction of mosques and churches.''.

(7) On February 7, 2017, Amnesty International reported that between 5,000 and 13,000 people were extrajudicially executed in the Saydnaya Military Prison between September 2011 and December 2015.

(8) In February 2017, COI released a report—

(A) stating that a joint United Nations-Syrian Arab Red Crescent convoy in Orum al-Kubra, Syria, was attacked by air on September 19, 2016;

(B) explaining that the attack killed at least 14 civilian aid workers, injured at least 15 others, and destroyed trucks, food, medicine, clothes, and other supplies; and

(C) concluding that ''the attack was meticulously planned and ruthlessly carried out by the Syrian air force to purposefully hinder the delivery of humanitarian aid and target aid workers, constituting the war crimes of deliberately attacking humanitarian relief personnel, denial of humanitarian aid and targeting civilians.''.

(9) On October 21, 2016, the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism transmitted its fourth report, which concluded that the Syrian Arab Armed Forces and the Islamic State in Iraq and Syria (ISIS) have both used chemical weapons against villages in Syria.

(10) On August 11, 2016, COI released a report stating that certain offenses, including deliberately attacking hospitals, executions without due process, and the massive and systematized nature of deaths in state-controlled detention facilities in Syria, constitute war crimes and crimes against humanity.

(11) Physicians for Human Rights reported that, between March 2011 and the end of December 2016, Syrian government and allied forces—

(A) had committed 412 attacks on medical facilities (including through the use of indiscriminate barrel bombs on at least 80 occasions); and

(B) had killed 735 medical personnel.

(12) The Department of State's 2016 Country Reports on Human Rights Practices—

(A) details President Bashar al-Assad's use of ''indiscriminate and deadly force against civilians, conducting air and ground-based military assaults on cities, residential areas, and civilian infrastructure'';

(B) explains that ''these attacks included bombardment with improvised explosive devices, commonly referred to as 'barrel bombs' . . .''; and

(C) reports that ''[t]he government [of Syria] continued the use of torture and rape, including of children''.

(13) On March 17, 2016, Secretary of State John Kerry stated: ''In my judgment, Daesh is responsible for genocide against groups in areas under its control, including Yezidis, Christians, and Shia Muslims. . . . The United States will strongly support efforts to collect, document, preserve, and analyze the evidence of atrocities, and we will do all we can to see that the perpetrators are held accountable.''.

(14) In February 2016, COI reported that—

(A) ''crimes against humanity continue to be committed by [Syrian] Government forces and by ISIS'';

(B) the Syrian government has ''committed the crimes against humanity of extermination, murder, rape or other forms of sexual violence, torture, imprisonment, enforce disappearance and other inhuman acts''; and

(C) ''[a]ccountability for these and other crimes must form part of any political solution''.

(15) Credible civil society organizations collecting evidence of war crimes, crimes against humanity, and genocide in Syria report that at least 12 countries in western Europe and North America have requested assistance on investigating such crimes.

SEC. 12__3. SENSE OF CONGRESS.

Congress—

(1) strongly condemns—

(A) the ongoing violence, use of chemical weapons, targeting of civilian populations with barrel, incendiary, and cluster bombs and SCUD missiles, and systematic gross human rights violations carried out by the Government of Syria and pro-government forces under the direction of President Bashar al-Assad; and

(B) all abuses committed by violent extremist groups and other combatants involved in the civil war in Syria;

(2) expresses its support for the people of Syria seeking democratic change;

(3) urges all parties to the conflict—

(A) to immediately halt indiscriminate attacks on civilians;

(B) to allow for the delivery of humanitarian and medical assistance; and

(C) to end sieges of civilian populations;

(4) calls on the President to support efforts in Syria, and on the part of the international community, to ensure accountability for war crimes, crimes against humanity, and genocide committed during the conflict; and

(5) supports the request in United Nations Security Council Resolutions 2139 (2014), 2165 (2014), and 2191 (2014) for the Secretary-General to regularly report to the Security Council on implementation on the resolutions, including of paragraph 2 of Resolution 2139, which ''demands that all parties immediately put an end to all forms of violence [and] cease and desist from all violations of international humanitarian law and violations and abuses of human rights''.

SEC. 12__4. DEFINITIONS.

In this subtitle:

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

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Armed Services of the Senate;

(C) the Committee on Appropriations of the Senate;

(D) the Committee on Foreign Affairs of the House of Representatives;

(E) the Committee on Armed Services of the House of Representatives; and

(F) the Committee on Appropriations of the House of Representatives.

(2) GENOCIDE.—The term ''genocide'' means any offense described in section 1091(a) of title 18, United States Code.

(3) HYBRID TRIBUNAL.—The term ''hybrid tribunal'' means a temporary criminal tribunal that involves a combination of domestic and international lawyers, judges, and other professionals to prosecute individuals suspected of committing war crimes, crimes against humanity, or genocide.

(4) TRANSITIONAL JUSTICE.—The term ''transitional justice'' means the range of judicial, nonjudicial, formal, informal, retributive, and restorative measures employed by countries transitioning out of armed conflict or repressive regimes—

(A) to redress legacies of atrocities; and

(B) to promote long-term, sustainable peace.

(5) WAR CRIME.—The term ''war crime'' has the meaning given the term in section 2441(c) of title 18, United States Code.

SEC. 12__5. REPORT ON ACCOUNTABILITY FOR WAR CRIMES, CRIMES AGAINST HUMANITY, AND GENOCIDE IN SYRIA.

(a) IN GENERAL.—The Secretary of State shall submit a report on war crimes, crimes against humanity, and genocide in Syria to the appropriate congressional committees not later than 90 days after the date of the enactment of this Act and another such report not later than 180 days after the Secretary of State determines that the violence in Syria has ceased.

(b) ELEMENTS.—The reports required under subsection (a) shall include—

(1) a description of alleged war crimes, crimes against humanity, and genocide perpetrated during the civil war in Syria, including—

(A) incidents that may constitute war crimes, crimes against humanity, or genocide committed by the regime of President Bashar al-Assad and all forces fighting on its behalf;

(B) incidents that may constitute war crimes, crimes against humanity, or genocide committed by violent extremist groups, anti-government forces, and any other combatants in the conflict;

(C) any incidents that may violate the principle of medical neutrality and, if possible, the identification of the individual or individuals who engaged in or organized such incidents; and

(D) if possible, a description of the conventional and unconventional weapons used for such crimes and the origins of such weapons; and

(2) a description and assessment by the Department of State Office of Global Criminal Justice, the United States Agency for International Development, the Department of Justice, and other appropriate agencies of programs that the United States Government has undertaken to ensure accountability for war crimes, crimes against humanity, and genocide perpetrated against the people of Syria by the regime of President Bashar al-Assad, violent extremist groups, and other combatants involved in the conflict, including programs—

(A) to train investigators within and outside of Syria on how to document, investigate, develop findings of, and identify and locate alleged perpetrators of war crimes, crimes against humanity, or genocide, including—

(i) the number of United States Government or contract personnel currently designated to work full-time on these issues; and

(ii) the identification of the authorities and appropriations being used to support such training efforts;

(B) to promote and prepare for a transitional justice process or processes for the perpetrators of war crimes, crimes against humanity, and genocide in Syria beginning in March 2011;

(C) to document, collect, preserve, and protect evidence of war crimes, crimes against humanity, and genocide in Syria, including support for Syrian, foreign, and international nongovernmental organizations, and other entities, including the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 and the Independent International Commission of Inquiry on the Syrian Arab Republic; and

(D) to assess the influence of accountability measures on efforts to reach a negotiated settlement to the Syrian conflict during the reporting period.

(c) FORM.—The report required under subsection (a) may be submitted in unclassified or classified form, but shall include a publicly available annex.

(d) PROTECTION OF WITNESSES AND EVIDENCE.—The Secretary shall take due care to ensure that the identification of witnesses and physical evidence are not publicly disclosed in a manner that might place such persons at risk of harm or encourage the destruction of evidence by the Government of Syria, violent extremist groups, anti-government forces, or any other combatants or participants in the conflict.

SEC. 12__6. TRANSITIONAL JUSTICE STUDY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State (acting through appropriate officials and offices, which may include the Office of Global Criminal Justice), after consultation with the Department of Justice, the United States Agency for International Development, and other appropriate Federal agencies, shall—

(1) complete a study of the feasibility and desirability of potential transitional justice mechanisms for Syria, including a hybrid tribunal, to address war crimes, crimes against humanity, and genocide perpetrated in Syria beginning in March 2011; and

(2) submit a detailed report of the results of the study conducted under paragraph (1), including recommendations on which transitional justice mechanisms the United States Government should support, why such mechanisms should be supported, and what type of support should be offered, to—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Foreign Affairs of the House of Representatives;

(C) the Committee on Appropriations of the Senate; and

(D) the Committee on Appropriations of the House of Representatives.

SEC. 12__7. TECHNICAL ASSISTANCE AUTHORIZED.

(a) IN GENERAL.—The Secretary of State (acting through appropriate officials and offices, which may include the Office of Global Criminal Justice), after consultation with the Department of Justice and other appropriate Federal agencies, is authorized to provide appropriate assistance to support entities that, with respect to war crimes, crimes against humanity, and genocide perpetrated by the regime of President Bashar al-Assad, all forces fighting on its behalf, and all nonstate armed groups fighting in the country, including violent extremist groups in Syria beginning in March 2011—

(1) identify suspected perpetrators of war crimes, crimes against humanity, and genocide;

(2) collect, document, and protect evidence of crimes and preserve the chain of custody for such evidence;

(3) conduct criminal investigations;

(4) build Syria's investigative and judicial capacities and support prosecutions in the

domestic courts of Syria, provided that President Bashar al-Assad is no longer in power;

(5) support investigations by third-party states, as appropriate; or

(6) protect witnesses that may be helpful to prosecutions or other transitional justice mechanisms.

(b) ADDITIONAL ASSISTANCE.—The Secretary of State, after consultation with appropriate Federal agencies and the appropriate congressional committees, and taking into account the findings of the transitional justice study required under section 12__6, is authorized to provide assistance to support the creation and operation of transitional justice mechanisms, including a potential hybrid tribunal, to prosecute individuals suspected of committing war crimes, crimes against humanity, or genocide in Syria beginning in March 2011.

(c) BRIEFING.—The Secretary of State shall provide detailed, biannual briefings to the appropriate congressional committees describing the assistance provided to entities described in subsection (a).

SEC. 12__8. STATE DEPARTMENT REWARDS FOR JUSTICE PROGRAM.

Section 36(b)(10) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(b)(10)) is amended by inserting ''(including war crimes, crimes against humanity, or genocide committed in Syria beginning in March 2011)'' after ''genocide''.

SEC. 12__9. INDEPENDENT INTERNATIONAL COMMISSION OF INQUIRY ON THE SYRIAN ARAB REPUBLIC.

The Secretary of State, acting through the United States Permanent Representative to the United Nations, should use the voice, vote, and influence of the United States at the United Nations to advocate that the United Nations Human Rights Council, while the United States remains a member, annually extend the mandate of the Independent International Commission of Inquiry on the Syrian Arab Republic until the Commission has completed its investigation of all alleged violations of international human rights laws beginning in March 2011 in the Syrian Arab Republic.

SA 508. Mr. DONNELLY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REVIEW OF UNITED STATES NUCLEAR AND RADIOLOGICAL TERRORISM PREVENTION STRATEGY.

(a) IN GENERAL.—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall enter into an arrangement with the National Academy of Sciences to assess and recommend improvements to the strategies of the United States for preventing, countering, and responding to nuclear and radiological terrorism, specifically terrorism involving the use of nuclear weapons, improvised nuclear devices, or radiological dispersal or exposure devices, or the sabotage of nuclear facilities.

(b) REVIEW.—The assessment conducted under subsection (a) shall address the adequacy of the strategies of the United States described in that subsection and identify technical, policy, and resource gaps with respect to—

(1) identifying national and international nuclear and radiological terrorism risks and critical emerging threats;

(2) preventing state and non-state actors from acquiring the technologies, materials, and critical expertise needed to mount nuclear or radiological attacks;

(3) countering efforts by state and non-state actors to mount such attacks;

(4) responding to nuclear and radiological terrorism incidents to attribute their origin and help manage their consequences; and

(5) other important matters identified by the National Academy of Sciences that are directly relevant to those strategies.

(c) RECOMMENDATIONS.—The assessment conducted under subsection (a) shall include recommendations to the Secretary of Energy, Congress, and such other Federal entities as the National Academy of Sciences considers appropriate, for preventing, countering, and responding to nuclear and radiological terrorism, including recommendations for—

(1) closing technical, policy, or resource gaps;

(2) improving cooperation and appropriate integration among Federal entities and Federal, State, and tribal governments;

(3) improving cooperation between the United States and other countries and international organizations; and

(4) other important matters identified by the National Academy of Sciences that are directly relevant to the strategies of the United States described in subsection (a).

(d) LIAISONS.—The Secretary of Energy, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, and the Director of National Intelligence shall appoint appropriate liaisons to the National Academy of Sciences with respect to supporting the timely conduct of the assessment required by subsection (a).

(e) ACCESS TO MATERIALS.—The Secretary of Energy, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, and the Director of National Intelligence shall provide access to the National Academy of Sciences to materials relevant to the assessment required by subsection (a).

(f) CLEARANCES.—The Secretary of Energy and the Director of National Intelligence shall ensure that appropriate members and staff of the National Academy of Sciences have the necessary clearances, obtained in an expedited manner, to conduct the assessment required by subsection (a).

SA 509. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 338. FACILITIES DEMOLITION PLAN OF THE ARMY.

Not later than 120 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a facilities demolition plan of the Army that does the following:

(1) Takes into account the impact of a contaminated facility on mission readiness, and national security generally, in establishing priorities for the demolition of facilities.

(2) Sets forth a multi-year plan for the demolition of Army facilities, including contaminated facilities given afforded a priority for demolition pursuant to paragraph (1).

SA 510. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MODIFICATION TO THE HUBZONE PROGRAM.

Section 3(p)(4)(C) of the Small Business Act (15 U.S.C. 632(p)(4)(C)) is amended by striking ''until the later of'' and all that follows and inserting ''for the 7-year period following the date on which the census tract or nonmetropolitan county ceased to be so qualified.''.

SA 511. Mr. SULLIVAN (for himself, Mr. PETERS, Mr. CORNYN, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1218. COOPERATION BETWEEN INDIA AND AFGHANISTAN.

(a) SENSE OF CONGRESS ON BILATERAL COOPERATION.—It is the sense of Congress that, in order to promote stability and security in Afghanistan, the Secretary of Defense should, in coordination with the Secretary of State, identify and promote means by which the Government of India may do the following:

(1) Increase security assistance to the Afghan National Security Forces (ANSF), including through the provision of logistics support, threat analysis, intelligence, materiel, and maintenance support by India.

(2) Support targeted infrastructure development and economic investment in Afghanistan, including through a priority for such investment that is aligned with the mutual interests of the India Government and the United States Government.

(3) Improve the provision by India of humanitarian and disaster relief assistance to Afghanistan, including through the provision of logistics support by India, joint training between Afghanistan and India, and combined military planning by Afghanistan and India for humanitarian assistance and disaster relief missions in Afghanistan.

(b) ENHANCED TRILATERAL COOPERATION.—In order to enhance trilateral cooperation between Afghanistan, India, and the United States, and to promote mutual priorities for security assistance in Afghanistan, the Secretary of Defense shall, in coordination with the Secretary of State—

(1) work with representatives of the Afghanistan Government, the India Government, and the United States Government on an ongoing basis to—

(A) establish priorities for investments to promote security and stability in Afghanistan that align with the mutual interests of Afghanistan, India, and the United States;

(B) identify gaps in the capabilities of Afghanistan security forces, and determine means of addressing such gaps;

(C) identify economic and infrastructure development opportunities in Afghanistan related to improving security and stability in Afghanistan; and

(D) identify means of improving the coordination and delivery of humanitarian assistance and disaster relief capabilities to Afghanistan by the Afghanistan, India, and United States militaries in order to improve joint military response to current and anticipated humanitarian needs in Afghanistan; and

(2) advocate for necessary capabilities, especially to meet critical, short-term needs identified by the commander of United States forces participating in Operation Resolute Support in Afghanistan.

SA 512. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PARENTAL LEAVE FOR MEMBERS OF THE ARMED FORCES.

Section 701 of title 10, United States Code, is amended—

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

(2) by redesignating subsection (k) as subsection (j); and

(3) by inserting after subsection (h) the following new subsection (i):

''(i)(1) A member of the armed forces, regardless of gender or marital status, shall be authorized to take at least 84 days of parental leave to be used in connection with—

''(A) the birth of a child of the member;

''(B) a qualifying adoption of a child by the member; or

''(C) the placement of a child in foster care with the member.

''(2) In the case of a dual military family, both members of the armed forces shall be authorized to take parental leave under this subsection. The Secretary concerned shall permit the transfer of such leave between the two members to accommodate individual family circumstances.

''(3) For the purpose of parental leave under this subsection, an adoption of a child by a member of the armed forces is a qualifying child adoption if the member is eligible for reimbursement of qualified adoption expenses for such adoption under section 1052 of this title.

''(4) Parental leave under paragraph (1) is in addition to other leave provided under other provisions of this section or under other legal authority. Nothing in this subsection prevents the Secretary concerned from authorizing convalescent leave for a female member of the armed forces as necessary prior or subsequent to the delivery of her child. Convalescent or other leave taken before childbirth by a pregnant member shall not reduce the number of days of parental leave available to the member under this subsection.

''(5) The Secretary of Defense, and the Secretary of Homeland Security in the case of the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations to implement this subsection, which shall be uniform for the armed forces.''.

SA 513. Mr. MCCAIN (for himself and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. ___. REPORT ON DEFENSE OF COMBAT LOGISTICS AND STRATEGIC MOBILITY FORCES.

(a) REPORT REQUIRED.—Not later than January 1, 2018, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the defense of combat logistics and strategic mobility forces.

(b) COVERED PERIODS.—The report required by subsection (a) shall cover two periods:

(1) The period from 2018 through 2025.

(2) The period from 2026 through 2035.

(c) ELEMENTS.—The report required by subsection (a) shall include, for each of the periods covered by the report, the following:

(1) A description of potential warfighting planning scenarios in which combat logistics and strategic mobility forces will be threatened, including the most stressing such scenario.

(2) A description of the combat logistics and strategic mobility forces capacity, including additional combat logistics and strategic mobility forces, that may be required due to losses from attacks under each scenario described pursuant to paragraph (1).

(3) A description of the projected capability and capacity of subsurface (e.g., torpedoes), surface (e.g., anti-ship missiles), and air (e.g., anti-ship missiles) threats to combat logistics and strategic mobility forces for each scenario described pursuant to paragraph (1).

(4) A description of planned operating concepts for defending combat logistics and strategic mobility forces from subsurface, surface, and air threats for each scenario described pursuant to paragraph (1).

(5) An assessment of the ability and availability of United States naval forces to defend combat logistics and strategic mobility forces from the threats described pursuant to paragraph (1), while also accomplishing other assigned missions, for each scenario described pursuant to that paragraph.

(6) A description of specific capability gaps or risk areas in the ability or availability of United States naval forces to defend combat logistics and strategic mobility forces from the threats described pursuant to paragraph (1).

(7) A description and assessment of potential solutions to address the capability gaps and risk areas identified pursuant to paragraph (6), including new capabilities, increased capacity, or new operating concepts that could be employed by United States naval forces.

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) COMBAT LOGISTICS AND STRATEGIC MOBILITY FORCES DEFINED.—In this section, the term ''combat logistics and strategic mobility forces'' means the combat logistics force, the Ready Reserve Force, and the Military Sealift Command surge fleet.

SA 514. Mr. REED (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. _____. REPORT ON THE CIRCUMSTANCES SURROUNDING THE 2016 ATTACKS ON THE U.S.S. MASON.

Not later than March 1, 2018, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the circumstances surrounding the attacks in 2016 on the U.S.S. Mason (DDG–87).

SA 515. Mr. MARKEY (for himself, Mr. CARDIN, Mr. VAN HOLLEN, and Ms. WARREN) submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NULLIFICATION OF CERTAIN PROVISIONS.

If the Congressional Budget Office determines that the provisions of, or the amendments made by, this Act would reduce Federal Medicaid spending and reduce taxes for the top 1 percent of Americans, such provisions or amendments shall be null and void and this Act shall be applied and administered as if such provisions and amendments had not been enacted.

SA 516. Mr. BENNET submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REQUIREMENTS RELATING TO MULTI-USE SENSITIVE COMPARTMENTED INFORMATION FACILITIES.

In order to facilitate access for small business concerns and nontraditional contractors to affordable secure spaces, the Secretary of Defense shall develop the processes and procedures necessary to build, certify, and maintain certifications for multi-use sensitive compartmented information facilities not tied to a single contract and where multiple companies can work on multiple projects at different security levels securely.

SA 517. Mr. BENNET (for himself and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS ON NATIONAL SPACE DEFENSE CENTER.

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

(1) Space is a warfighting domain.

(2) Deterrence of adversaries of the United States, preserving the space domain, and defending against threats to space systems requires coordination across the Department of Defense, including the military departments, and the intelligence community.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the National Space Defense Center is critical to defending and securing the space domain in order to protect all United States assets in space;

(2) integration between the intelligence community and the Department of Defense within the National Space Defense Center is essential to detecting, assessing, and reacting to evolving space threats; and

(3) the Department of Defense, including the military departments, and the elements of the intelligence community should seek ways to bolster integration with respect to space threats through work at the National Space Defense Center.

(c) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

SA 518. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REQUIREMENT FOR FOREIGN MILITARY FINANCING PROVIDED AS GRANTS.

(a) IN GENERAL.—Financing provided to a country or international organization pursuant to the authority of section 23 of the Arms Export Control Act (22 U.S.C. 2763) for the procurement of defense articles, defense services, and design and construction services shall be made available on a grant basis.

(b) WAIVER.—The President may waive the restriction in subsection (a) in any fiscal year for any country or international organization if the President first certifies to the appropriate congressional committees that—

(1) the provision of such financing on any other basis to a specific country or international organization will not result in the refusal by such country or international organization to procure United States defense articles, defense services, or design and construction services through such financing;

(2) if such financing is provided on a loan basis, the country or international organization has sufficient funds to repay such loan in a reasonable time, without causing an impact on the services or activities of such country or international organization provides to its citizens or members, as the case may be; or

(3) there will be no impact on United States defense sector jobs.

(c) LIMITATION.—The amounts of such financing to be provided to each country shall be generally comparable to the amount made available to such country for fiscal year 2017, subject to appropriations, with the exception of Israel, Egypt, Jordan, and Pakistan, unless the President certifies to the appropriate congressional committees that the different amount to be made available better serves the national security and foreign policy interests of the United States with respect to the United States relationship with that country, including the rationale for such certification.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SA 519. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COMPREHENSIVE STRATEGY TO ASSIST GOVERNMENT OF NIGERIA EFFORTS TO COUNTER BOKO HARAM.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter for the next three years, the President shall submit to the appropriate congressional committees a report that contains a comprehensive strategy to support Nigeria's efforts to counter Boko Haram through engagement with the Nigerian security sector.

(b) ELEMENTS.—The report required under subsection (a) shall include—

(1) an assessment conducted by the Office of the Director of National Intelligence of the major obstacles to Nigeria's military effectiveness in northeastern Nigeria, including recommendations for United States Government diplomatic actions and security cooperation programs and activities to address such obstacles and a description of funding needs and actions that must be taken by the Government of Nigeria to address such obstacles;

(2) an assessment of the efforts taken by the Nigerian military to hold soldiers accountable for human rights violations, including the Zaria massacre;

(3) a plan for the United States Government to work to help the Government of Nigeria increase its capacity to investigate and prosecute human rights abuses and to effectively try cases through transparent mechanisms;

(4) a description of all security cooperation currently being provided to the Nigerian security sector, as well as a description of current deployment of uniformed personnel currently assisting with counter-Boko Haram efforts in the Lake Chad Basin and a description of their location and their responsibilities; and

(5) any other matters the President deems appropriate.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form with a classified annex.

(d) PROHIBITION OF TRANSFERS.—No precision-guided munitions or other types of air-delivered bombs may be transferred to the Government of Nigeria until the President certifies that the Government of Nigeria has made progress on military accountability for human rights abuses, including for the Zaria massacre in December 2015 that killed 300 people, and has publicly issued the findings of the inquiry into the January 2016 bombing in Rann.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

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

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

SA 520. Ms. COLLINS (for herself and Mr. KING) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 24, insert ''and constructed in a Flight IIA configuration'' before ''using''.

SA 521. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CALCULATION OF THE COST OF DROP-IN FUELS.

Section 2922h of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c) INCLUSION OF FINANCIAL CONTRIBUTIONS FROM OTHER FEDERAL DEPARTMENTS AND AGENCIES.—For purposes of calculating the fully burdened cost of a drop-in fuel under subsection (a), for a proposed purchase to be made on or after the beginning of fiscal year 2022, the Secretary of Defense shall include in such calculation any financial contributions made by other Federal departments and agencies.''.

SA 522. Mr. CORNYN (for himself, Mr. BLUMENTHAL, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORT ON AIRPORTS USED BY MAHAN AIR.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act,

and annually thereafter through 2020, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, the Secretary of State, the Secretary of the Treasury, and the Director of National Intelligence, shall submit to Congress a report that includes—

(1) a list of all airports at which aircraft owned or controlled by Mahan Air have landed during the 2 years preceding the submission of the report; and

(2) for each such airport—

(A) an assessment of whether aircraft owned or controlled by Mahan Air continue to conduct operations at that airport;

(B) an assessment of whether any of the landings of aircraft owned or controlled by Mahan Air were necessitated by an emergency situation;

(C) a determination regarding whether additional security measures should be imposed on flights to the United States that originate from that airport; and

(D) an explanation of the rationale for that determination.

(b) FORM OF REPORT.—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) PUBLICATION OF LIST.—The list required by subsection (a)(1) shall be publicly and prominently posted on the website of the Department of Homeland Security on the date on which the report required by subsection (a) is submitted to Congress.

SA 523. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TREATMENT OF CERTAIN INDIVIDUALS PERFORMING SERVICES IN THE SINAI PENINSULA OF EGYPT.

(a) IN GENERAL.—For purposes of the following provisions of the Internal Revenue Code of 1986, a qualified hazardous duty area shall be treated in the same manner as if it were a combat zone (as determined under section 112 of such Code):

(1) Section 2(a)(3) (relating to special rule where deceased spouse was in missing status).

(2) Section 112 (relating to the exclusion of certain combat pay of members of the Armed Forces).

(3) Section 692 (relating to income taxes of members of Armed Forces on death).

(4) Section 2201 (relating to members of the Armed Forces dying in combat zone or by reason of combat-zone-incurred wounds, etc.).

(5) Section 3401(a)(1) (defining wages relating to combat pay for members of the Armed Forces).

(6) Section 4253(d) (relating to the taxation of phone service originating from a combat zone from members of the Armed Forces).

(7) Section 6013(f)(1) (relating to joint return where individual is in missing status).

(8) Section 7508 (relating to time for performing certain acts postponed by reason of service in combat zone).

(b) QUALIFIED HAZARDOUS DUTY AREA.—For purposes of this section, the term ''qualified hazardous duty area'' means the Sinai Peninsula of Egypt, if as of the date of the enactment of this section any member of the Armed Forces of the United States is entitled to special pay under section 310 of title 37, United States Code (relating to special pay; duty subject to hostile fire or imminent danger) for services performed in such location. Such term includes such location only during the period such entitlement is in effect.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the provisions of this section shall take effect on June 9, 2015.

(2) WITHHOLDING.—Subsection (a)(5) shall apply to remuneration paid after the date of the enactment of this Act.

SA 524. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

SEC. _____. UPGRADE OF M113 VEHICLES.

No amounts authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2018 may be obligated or expended to upgrade Army M113 vehicles until the Secretary of the Army submits to the Committees on Appropriations of the Senate and the House of Representatives a report setting forth the strategy of the Army for the upgrade of such vehicles. The report shall include the following:

(1) A detailed strategy for upgrading and fielding M113 vehicles.

(2) An analysis of the manner in which the Army plans to address M113 vehicle survivability and maneuverability concerns.

(3) An analysis of the historical costs associated with upgrading M113 vehicles, and a validation of current cost estimates for upgrading such vehicles.

(4) A comparison of total procurement and life cycle costs of adding an echelon above brigade (EAB) requirement to the Army Multi-Purpose Vehicle (AMPV) with total procurement and life cycle costs of upgrading legacy M113 vehicles.

(5) An analysis of the possibility of further accelerating Army Multi-Purpose Vehicle production or modifying the current fielding strategy for the Army Multi-Purpose Vehicle to meet near-term echelon above brigade requirements.

SA 525. Mr. WHITEHOUSE (for himself, Mr. DAINES, Mr. PETERS, and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. UNITED STATES-ISRAEL CYBERSECURITY COOPERATION.

(a) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary, in accordance with the agreement entitled the ''Agreement between the Government of the United States of America and the Government of the State of Israel on Cooperation in Science and Technology for Homeland Security Matters'', done at Jerusalem May 29, 2008 (or successor agreement), and the requirements specified in paragraph (2), shall establish a grant program at the Department to support—

(A) cybersecurity research and development; and

(B) demonstration and commercialization of cybersecurity technology.

(2) REQUIREMENTS.—

(A) APPLICABILITY.—Notwithstanding any other provision of law, in carrying out a research, development, demonstration, or commercial application program or activity that is authorized under this section, the Secretary shall require cost sharing in accordance with this paragraph.

(B) RESEARCH AND DEVELOPMENT.—

(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall require not less than 50 percent of the cost of a research, development, demonstration, or commercial application program or activity described in subparagraph (A) to be provided by a non-Federal source.

(ii) REDUCTION.—The Secretary may reduce or eliminate, on a case-by-case basis, the percentage requirement specified in clause (i) if the Secretary determines that such reduction or elimination is necessary and appropriate.

(C) MERIT REVIEW.—In carrying out a research, development, demonstration, or commercial application program or activity that is authorized under this section, awards shall be made only after an impartial review of the scientific and technical merit of the proposals for such awards has been carried out by or for the Department.

(D) REVIEW PROCESSES.—In carrying out a review under subparagraph (C), the Secretary may use merit review processes developed under section 302(14) of the Homeland Security Act of 2002 (6 U.S.C. 182(14)).

(3) ELIGIBLE APPLICANTS.—An applicant shall be eligible to receive a grant under this subsection if the project of such applicant—

(A) addresses a requirement in the area of cybersecurity research or cybersecurity technology, as determined by the Secretary; and

(B) is a joint venture between—

(i)(I) a for-profit business entity, academic institution, National Laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)), or nonprofit entity in the United States; and

(II) a for-profit business entity, academic institution, or nonprofit entity in Israel; or

(ii)(I) the Federal Government; and

(II) the Government of Israel.

(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an applicant shall submit to the Secretary an application for such grant in accordance with procedures established by the Secretary, in consultation with the advisory board established under paragraph (5).

(5) ADVISORY BOARD.—

(A) ESTABLISHMENT.—The Secretary shall establish an advisory board to—

(i) monitor the method by which grants are awarded under this subsection; and

(ii) provide to the Secretary periodic performance reviews of actions taken to carry out this subsection.

(B) COMPOSITION.—The advisory board established under subparagraph (A) shall be composed of three members, to be appointed by the Secretary, of whom—

(i) one shall be a representative of the Federal Government;

(ii) one shall be selected from a list of nominees provided by the United States-Israel Binational Science Foundation; and

(iii) one shall be selected from a list of nominees provided by the Israel-United States Binational Industrial Research and Development Foundation.

(6) CONTRIBUTED FUNDS.—Notwithstanding any other provision of law, the Secretary may accept or retain funds contributed by any person, government entity, or organization for purposes of carrying out this subsection. Such funds shall be available, subject to appropriation, without fiscal year limitation.

(7) REPORT.—Not later than 180 days after the date of completion of a project for which a grant is provided under this subsection, the grant recipient shall submit to the Secretary a report that contains—

(A) a description of how the grant funds were used by the recipient; and

(B) an evaluation of the level of success of each project funded by the grant.

(8) CLASSIFICATION.—Grants shall be awarded under this subsection only for projects that are considered to be unclassified by both the United States and Israel.

(b) TERMINATION.—The grant program and the advisory board established under this section shall terminate on the date that is 7 years after the date of the enactment of this Act.

(c) NO ADDITIONAL FUNDS AUTHORIZED.—No additional funds are authorized to be appropriated to carry out the requirements of this Act. Such requirements shall be carried out using amounts otherwise appropriated.

(d) DEFINITIONS.—In this section—

(1) the term ''cybersecurity research'' means research, including social science research, into ways to identify, protect against, detect, respond to, and recover from cybersecurity threats;

(2) the term ''cybersecurity technology'' means technology intended to identify, protect against, detect, respond to, and recover from cybersecurity threats;

(3) the term ''cybersecurity threat'' has the meaning given such term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501);

(4) the term ''Department'' means the Department of Homeland Security; and

(5) the term ''Secretary'' means the Secretary of Homeland Security.

SA 526. Mr. WHITEHOUSE (for himself, Mr. PETERS, Mr. TESTER, Ms. WARREN, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MAKING PERMANENT EXTENDED PERIOD OF PROTECTIONS FOR MEMBERS OF UNIFORMED SERVICES RELATING TO MORTGAGES, MORTGAGE FORECLOSURE, AND EVICTION.

Section 710(d) of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 (Public Law 112–154; 50 U.S.C. 3953 note) is amended by striking paragraphs (1) and (3).

SA 527. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. _____. PLAN ON IMPROVEMENT OF ABILITY OF FOREIGN GOVERNMENTS PARTICIPATING IN UNITED STATES INSTITUTIONAL CAPACITY BUILDING PROGRAMS TO PROTECT CIVILIANS.

(a) REPORT ON PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a report setting forth a plan, to be implemented as part of each institutional capacity building program required by section 333(c)(4) of title 10, United States Code, to improve the ability of foreign governments to protect civilians.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) Efforts to develop and integrate civilian harm mitigation principles and techniques in all relevant partner force standard operating procedures.

(2) Efforts to build partner capacity to collect, track, and analyze civilian casualty data and apply lessons learned to future operations, and to provide amends to civilians harmed by partner force operations.

(3) Efforts to support enhanced investigatory and accountability standards in partner forces to ensure compliance with the laws of armed conflict and appropriate human rights and civilian protection standards.

(4) Support for increased partner transparency, including support for the establishment of civil affairs units within partner militaries to improve communication with the public.

(5) An estimate of the resources required to implement the efforts and support described in paragraphs (1) through (4).

(6) A description of the appropriate roles of the Department of Defense and the Department of State in such efforts and support.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

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

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

SA 528. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 603, after line 25, add the following:

(e) COMPTROLLER GENERAL OF THE UNITED STATES REPORT.—

(1) IN GENERAL.—Not later than May 1, 2018, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that sets forth the following:

(A) A description of the mechanisms and authorities used by the Department of Defense and the Department of State to conduct training of foreign security forces on human rights and international humanitarian law.

(B) A description of the funding used to support the training described in paragraph (1).

(C) A description and assessment of the methodology used by each of the Department of Defense and the Department of State to assess the effectiveness of such training.

(D) Such recommendations for improvements to such training as the Comptroller General considers appropriate.

(E) Such other matters relating to such training as the Comptroller General considers appropriate.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

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

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

SA 529. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. _____. HUMAN RIGHTS VETTING OF AFGHAN NATIONAL DEFENSE AND SECURITY FORCES.

The Secretary of Defense may establish within the Department of Defense one or more permanent positions to oversee and support, in coordination with the Department of State, the implementation of section 362 of title 10, United States Code, with respect to the Afghan National Defense and Security Forces.

SA 530. Mrs. MCCASKILL (for herself and Mr. TESTER) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 447, between lines 18 and 19, insert the following:

(k) CONTINGENT EFFECTIVENESS.—

(1) IN GENERAL.—This section shall not go into effect unless the Secretary of Defense certifies to the Committees on Armed Services of the Senate and the House of Representatives each of the following:

(A) That a cost-benefit analysis, included with the certifications, demonstrates the transfer of functions of background investigations to Department of Defense will not increase costs to the Department or other agencies.

(B) That the backlog of background investigations at the National Background Investigations Bureau have been eliminated.

(C) That the background investigation program of the Department of Defense adheres to investigative standards established by the Security Executive Agent, the Suitability

Executive Agent, and the Credentialing Executive Agent.

(D) That common components of technology systems between the Defense Security Service and National Background Investigations Bureau have been tested and are operational.

(E) That the background investigation program of the Department will adhere to reciprocity, timeliness, and quality standards and metrics established by law and by the Security Executive Agent, the Suitability Executive Agent, and the Credentialing Executive Agent.

(2) WORKFORCE ANALYSIS.—The Secretary shall include with the certifications described in paragraph (1) a workforce analysis of the appropriate mix of contractor and Federal employees to conduct the background investigation work for the Department.

SA 531. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LETHALITY AND RESILIENCY OF THE FUTURE GUIDED MISSILE FRIGATE (FFG(X)).

It is the sense of Congress that—

(1) the Navy should evaluate all United States and Allied naval gun, missile, and warfare system solutions capable of being integrated on the Future Guided Missile Frigate (FFG(X)); and

(2) should not limit or designate the integration of a specific naval gun or warfare system on the FFG(X) at any time during the development and acquisition process of the FFG(X) program, beginning with the market assessment period, in order to ensure a transparent, open, and comprehensive evaluation of future required combat lethality and self-defense resiliency capabilities.

SA 532. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

On page 37, insert the following after line 13:

''(5) ADJUSTMENTS TO STATE EXPENDITURES TARGETS TO PROMOTE PROGRAM EQUITY ACROSS STATES.—

''(A) IN GENERAL.—Beginning with fiscal year 2020, the target per capita medical assistance expenditures for a 1903A enrollee category, State, and fiscal year, as determined under paragraph (2), shall be adjusted (subject to subparagraph (C)(i)) in accordance with this paragraph.

''(B) ADJUSTMENT BASED ON LEVEL OF PER CAPITA SPENDING FOR 1903A ENROLLEE CATEGORIES.—Subject to subparagraph (C), with respect to a State, fiscal year, and 1903A enrollee category, if the State's per capita categorical medical assistance expenditures (as defined in subparagraph (D)) for the State and category in the preceding fiscal year—

''(i) exceed the mean per capita categorical medical assistance expenditures for the category for all States for such preceding year by not less than 25 percent, the State's target per capita medical assistance expenditures for such category for the fiscal year involved shall be reduced by a percentage that shall be determined by the Secretary but which shall not be less than 0.5 percent or greater than 3 percent; or

''(ii) are less than the mean per capita categorical medical assistance expenditures for the category for all States for such preceding year by not less than 25 percent, the State's target per capita medical assistance expenditures for such category for the fiscal year involved shall be increased by a percentage that shall be determined by the Secretary but which shall not be less than 0.5 percent or greater than 3 percent.

''(C) RULES OF APPLICATION.—

''(i) BUDGET NEUTRALITY REQUIREMENT.—In determining the appropriate percentages by which to adjust States' target per capita medical assistance expenditures for a category and fiscal year under this paragraph, the Secretary shall make such adjustments in a manner that does not result in a net increase in Federal payments under this section for such fiscal year, and if the Secretary cannot adjust such expenditures in such a manner there shall be no adjustment under this paragraph for such fiscal year.

''(ii) ASSUMPTION REGARDING STATE EXPENDITURES.—For purposes of clause (i), in the case of a State that has its target per capita medical assistance expenditures for a 1903A enrollee category and fiscal year increased under this paragraph, the Secretary shall assume that the categorical medical assistance expenditures (as defined in subparagraph (D)(ii)) for such State, category, and fiscal year will equal such increased target medical assistance expenditures.

''(iii) NONAPPLICATION TO LOW-DENSITY STATES.—This paragraph shall not apply to any State that has a population density of less than 15 individuals per square mile, based on the most recent data available from the Bureau of the Census.

''(iv) DISREGARD OF ADJUSTMENT.—Any adjustment under this paragraph to target medical assistance expenditures for a State, 1903A enrollee category, and fiscal year shall be disregarded when determining the target medical assistance expenditures for such State and category for a succeeding year under paragraph (2).

''(v) APPLICATION FOR FISCAL YEARS 2020 AND 2021.—In fiscal years 2020 and 2021, the Secretary shall apply this paragraph by deeming all categories of 1903A enrollees to be a single category.

''(D) PER CAPITA CATEGORICAL MEDICAL ASSISTANCE EXPENDITURES.—

''(i) IN GENERAL.—In this paragraph, the term 'per capita categorical medical assistance expenditures' means, with respect to a State, 1903A enrollee category, and fiscal year, an amount equal to—

''(I) the categorical medical expenditures (as defined in clause (ii)) for the State, category, and year; divided by

''(II) the number of 1903A enrollees for the State, category, and year.

''(ii) CATEGORICAL MEDICAL ASSISTANCE EXPENDITURES.—The term 'categorical medical assistance expenditures' means, with respect to a State, 1903A enrollee category, and fiscal year, an amount equal to the total medical assistance expenditures (as defined in paragraph (2)) for the State and fiscal year that are attributable to 1903A enrollees in the category, excluding any excluded expenditures (as defined in paragraph (3)) for the State and fiscal year that are attributable to 1903A enrollees in the category.

SA 533. Mrs. CAPITO (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. 710. ELIGIBILITY FOR CERTAIN HEALTH CARE BENEFITS OF MEMBERS OF THE SELECTED RESERVE ORDERED TO ACTIVE DUTY FOR PREPLANNED MISSIONS IN SUPPORT OF THE COMBATANT COMMANDS.

(a) PRE-MOBILIZATION HEALTH CARE.—Section 1074(d)(2) of title 10, United States Code, is amended by striking ''in support of a contingency operation under'' and inserting ''under section 12304b of this title or''.

(b) TRANSITIONAL HEALTH CARE.—Section 1145(a)(2)(B) of such title is amended by striking ''in support of a contingency operation'' and inserting ''under section 12304b of this title or a provision of law referred to in section 101(a)(13)(B) of this title''.

SA 534. Mrs. CAPITO (for herself, Mr. CORNYN, and Mr. WICKER) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle C of title VI, add the following:

SEC. 639. REDUCED AGE FOR ELIGIBILITY FOR RETIRED PAY FOR NON-REGULAR SERVICE FOR SERVICE ON ACTIVE DUTY OF MEMBERS OF THE SELECTED RESERVE ORDERED TO ACTIVE DUTY FOR PREPLANNED MISSIONS IN SUPPORT OF THE COMBATANT COMMANDS.

Section 12731(f)(2)(B)(i) of title 10, United States Code, is amended by striking ''under a provision of law referred to in section 101(a)(13)(B) or under section 12301(d)'' and inserting ''under section 12301(d) or 12304b of this title or a provision of law referred to in section 101(a)(13)(B)''.

SA 535. Mrs. CAPITO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 498, beginning on line 1, strike ''12.6 percent'' and insert ''10 percent''.

SA 536. Mrs. CAPITO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. _____. PROHIBITION ON USE OF FUNDS TO DISESTABLISH SENIOR RESERVE OFFICERS' TRAINING CORPS PROGRAMS.

No amounts authorized to be appropriated by this Act may be used to—

(1) disestablish, or prepare to disestablish, a Senior Reserve Officers' Training Corps program in accordance with Department of Defense Instruction Number 1215.08, dated June 26, 2006; or

(2) close, downgrade from host to extension center, or place on probation a Senior Reserve Officers' Training Corps program in accordance with the information paper of the Department of the Army titled ''Army Senior Reserve Officers Training Corps (SROTC) Program Review and Criteria'' and dated January 27, 2014, or any successor information paper or policy of the Department of the Army.

SA 537. Mr. CRUZ (for himself and Mr. TILLIS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. _____. REPORT ON ILLICIT ACTIVITIES OF CERTAIN IRANIAN PERSONS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 60 days thereafter, the Secretary of Defense, in consultation with the Director of National Intelligence, the Secretary of the Treasury, the Secretary of Commerce, and the Secretary of State, shall submit to the appropriate committees of Congress a report that includes the following:

(1) A list of each person listed, or required to be listed, in Attachment 3 to Annex II of the Joint Comprehensive Plan of Action that has, on or after the date of the implementation of the Joint Comprehensive Plan of Action and before the date of the report, knowingly facilitated, participated or assisted in, engaged in, directed, or provided material support for activities described in subsection (b).

(2) A description of the activity described in subsection (b) engaged in by each person on the list required by paragraph (1).

(3) An assessment of the extent to which the activity described in subsection (b) engaged in by each person on the list required by paragraph (1) involves the provision or delivery of financial, material, or technological support to—

(A) the Government of Iran;

(B) Iran's Islamic Revolutionary Guard Corps;

(C) any person with respect to which sanctions have been imposed under any provision of law imposing sanctions with respect to Iran; or

(D) any person that directly, or indirectly through one or more intermediaries, is controlled by, or is under common control with, an entity described in subparagraph (A), (B), or (C).

(b) ACTIVITIES DESCRIBED.—An activity described in this subsection is any of the following:

(1) An act of international terrorism.

(2) The proliferation of nuclear or ballistic missile technology or spare parts.

(3) Illicit arms sales.

(4) Significant activities undermining cybersecurity.

(5) Violations of export controls.

(6) Financial crimes.

(7) Transnational organized crime, including drug and human trafficking.

(c) DETERMINATION AND PUBLIC AVAILABILITY.—To the maximum extent practicable, the list required by subsection (a)(1) shall be made available to the public and posted on a publicly available Internet website of the Department of Defense, the Department of State, the Department of the Treasury, or the Department of Commerce.

(d) DEFINITIONS.—In this section:

(1) ACT OF INTERNATIONAL TERRORISM.—The term ''act of international terrorism'' includes—

(A) an act of torture, extrajudicial killing, aircraft sabotage, or hostage taking, as those terms are defined in section 1605A(h) of title 28, United States Code; and

(B) providing material support or resources, as defined in section 2339A of title 18, United States Code, for an act described in subparagraph (A).

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

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

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

(3) KNOWINGLY.—The term ''knowingly'' has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(4) JOINT COMPREHENSIVE PLAN OF ACTION.—The term ''Joint Comprehensive Plan of Action'' means the Joint Comprehensive Plan of Action, agreed to at Vienna on July 14, 2015, by Iran and by the People's Republic of China, France, Germany, the Russian Federation, the United Kingdom, and the United States, with the High Representative of the European Union for Foreign Affairs and Security Policy, and all implementing materials and agreements related to the Joint Comprehensive Plan of Action.

(5) PERSON.—The term ''person'' means an individual or entity.

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

(A) significant efforts to—

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

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

(B) significant destructive malware attacks;

(C) significant denial or service activities; and

(D) such other significant activities undermining cybersecurity as may be specified in regulations prescribed to implement this section.

SA 538. Mr. CRUZ (for himself, Mr. GARDNER, Mr. SULLIVAN, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1270E. REPORT ON DESIGNATION OF GOVERNMENT OF NORTH KOREA AS A STATE SPONSOR OF TERRORISM.

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

(1) The United States Government designated the Government of North Korea a state sponsor of terrorism on January 20, 1988.

(2) On October 11, 2008, North Korea's designation as a state sponsor of terrorism was rescinded, following commitments by the Government of North Korea to dismantle its nuclear weapons program. However, North Korea has failed to live up to these commitments.

(3) On October 22, 2015, the U.S. Special Representative for North Korea Policy with the Department of State testified before the House Foreign Affairs Subcommittee on Terrorism, Nonproliferation, and Trade that North Korea's ''conduct poses a growing threat to the United States, our friends in the region, and the global nonproliferation regime'' and the Deputy Coordinator for Homeland Security, Screening, and Designations with the Department of State noted that ''weapons transfers that violate nonproliferation or missile control regimes could be a relevant factor for consideration, depending on the circumstances, consistent with the statutory criteria for designation as a state sponsor of terrorism''.

(4) The Government of North Korea has harbored members of the Japanese Red Army since a 1970 hijacking and continues to harbor the surviving hijackers to this day.

(5) On July 16, 2010, in the case of *Calderon-Cardona v. Democratic People's Republic of Korea* (case number 08–01367), the United States District Court for the District of Puerto Rico found that the Government of North Korea provided material support to the Japanese Red Army, designated as a foreign terrorist organization between 1997 and 2001, in furtherance of a 1972 terrorist attack at Lod Airport, Israel that killed 26 people, including 17 Americans.

(6) In the case of *Chaim Kaplan v. Hezbollah* (case number 09–646), a United States district court found in 2014 that North Korea materially supported terrorist attacks by Hezbollah, a designated foreign terrorist organization, against Israel in 2006.

(7) In June 2010, Major Kim Myong-ho and Major Dong Myong-gwan of North Korea's Reconnaissance General Bureau pled guilty in a South Korean court to attempting to assassinate Hwang Jang-yop, a North Korean dissident in exile, on the orders of Lieutenant General Kim Yong-chol, the head of North Korea's Reconnaissance General Bureau. The court sentenced each defendant to 10 years in prison.

(8) In March 2015, the South Korean government concluded that North Korea was responsible for a December 2014 cyber attack against multiple nuclear power plants in South Korea. The South Korean government stated that the attacks were intended to cause a malfunction at the plants' reactors, and described the attacks as acts of ''cyber-terror targeting our country''.

(9) On December 19, 2015, the Federal Bureau of Investigation (FBI) concluded that North Korea was responsible for a cyber attack on Sony Pictures Entertainment and a subsequent threat of violence against theaters that showed the film ''The Interview''. The FBI concluded that the ''Guardians of Peace,'' which sent the threat to Sony Pictures, was a unit of North Korea's Reconnaissance General Bureau, its foreign intelligence service.

(10) South Korean and Malaysian authorities have alleged that officials from North Korea's secret police and Foreign Ministry were involved in the poisoning and killing of the estranged half-brother of the country's leader, Kim Jong-nam, using the chemical weapon VX nerve agent, a substance banned for use as a weapon by the United Nations Chemical Weapons Convention, on February 13, 2017, in Kuala Lumpur.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Government of North Korea should be designated as a state sponsor of terrorism.

(c) DETERMINATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a determination as to whether North Korea meets the criteria for designation as a state sponsor of terrorism.

(d) FORM.—The report required by subsection (c) shall be submitted in unclassified form, but may include a classified annex, if appropriate.

(e) DEFINITIONS.—In this section:

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

(A) the Committee on Foreign Relations of the Senate; and

(B) the Committee on Foreign Affairs of the House of Representatives.

(2) FOREIGN TERRORIST ORGANIZATION.—The term ''foreign terrorist organization'' means an organization designated by the Secretary of State as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

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

(4) STATE SPONSOR OF TERRORISM.—The term ''state sponsor of terrorism'' means a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 4605(j)) (as in effect pursuant to the International Emergency Economic Powers Act), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), section 40 of the Arms Export Control Act (22 U.S.C. 2780), or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

SA 539. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. _____. LIMITATION ON OBSERVATION FLIGHTS OF THE RUSSIAN FEDERATION OVER THE UNITED STATES UNDER THE OPEN SKIES TREATY.

(a) IN GENERAL.—No amounts authorized to be appropriated by this Act may be used to aid, support, or permit in any manner observation flights of the Russian Federation over the United States under the Open Skies Treaty until the Secretary of Defense certifies to Congress each of the following:

(1) That the Russian Federation has removed all restrictions regarding access to observation flights of the United States and other covered state parties over the entirety of Russia in a manner that permits full implementation of the observation rights provided to the United States and covered state parties under the Open Skies Treaty.

(2) That the Russian Federation provides the same Air Traffic Control prioritization to observation aircraft from the United States and covered state parties that it receives from other participants under the Open Skies Treaty.

(3) That no upgraded sensors will be employed in observation flights of the Russian Federation or Belarus over the United States under the Open Skies Treaty unless the Russian Federation has agreed to the employment of advanced sensors, consistent with the Open Skies Treaty, on United States observation aircraft, and the United States has deployed such sensors, for observation flights over Russia under the Open Skies Treaty.

(b) DEFINITIONS.—In this section:

(1) COVERED STATE PARTY.—The term ''covered state party'' means a foreign country that—

(A) is a state party to the Open Skies Treaty; and

(B) is a United States ally.

(2) OBSERVATION AIRCRAFT, OBSERVATION FLIGHT, AND SENSOR.—The terms ''observation aircraft'', ''observation flight'', and ''sensor'' have the meanings given such terms in Article II of the Open Skies Treaty.

(3) OPEN SKIES TREATY.—The term ''Open Skies Treaty'' means the Treaty on Open Skies, done at Helsinki March 24, 1992, and entered into force January 1, 2002.

SA 540. Mr. CRUZ (for himself, Mr. LEAHY, Mr. TILLIS, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PERMANENT RESIDENT STATUS FOR LIU XIA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Liu Xia shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Liu Xia enters the United States before the filing deadline specified in subsection (c), Liu Xia shall be considered to have entered and remained lawfully in the United States and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for the issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than the later of—

(1) 2 years after the date of the enactment of this Act; or

(2) 2 years after the date on which Liu Xia is released from incarceration or travel restriction imposed by the People's Republic of China.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Liu Xia, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year—

(1) the total number of immigrant visas that are made available to natives of the country of birth of Liu Xia under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)); or

(2) if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Liu Xia under section 202(e) of such Act (8 U.S.C. 1152(e)).

SA 541. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INCLUSION OF FEDERAL SUBSIDIES IN CALCULATION OF FULLY BURDENED COST OF DROP-IN FUELS.

Section 2922h(c)(4) of title 10, United States Code, is amended by inserting '', including any financial contributions from a Federal agency other than the Department of Defense, including the Commodity Credit Corporation under the Department of Agriculture, for the purpose of reducing the total price of the fuel,'' after ''commodity price of the fuel''.

SA 542. Mr. TILLIS (for himself and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LIMITATION ON AVAILABILITY OF FUNDS FOR THE ENHANCED MULTI MISSION PARACHUTE SYSTEM.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2018 for the Enhanced Multi Mission Parachute System may be used to enter into or prepare to enter into a contract for the procurement of the Enhanced Multi Mission Parachute System unless the Secretary of the Navy submits to the congressional defense committees the certification described in subsection (b) and the report described in subsection (c).

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification by the Secretary of the Navy that—

(1) neither the Marine Corps' currently field enhanced multi mission parachute system nor the Army's RA–1 parachute system meet the Marine Corps requirements;

(2) that the Marine Corps' PARIS, Special Application Parachute does not meet the Marine Corps requirement;

(3) the testing plan for the enhanced multi mission parachute system meets all regulatory requirements; and

(4) the Department of the Navy has performed the analysis and determined that a

high glide canopy is not more prone to malfunctions than the currently fielded free fall parachute systems.

(c) REPORT.—The report referred to in subsection (a) is a report that includes—

(1) an explanation of the rationale for using the Parachute Industry Association specification normally used for sports parachutes that are employed from relatively slow flying civilian aircraft at altitudes below 10,000 feet for a military parachute;

(2) an inventory and cost estimate for any new equipment and training that the Marine Corps will have to be acquire in order to employ a high glide parachute;

(3) an explanation of why the Department of the Navy is conducting a paper down select and not conducting any testing until first article testing; and

(4) a discussion of the risk assessment for high glide canopies, and specifically how the Department of the Navy is mitigating the risk for malfunctions experienced in other high glide canopy programs.

SA 543. Mr. SULLIVAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

On page 27, strike lines 17 through 18 and insert the following:

''(ii) participates in education directly related to employment; or

''(E) an individual eligible to receive health services from the Indian Health Service or from an Indian Tribe, a Tribal Organization, or an Urban Indian Organization.

SA 544. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPEAL OF REQUIREMENT FOR NOTIFICATION ON THE PROVISION OF DEFENSE SENSITIVE SUPPORT.

Section 1055 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 113 note) is hereby repealed.

SA 545. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2814.

SA 546. Mrs. SHAHEEN (for herself, Mr. CARPER, Mr. REED, Mr. MURPHY, Ms. BALDWIN, Ms. HIRONO, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. HEINRICH, Mr. COONS, Ms. HEITKAMP, Ms. STABENOW, Mr. CARDIN, Mr. MARKEY, Mr. WARNER, Mr. VAN HOLLEN, and Ms. WARREN) submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. FUNDING FOR COST-SHARING PAYMENTS.

There is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for payments for cost-sharing reductions authorized by the Patient Protection and Affordable Care Act (including adjustments to any prior obligations for such payments) for the period beginning on the date of enactment of this Act.

SA 547. Mrs. SHAHEEN (for herself, Mr. CARPER, Mr. REED, Mr. MURPHY, Ms. BALDWIN, Ms. HIRONO, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. HEINRICH, Mr. COONS, Ms. HEITKAMP, Ms. STABENOW, Mr. CARDIN, Mr. MARKEY, Mr. WARNER, Mr. VAN HOLLEN, and Ms. WARREN) submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. FUNDING FOR COST-SHARING PAYMENTS.

There is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for payments for cost-sharing reductions authorized by the Patient Protection and Affordable Care Act (including adjustments to any prior obligations for such payments) for the period beginning on the date of enactment of this Act.

SA 548. Mrs. SHAHEEN (for herself, Mr. CARPER, Mr. REED, Mr. MURPHY, Ms. BALDWIN, Ms. HIRONO, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. HEINRICH, Mr. COONS, Ms. HEITKAMP, Ms. STABENOW, Mr. CARDIN, Mr. MARKEY, Mr. WARNER, Mr. VAN HOLLEN, and Ms. WARREN) submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike sections 204 and 205 and insert the following:

SEC. 204. ENHANCEMENTS FOR REDUCED COST SHARING.

(a) MODIFICATION OF AMOUNT.—

(1) IN GENERAL.—Section 1402(c)(2) of the Patient Protection and Affordable Care Act is amended to read as follows:

''(2) ADDITIONAL REDUCTION.—The Secretary shall establish procedures under which the issuer of a qualified health plan to which this section applies shall further reduce cost-sharing under the plan in a manner sufficient to—

''(A) in the case of an eligible insured whose household income is not less than 100 percent but not more than 200 percent of the poverty line for a family of the size involved, increase the plan's share of the total allowed costs of benefits provided under the plan to 95 percent of such costs;

''(B) in the case of an eligible insured whose household income is more than 200 percent but not more than 300 percent of the poverty line for a family of the size involved, increase the plan's share of the total allowed costs of benefits provided under the plan to 90 percent of such costs; and

''(C) in the case of an eligible insured whose household income is more than 300 percent but not more than 400 percent of the poverty line for a family of the size involved, increase the plan's share of the total allowed costs of bene- fits provided under the plan to 85 percent of such costs.''.

(2) CONFORMING AMENDMENT.—Clause (i) of section 1402(c)(1)(B) of such Act is amended to read as follows:

''(i) IN GENERAL.—The Secretary shall ensure the reduction under this paragraph shall not result in an increase in the plan's share of the total allowed costs of benefits provided under the plan above—

''(I) 95 percent in the case of an eligible insured described in paragraph (2)(A);

''(II) 90 percent in the case of an eligible insured described in paragraph (2)(B); and

''(III) 85 percent in the case of an eligible insured described in paragraph (2)(C).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to plan years beginning after December 31, 2017.

(b) FUNDING.—Section 1402 of the Patient Protection and Affordable Care Act is amended by adding at the end the following new subsection:

''(g) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary such sums as may be necessary for payments under this section.''.

(c) REINSTATEMENT OF PREMIUM TAX CREDIT.—The amendments made by section 102 shall be null and void.

SA 549. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INCREASE IN CHIP ELIGIBILITY AGE.

(a) IN GENERAL.—Section 2110(c)(1) of the Social Security Act (42 U.S.C. 1397jj(c)(1)) is amended by striking ''19'' and inserting ''26''.

(b) CONFORMING AMENDMENT.—Section 2112(b)(1)(B) of such Act (42 U.S.C. 1397ll(b)(1)(B)) is amended by striking ''19 years of age under this title (or title XIX)'' and inserting ''26 years of age under this title (or, in the case of title XIX, under 19 years of age or such higher age as the State has elected for purposes of the eligibility of a child under the State plan under that title or under a waiver of that plan)''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to eligibility determinations made after the date that is 180 days after the date of the enactment of this section.

(2) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX of the Social Security Act that the Secretary of Health and Human Services determines requires State legislation in order for the respective plan to meet any requirement imposed by amendments made by this section, the respective plan shall not be regarded as failing to comply with the requirements of

such title solely on the basis of its failure to meet such an additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

SA 550. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE THAT HEALTH CARE IS A RIGHT.

It is the sense of the Senate that—

(1) the United States should join every other major country on Earth and guarantee health care to all as a right, not a privilege; and

(2) it is time to end the absurdity that the United States spends far more per capita on health care and pays the highest prices in the world for prescription drugs.

SA 551. Mr. HOEVEN (for himself and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 202 and insert the following:

SEC. 202. SUPPORT FOR STATE AND INDIAN HEALTH PROGRAM RESPONSE TO SUBSTANCE ABUSE PUBLIC HEALTH CRISIS AND URGENT MENTAL HEALTH NEEDS.

(a) IN GENERAL.—There are authorized to be appropriated, and are appropriated, out of monies in the Treasury not otherwise obligated, $750,000,000 for each of fiscal years 2018 and 2019, to the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') to award grants to States and Indian health programs to address the substance abuse public health crisis or to respond to urgent mental health needs within the State or community served by the Indian health program. In awarding grants under this section, the Secretary may give preference to States, and Indian health programs that serve Indian tribes, with an incidence or prevalence of substance use disorders that is substantial relative to other States or to States and Indian health programs that identify mental health needs within their communities that are urgent relative to such needs of other States. Funds appropriated under this subsection shall remain available until expended.

(b) USE OF FUNDS.—Grants awarded to a State or Indian health program under subsection (a) shall be used for one or more of the following public health-related activities:

(1) Improving State prescription drug monitoring programs.

(2) Implementing prevention activities, and evaluating such activities to identify effective strategies to prevent substance abuse.

(3) Training for health care practitioners, such as best practices for prescribing opioids, pain management, recognizing potential cases of substance abuse, referral of patients to treatment programs, and overdose prevention.

(4) Supporting access to health care services provided by Federally certified opioid treatment programs or other appropriate health care providers to treat substance use disorders or mental health needs.

(5) Other public health-related activities, as the State or Indian health program determines appropriate, related to addressing the substance abuse public health crisis or responding to urgent mental health needs within the State or community served by the Indian health program.

(c) DEFINITIONS.—In this section, the terms ''Indian health program'' and ''Indian tribe'' have the meanings given the terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

SA 552. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1049. DISCLOSURE REQUIREMENTS FOR RECIPIENTS OF DEPARTMENT OF DEFENSE FUNDS.

(a) IN GENERAL.—Chapter 165 of title 10, United States Code, is amended by inserting after section 2777 the following new section:

''§ 2778. Disclosure requirements for recipients of Department of Defense funds

''An individual or entity (including a State or local government and a recipient of a Department of Defense research grant) carrying out a program, project, or activity that is, in whole or in part, carried out using funds provided by the Department of Defense shall clearly state in any statement, press release, requests for proposal, bid solicitation, or other document describing the program, project, or activity—

''(1) the percentage of the total costs of the program, project, or activity which will be financed with funds provided by the Department;

''(2) the dollar amount of the funds provided by the Department that were made available for the program, project, or activity; and

''(3) the percentage of the total costs of, and dollar amount for, the program, project, or activity that will be financed by nongovernmental sources.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 165 of such title is amended by inserting after the item relating to section 2777 the following new item:

''2778. Disclosure requirements for recipients of Department of Defense funds.''.

SA 553. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. ____8. INVESTMENT OF ASSETS OF JAMES MADISON MEMORIAL FELLOWSHIP TRUST FUND.

Subsection (b) of section 811 of the James Madison Memorial Fellowship Act (20 U.S.C. 4510) is amended to read as follows:

''(b)(1) It shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the fund.

''(2) Subject to paragraph (3), investments of amounts appropriated to the fund shall be made in public debt securities of the United States with maturities suitable to the fund. For such purpose, such obligations may be acquired (A) on original issue at the issue price, or (B) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that where such average rate is not a multiple of ⅛ of 1 percent, the rate of interest of such special obligations shall be the multiple of ⅛ of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchases of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue or at the market price, is not in the public interest.

''(3)(A) Notwithstanding paragraph (2), upon receiving a determination of the Board described in subparagraph (B), the Secretary shall invest up to 40 percent of the fund's assets in securities other than public debt securities of the United States, provided that the securities are traded in established United States markets.

''(B) A determination described in this subparagraph is a determination by the Board that investments as described in subparagraph (A) are necessary to enable the Foundation to carry out the purposes of this title without any diminution of the number of fellowships provided under section 804.

''(C) Nothing in this paragraph shall be construed to limit the authority of the Board to increase the number of fellowships provided under section 804, or to increase the amount of the fellowship authorized by section 809, as the Board considers appropriate and is otherwise consistent with the requirements of this title.''.

SA 554. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 513. REPORT ON COORDINATION BETWEEN DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS ON TIMING OF CESSATION OF VETERANS BENEFITS FOR MEMBERS OF THE RESERVE COMPONENTS WHOSE ACTIVE DUTY INTERRUPTS RECEIPT OF BENEFITS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act,

the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth a description of a mechanism through which the Department of Defense may provide timely notice to the Department of Veterans Affairs of the commencement and period of active duty of members of the reserve components of the Armed Forces described in subsection (b) in order to ensure the following:

(1) That such members, while on active duty in the Armed Forces, do not receive veterans' benefits which they are not eligible to receive while on active duty.

(2) That such members recommence receipt of such benefits as soon as practicable after cessation of active duty.

(b) COVERED MEMBERS.—The members of the reserve components of the Armed Forces described in this subsection are members who, while on active duty in the Armed Forces, are not eligible to receive veterans' benefits to which such members are otherwise entitled during other periods.

(c) VETERANS' BENEFITS DEFINED.—In this section, the term ''veterans' benefits'' means benefits for veterans under the laws administered by the Secretary of Veterans Affairs.

SA 555. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1088. INVESTMENT OF ASSETS OF BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FUND.

Subsection (b) of section 1408 of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4707) is amended to read as follows:

''(b) INVESTMENT OF FUND ASSETS.—(1) It shall be the duty of the Secretary of the Treasury to invest in full the amounts appropriated to the fund.

''(2) Subject to paragraph (3), investments of amounts appropriated to the fund shall be made in public debt securities of the United States with maturities suitable to the fund. For such purpose, such obligations may be acquired (A) on original issue at the issue price, or (B) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that where such average rate is not a multiple of ⅛ of 1 percent, the rate of interest of such special obligations shall be the multiple of ⅛ of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchases of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States or original issue or at the market price, is not in the public interest.

''(3)(A) Notwithstanding paragraph (2), upon receiving a determination of the Board described in subparagraph (B), the Secretary may invest up to 40 percent of the fund's assets in securities other than public debt securities of the United States, provided that the securities are traded in established United States markets.

''(B) A determination described in this subparagraph is a determination by the Board that investments as described in subparagraph (A) are necessary to enable the Foundation to carry out the purposes of this title without any diminution of the number of scholarships provided under section 1405, or of the stipend authorized by section 1406.

''(C) Nothing in this paragraph shall be construed to limit the authority of the Board to increase the number of scholarships provided under section 1405, or to increase the amount of the stipend authorized by section 1406, as the Board considers appropriate and is otherwise consistent with the requirements of this title.''.

SA 556. Mr. INHOFE (for himself and Mr. LANKFORD) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. _____. INVESTIGATION OF MEDICAL CENTERS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Veterans Affairs may contract with a nonprofit organization that accredits health care organizations and programs in the United States to investigate a medical center of the Department of Veterans Affairs to assess and report deficiencies of the facilities at such medical center.

(b) AUTHORITY OF DIRECTORS.—

(1) IN GENERAL.—Subject to coordination under paragraph (2), the Secretary shall delegate the authority under subsection (a) to contract for an investigation at a medical center of the Department to the Director of the Veterans Integrated Service Network in which the medical center is located or the director of such medical center.

(2) COORDINATION.—Before entering into a contract under paragraph (1), the Director of a Veterans Integrated Service Network or the director of a medical center, as the case may be, shall notify the Secretary of Veterans Affairs, the Inspector General of the Department of Veterans Affairs, and the Comptroller General of the United States for purposes of coordinating any investigation conducted pursuant to such contract with any other investigations that may be ongoing.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed—

(1) to prevent the Office of the Inspector General of the Department of Veterans Affairs from conducting any review, audit, evaluation, or inspection regarding a topic for which an investigation is conducted under this section; or

(2) to modify the requirement that employees of the Department assist with any review, audit, evaluation, or inspection conducted by the Office of the Inspector General of the Department.

SA 557. Mr. GARDNER (for himself, Mr. WARNER, and Mr. COONS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. _____. MANDATORY SANCTIONS WITH RESPECT TO IRAN RELATING TO SIGNIFICANT ACTIVITIES UNDERMINING UNITED STATES CYBERSECURITY.

(a) INVESTIGATION.—The President shall initiate an investigation into the possible designation of an Iranian person under subsection (b) upon receipt by the President of credible information indicating that the person has engaged in conduct described in subsection (b).

(b) DESIGNATION.—The President shall designate under this subsection any Iranian person that the President determines has knowingly—

(1) engaged in significant activities undermining United States cybersecurity conducted by the Government of Iran; or

(2) acted for or on behalf of the Government of Iran in connection with such activities.

(c) SANCTIONS.—The President shall block and prohibit all transactions in all property and interests in property of any Iranian person designated under subsection (b) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(d) SUSPENSION OF SANCTIONS.—

(1) IN GENERAL.—The President may suspend the application of sanctions under subsection (c) with respect to an Iranian person only if the President submits to the appropriate congressional committees in writing a certification described in paragraph (2) and a detailed justification for the certification.

(2) CERTIFICATION DESCRIBED.—

(A) IN GENERAL.—A certification described in this paragraph with respect to an Iranian person is a certification by the President that—

(i) the person has not, during the 12-month period immediately preceding the date of the certification, knowingly engaged in activities that would qualify the person for designation under subsection (b); and

(ii) the person is not expected to resume any such activities.

(B) FORM OF CERTIFICATION.—The certification described in subparagraph (A) shall be submitted in unclassified form but may include a classified annex.

(e) REIMPOSITION OF SANCTIONS.—If sanctions are suspended with respect to an Iranian person under subsection (d), such sanctions shall be reinstated if the President determines that the person has resumed the activity that resulted in the initial imposition of sanctions or has engaged in any other activity subject to sanctions relating to the involvement of the person in significant activities undermining United States cybersecurity on behalf of the Government of Iran.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the President pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.), or any other provision of law.

(g) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report that describes significant activities undermining United States cybersecurity conducted by the Government of Iran, a person owned or controlled, directly or indirectly, by that Government, or any person acting for or on behalf of that Government.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) An assessment of the extent to which a foreign government has provided material support to the Government of Iran, to any person owned or controlled, directly or indirectly, by that Government, or to any person acting for or on behalf of that Government, in connection with the conduct of significant activities undermining United States cybersecurity.

(B) A strategy to counter efforts by Iran to conduct significant activities undermining United States cybersecurity that includes a description of efforts to engage foreign governments in preventing the Government of Iran, persons owned or controlled, directly or indirectly, by that Government, and persons acting for or on behalf of that Government from conducting significant activities undermining United States cybersecurity.

(3) FORM OF REPORT.—Each report required by paragraph (1) shall be submitted in an unclassified form but may include a classified annex.

(h) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(2) CYBERSECURITY.—The term ''cybersecurity'' means the activity or process, ability or capability, or state whereby information and communications systems and the information contained therein are protected from or defended against damage, unauthorized use or modification, or exploitation.

(3) IRANIAN PERSON.—The term ''Iranian person'' means—

(A) an individual who is a citizen or national of Iran; or

(B) an entity organized under the laws of Iran or otherwise subject to the jurisdiction of the Government of Iran.

(4) KNOWINGLY.—The term ''knowingly'' has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

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

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

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

SA 558. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. ___. REPORT ON THE CAPABILITIES AND ACTIVITIES OF THE ISLAMIC STATE OF IRAQ AND SYRIA AND OTHER VIOLENT EXTREMIST GROUPS IN SOUTHEAST ASIA.

(a) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth an assessment of the current and future capabilities and activities of the Islamic State of Iraq and Syria (ISIS) and other violent extremist groups in Southeast Asia.

(b) ELEMENTS.—The report shall include the following:

(1) The current number of Islamic State of Iraq and Syria fighters in Southeast Asia.

(2) The estimated number of Islamic State of Iraq and Syria fighters expected to return to Southeast Asia from fighting in the Middle East.

(3) The current resources available to combat the threat of the Islamic State of Iraq and Syria in Southeast Asia, and the additional resources required to combat that threat.

(4) A detailed assessment of the capabilities of the Islamic State of Iraq and Syria to operate effectively in countries such as the Philippines, Indonesia, and Malaysia.

(5) A description of the capabilities and resources of governments of countries in Southeast Asia to counter violent extremist groups.

(6) A list of additional United States resources and capabilities that the Department of Defense recommends providing governments in Southeast Asia to combat violent extremist groups.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

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

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SA 559. Mr. GARDNER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XVI, add the following:

SEC. _____. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE CRITICAL TELECOMMUNICATIONS EQUIPMENT OR SERVICES OBTAINED FROM SUPPLIERS CLOSELY LINKED TO A LEADING CYBER-THREAT ACTOR.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on any critical telecommunications equipment, technologies, or services obtained or used by the Department of Defense or its contractors or subcontrators that is—

(1) manufactured by a foreign supplier, or a contractor or subcontractor of such supplier, that is closely linked to a leading cyber-threat actor; or

(2) from an entity that incorporates or utilizes information technology manufactured by a foreign supplier, or a contractor or subcontractor of such supplier, that is closely linked to a leading cyber-threat actor.

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

(c) DEFINITIONS.—In this section:

(1) The term ''leading cyber-threat actor'' means a country identified as a leading threat actor in cyberspace in the report entitled ''Worldwide Threat Assessment of the US Intelligence Community'', dated May 11, 2017, and includes the People's Republic of China, the Islamic Republic of Iran, the Democratic People's Republic of Korea, and the Russian Federation.

(2) The term ''closely linked'', with respect to a foreign supplier, contractor, or subcontrator and a leading cyber-threat actor, means the foreign supplier, contractor, or subcontractor—

(A) has ties to the military forces of such actor;

(B) has ties to the intelligence services of such actor;

(C) is the beneficiary of significant low interest or no-interest loans, loan forgiveness, or other support of such actor; or

(D) is incorporated or headquartered in the territory of such actor.

SA 560. Mr. GARDNER (for himself and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPORT ON PLANS RELATED TO DIVESTMENT OR TRANSFER OF C–21 AIRCRAFT.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report that includes the elements described in subsection (b).

(b) ELEMENTS.—The report under subsection (a) shall include the following elements, reported by total cost and cost by fiscal year, with a detailed description and a justification:

(1) Whether the Air Force plans to modernize and recapitalize the operational support airlift fleet, including the C–21 fleet.

(2) Whether the Air Force has a C–21 consolidation plan, and if so, what cost savings the Air Force hopes to achieve, if any.

(3) Whether the Air Force has a C–21 divestment plan, and if so, what cost savings the Air Force hopes to achieve, if any.

(4) How the Air Force plans to continue to meet operational support airlift requirements, including support of United States Central Command and United States Transportation Command Joint Operational Airlift Center requirements.

(5) How the Air Force plans to fully utilize the reserve components to meet operational support and executive airlift requirements, especially given the pilot shortage.

(6) How the Air Force incorporates pilot training costs into its budget analysis for the transfer or divestment of reserve component aircraft and pilots.

(7) Whether any analysis has been conducted to identify geographical areas that have an underutilized reserve component pilot population.

(8) How the Air Force plans to maintain quality of life and predictability for reserve component pilots, including if consideration

has been given to the location of commercial airline domiciles in relation to reserve component basing decisions.

SA 561. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ROBOTIC SERVICING OF GEOSYNCHRONOUS SATELLITES DEVELOPMENT PROGRAM ACCOUNTABILITY MATRICES.

(a) SUBMISSION OF MATRICES.—Concurrent with the submission of the budget of the President to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2019, the Director of the Defense Advanced Research Projects Agency shall submit to the congressional defense committees and the Comptroller General of the United States the matrices described in subsection (b) relating to the Robotic Servicing of Geosynchronous Satellites program.

(b) MATRICES DESCRIBED.—The matrices described in this subsection are the following:

(1) DEVELOPMENT GOALS.—A matrix that identifies, in six-month increments, key milestones, development events, and specific performance goals for the Robotic Servicing of Geosynchronous Satellites program, which shall be subdivided, at a minimum, according to the following:

(A) Technology readiness levels of major components and key demonstration events.

(B) Design maturity.

(C) Software maturity.

(D) Manufacturing readiness levels for critical manufacturing operations and key demonstration events.

(E) Manufacturing operations.

(F) System verification and key flight test events.

(G) Reliability.

(2) TOTAL COST.—A matrix expressing, in six-month increments, the total cost to the Department of Defense and all relevant United States Government agencies cost position for the payload, operations software, payload integration, and launch for the Robotic Servicing of Geosynchronous Satellites program.

(3) SPACECRAFT COTS.—A matrix expressing, in six-month increments, the total cost for Robotic Servicing of Geosynchronous Satellites program spacecraft and relevant subsystem completion, which shall be phased over the entire development period and subdivided according to the costs of the following:

(A) Spacecraft.

(B) Payload.

(C) Mission systems.

(D) Vehicle software.

(E) Systems engineering.

(F) Program management.

(G) System test and evaluation.

(H) Support and training systems.

(I) Contract fee.

(J) Engineering changes.

(K) Direct mission support.

(L) Launch.

(M) Government testing.

(c) SEMIANNUAL UPDATE OF MATRICES.—

(1) IN GENERAL.—The Director shall submit to the congressional defense committees and the Comptroller General of the United States updates to the matrices described in subsection (b)—

(A) not later than 180 days after the date on which the Director submits the matrices required by subsection (a);

(B) concurrent with the submission of the budget of the President to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2020 and each fiscal year thereafter; and

(C) not later than 180 days after each such submission.

(2) ELEMENTS.—Each update submitted under paragraph (1) shall detail progress made toward the goals identified in the matrix described in subsection (b)(1) and provide updated cost estimates.

(3) TREATMENT OF INITIAL MATRICES AS BASELINE.—The matrices submitted pursuant to subsection (a) shall be treated as the baseline for the full research, development, test, and evaluation of the Robotic Servicing of Geosynchronous Satellites program and through its launch and demonstration for purposes of the updates submitted pursuant to paragraph (1).

(d) ASSESSMENT BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than the date that is 45 days after the date on which the Comptroller General of the United States receives an update to a matrix under subsection (c)(1), the Comptroller General shall review the sufficiency of the matrix and submit to the congressional defense committees an assessment of the matrix and an identification of cost, schedule, or performance trends in the matrix.

(e) SECRETARY OF DEFENSE APPROVAL.—Following the demonstration of the Robotic Servicing of Geosynchronous Satellites spacecraft and its transition to a commercial partner of the Defense Advanced Research Projects Agency, the Secretary of Defense shall approve each commercial operation of the spacecraft after—

(1) taking into account—

(A) available fuel for possible national security mission requirements;

(B) orbitology relative to possible national security mission requirements; and

(C) compliance with the Presidential Decision Directive on National Space Policy; and

(2) certifying to the congressional defense committees that—

(A) any commercial use does not conflict with possible national security requirements; and

(B) the requirements of this subsection have been met.

(f) SECRETARY OF DEFENSE STUDY.—Concurrent with the submission of the budget of the President to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2019, the Secretary of Defense shall submit to the congressional defense committees a report on the technology transfer of the robotic payload, operations software, and corresponding systems of the Robotic Servicing of Geosynchronous Satellites program to qualified satellite manufacturers and satellite operators to increase the on-orbit highly advanced space robotics capabilities of entities organized under the laws of the United States and available to the Department of Defense.

SA 562. Mr. UDALL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 3201, add the following:

(b) ANNUAL REPORT ON UNFUNDED PRIORITIES.—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Chairman of the Defense Nuclear Facilities Safety Board shall submit to the congressional defense committees a report on the unfunded priorities of the Board.

(c) PROHIBITION ON TERMINATION.—No action may be taken to terminate the Board.

SA 563. Mr. UDALL (for himself, Mr. ROUNDS, Mr. HEINRICH, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following:

SEC. _____. COMPENSATION AND CREDIT FOR RETIRED PAY PURPOSES FOR MATERNITY LEAVE TAKEN BY MEMBERS OF THE RESERVE COMPONENTS.

(a) COMPENSATION.—Section 206(a) of title 37, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

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

''(4) for each of 6 days in connection with the taking by the member of a period of maternity leave.''.

(b) CREDIT FOR RETIRED PAY PURPOSES.—

(1) IN GENERAL.—The period of maternity leave taken by a member of the reserve components of the Armed Forces in connection with the birth of a child shall count toward the member's entitlement to retired pay, and in connection with the years of service used in computing retired pay, under chapter 1223 of title 10, United States Code, as 12 points.

(2) SEPARATE CREDIT FOR EACH PERIOD OF LEAVE.—Separate crediting of points shall accrue to a member pursuant to this subsection for each period of maternity leave taken by the member in connection with a childbirth event.

(3) WHEN CREDITED.—Points credited a member for a period of maternity leave pursuant to this subsection shall be credited in the year in which the period of maternity leave concerned commences.

(4) CONTRIBUTION OF LEAVE TOWARD ENTITLEMENT TO RETIRED PAY.—Section 12732(a)(2) of title 10, United States Code, is amended by inserting after subparagraph (E) the following new subparagraph:

''(F) Points at the rate of 12 a year for the taking of maternity leave.''.

(5) COMPUTATION OF YEARS OF SERVICE FOR RETIRED PAY.—Section 12733 of such title is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following new paragraph (5):

''(5) One day for each point credited to the person under subparagraph (F) of section 12732(a)(2) of this title.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to periods of maternity leave that commence on or after that date.

SA 564. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 447, strike lines 16 through 18 and insert the following:

(4) EXPEDITING SECURITY CLEARANCES FOR CERTAIN SMALL BUSINESS EMPLOYEES.—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense and the Administrator of the Small Business Administration shall submit to Congress a plan for a process to expedite the approval of security clearances for employees of small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) participating in the SBIR or STTR program (as defined in section 9(e) of such Act (15 U.S.C. 638(e)).

(5) TERMINATION.—No briefing or report is required pursuant to paragraph (2) or (3) after December 31, 2020.

SA 565. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXCLUSION OF INDEPENDENT RESEARCH AND DEVELOPMENT EXPENSES FROM ANNUAL RECEIPTS.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

''(10) EXCLUSION OF INDEPENDENT RESEARCH AND DEVELOPMENT EXPENSES FROM RECEIPTS.—In determining the average annual gross receipts of a small business concern, the Administrator, at the request of the concern, may exclude from consideration any expenses or expenditures for independent research and development.''.

SA 566. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DISPOSAL OF REAL PROPERTY FOR VETERANS SUPPORT SERVICES.

Section 550 of title 40, United States Code, is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (D), by striking ''and'' at the end;

(B) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(F) the Secretary of Veterans Affairs, for property transferred under subsection (i) for veterans support services.''; and

(2) by adding at the end the following:

''(i) PROPERTY FOR VETERANS SUPPORT SERVICES.—

''(1) ASSIGNMENT.—The Administrator, in the discretion of the Administrator and under regulations that the Administrator may prescribe, may assign to the Secretary of Veterans Affairs for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed for veterans support services.

''(2) SALE OR LEASE.—Subject to disapproval by the Administrator by not later than 30 days after notice to the Administrator by the Secretary of Veterans Affairs of a proposed transfer, the Secretary may sell or lease property assigned to the Secretary under paragraph (1) for use for veterans support services.

''(3) FIXING VALUE.—In fixing the sale or lease value of the property disposed of under paragraph (2), the Secretary of Veterans Affairs shall take into consideration any benefit that has accrued or may accrue to the Federal Government from the use of the property by the entity receiving the property.''.

SA 567. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SIZE STANDARDS FOR SMALL BUSINESS CONCERNS.

(a) CALCULATION ON THE BASIS OF ANNUAL AVERAGE GROSS RECEIPTS.—Section 3(a)(2)(C)(ii)(II) of the Small Business Act (15 U.S.C. 632(a)(2)(C)(ii)(II)) is amended by striking ''over a period of not less than 3 years'' and inserting '', which shall be calculated by using the 3 lowest annual average gross receipts of the business concern during the preceding 5-year period''.

(b) REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Administrator of the Small Business Administration shall promulgate regulations as necessary to implement the amendment made by subsection (a).

SA 568. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. _____. AWARD OF MEDALS OR OTHER COMMENDATIONS TO HANDLERS OF MILITARY WORKING DOGS AND MILITARY WORKING DOGS.

(a) PROGRAM OF AWARD REQUIRED.—Each Secretary of a military department shall carry out a program to provide for the award of one or more medals or other commendations to handlers of military working dogs, and to military working dogs, under the jurisdiction of such Secretary to recognize valor or meritorious achievement by such handlers and dogs.

(b) MEDAL AND COMMENDATIONS.—Any medal or commendation awarded pursuant to a program under subsection (a) shall be of such design, and include such elements, as the Secretary of the military department concerned shall specify.

(c) REGULATIONS.—Medals and commendations shall be awarded under programs under subsection (a) in accordance with regulations prescribed by the Secretary of Defense for purposes of this section.

SA 569. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. _____. REPORT ON USE OF SECOND-DESTINATION TRANSPORTATION TO TRANSPORT FRESH FRUIT AND VEGETABLES TO COMMISSARIES IN THE ASIA-PACIFIC REGION.

(a) REPORT REQUIRED.—In accordance with the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328) and recommendations in the report of the Inspector General of the Department of Defense dated February 28, 2017, regarding Pacific Fresh Fruits and Vegetables (FFV), the Secretary of Defense shall submit to the congressional defense committees a report setting forth the following:

(1) A description of the costs of using second-destination transportation (SDT) to transport fresh fruit and vegetables to commissaries in Asia and the Pacific in each of fiscal years 2015 through 2017.

(2) Recommendations for innovative, locally-sourced alternatives to use of second-destination transportation in order to supply fresh fruit and vegetables to commissaries in Asia and the Pacific.

(b) SUBMITTAL DATE.—The report required by subsection (a) shall be submitted not later than 120 days after the date of the enactment of this Act.

SA 570. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. NOTICE OF STATUS AS AN ACTIVE DUTY MILITARY CONSUMER.

The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(1) in section 605 (15 U.S.C. 1681c), by adding at the end the following:

''(i) NOTICE OF STATUS AS AN ACTIVE DUTY MILITARY CONSUMER.—

''(1) IN GENERAL.—With respect to an item of adverse information about a consumer that arises from the failure of the consumer to make any required payment on a debt or other obligation, if the action or inaction

that gave rise to the item occurred while the consumer was an active duty military consumer—

''(A) the consumer may provide appropriate proof, including official orders, to a consumer reporting agency that the consumer was an active duty military consumer at the time such action or inaction occurred; and

''(B) any consumer report provided by the consumer reporting agency that includes the item shall clearly and conspicuously disclose that the consumer was an active duty military consumer when the action or inaction that gave rise to the item occurred.

''(2) MODEL FORM.—The Bureau shall prepare a model form, which shall be made publicly available, including in an electronic format, by which a consumer may—

''(A) notify, and provide appropriate proof to, a consumer reporting agency in a simple and easy manner, including electronically, that the consumer is or was an active duty military consumer; and

''(B) provide contact information of the consumer for the purpose of communicating with the consumer while the consumer is an active duty military consumer.

''(3) NO ADVERSE CONSEQUENCES.—Notice, whether provided by the model form described in paragraph (2) or otherwise, that a consumer is or was an active duty military consumer may not provide the sole basis for—

''(A) with respect to a credit transaction between the consumer and a creditor, a creditor—

''(i) denying an application of credit submitted by the consumer;

''(ii) revoking an offer of credit made to the consumer by the creditor;

''(iii) changing the terms of an existing credit arrangement with the consumer; or

''(iv) refusing to grant credit to the consumer in a substantially similar amount or on substantially similar terms requested by the consumer;

''(B) furnishing negative information relating to the creditworthiness of the consumer by or to a consumer reporting agency; or

''(C) except as otherwise provided in this title, a creditor or consumer reporting agency noting in the file of the consumer that the consumer is or was an active duty military consumer.'';

(2) in section 605A (15 U.S.C. 1681c–1)—

(A) in subsection (c)—

(i) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and adjusting the margins accordingly;

(ii) in the matter preceding subparagraph (A), as so redesignated, by striking ''Upon'' and inserting the following:

''(1) IN GENERAL.—Upon''; and

(iii) by adding at the end the following:

''(2) NEGATIVE INFORMATION NOTIFICATION.—If a consumer reporting agency receives an item of adverse information about a consumer who has provided appropriate proof that the consumer is an active duty military consumer, the consumer reporting agency shall promptly notify the consumer, with a frequency, in a manner, and according to a timeline determined by the Bureau or specified by the consumer—

''(A) that the consumer reporting agency has received the item of adverse information, along with a description of the item; and

''(B) the method by which the consumer may dispute the validity of the item.

''(3) CONTACT INFORMATION FOR ACTIVE DUTY MILITARY CONSUMERS.—

''(A) IN GENERAL.—If a consumer who has provided appropriate proof to a consumer reporting agency that the consumer is an active duty military consumer provides the consumer reporting agency with contact information for the purpose of communicating with the consumer while the consumer is an active duty military consumer, the consumer reporting agency shall use that contact information for all communications with the consumer while the consumer is an active duty military consumer.

''(B) DIRECT REQUEST.—Unless the consumer directs otherwise, the provision of contact information by the consumer under subparagraph (A) shall be deemed to be a request for the consumer to receive an active duty alert under paragraph (1).

''(4) SENSE OF CONGRESS.—It is the sense of Congress that any person making use of a consumer report that contains an item of adverse information with respect to a consumer should, if the action or inaction that gave rise to the item occurred while the consumer was an active duty military consumer, take that fact into account when evaluating the creditworthiness of the consumer.''; and

(B) in subsection (e), by striking paragraph (3) and inserting the following:

''(3) subparagraphs (A) and (B) of subsection (c)(1), in the case of a referral under subsection (c)(1)(C).''; and

(3) in section 611(a)(1) (15 U.S.C. 1681i(a)(1)), by adding at the end the following:

''(D) NOTICE OF DISPUTE RELATED TO ACTIVE DUTY MILITARY CONSUMERS.—With respect to an item of information described under subparagraph (A) that is under dispute, if the consumer to whom the item relates has notified the consumer reporting agency conducting the investigation described in that subparagraph, and has provided appropriate proof, that the consumer was an active duty military consumer at the time the action or inaction that gave rise to the disputed item occurred, the consumer reporting agency shall—

''(i) include that fact in the file of the consumer; and

''(ii) indicate that fact in each consumer report that includes the disputed item.''.

SA 571. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. _____. CERTAIN SERVICE DEEMED TO BE ACTIVE MILITARY SERVICE FOR PURPOSES OF LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) IN GENERAL.—For purposes of section 401(a)(1)(A) of the GI Bill Improvement Act of 1977 (Public Law 95–202; 38 U.S.C. 106 note), the Secretary of Defense is deemed to have determined that qualified service of an individual constituted active military service.

(b) DETERMINATION OF DISCHARGE STATUS.—

(1) IN GENERAL.—The Secretary of Defense shall issue an honorable discharge under section 401(a)(1)(B) of the GI Bill Improvement Act of 1977 to each person whose qualified service warrants an honorable discharge.

(2) TIMING.—A discharge under paragraph (1) shall be issued before the end of the one-year period beginning on the date of the enactment of this Act.

(c) PROHIBITION OF RETROACTIVE BENEFITS.—No benefits may be paid to any individual as a result of the enactment of this section for any period before the date of the enactment of this Act.

(d) QUALIFIED SERVICE DEFINED.—In this section, the term ''qualified service'' means service of an individual as a member of the organization known as the United States Cadet Nurse Corps during the period beginning on July 1, 1943, and ending on December 15, 1945.

SA 572. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES FOR CERTAIN RESIDENTS OF THE ISLAND OF VIEQUES PUERTO RICO AND THE MUNICIPALITY OF VIEQUES.

(a) IN GENERAL.—An individual shall be awarded monetary compensation for a claim made under this section if such individual—

(1) can demonstrate that he or she was a resident on the island of Vieques, Puerto Rico, during or after the use by the United States Government of the island for military readiness;

(2) files a claim not later than 30 days after the date of the enactment of this Act against the United States Government for personal injury, including illness or death arising from use by the United States Government of the island of Vieques for military readiness; and

(3) submits to the court written medical documentation that the individual contracted a chronic, life threatening, or heavy metal disease or illness, including cancer, hypertension, cirrhosis, and diabetes while the United States Government used the island of Vieques, Puerto Rico for military readiness.

(b) APPOINTMENT OF SPECIAL MASTER.—

(1) IN GENERAL.—The Secretary of the Treasury shall appoint a Special Master to consider claims described in paragraph (2).

(2) AMOUNTS OF AWARD.—The amounts described in this paragraph are as follows:

(A) $50,000 for 1 disease described in paragraph (1)(B);

(B) $80,000 for 2 diseases described in paragraph (1)(B); and

(C) $110,000 for 3 or more diseases described in paragraph (1)(B).

(c) AWARD AMOUNTS RELATED TO CLAIMS BY THE MUNICIPALITY OF VIEQUES.—

(1) AWARD.—The Special Master shall provide to the Municipality of Vieques the following for a claim described in subsection (b)(2):

(A) An academic partner, with appropriate experience and an established relationship with the Municipality of Vieques, which shall—

(i) lead a research and outreach endeavor on behalf of the Municipality of Vieques;

(ii) select the appropriate scientific expertise and administer defined studies, conducting testing and evaluation of the soils, seas, plant and animal food sources and human health situation;

(iii) determine the most efficient and effective way to reduce the environmental toxins to a level sufficient to return the soils, seas, food sources and health circumstances to a

level that reduces the diseases on Vieques to the average in the United States.

(B) The past research from universities, colleges, scientists, and doctors who have tested and evaluated the prevalence of toxic substances in the soil, food sources, and human populations.

(C) A medical coordinator and staff to upgrade the medical facility and its equipment to a level to treat life threatening, chronic, and heavy metal diseases, including cancer, hypertension, cirrhosis, diabetes.

(D) Compensation to create and fund a medical home to provide medical care for pediatric and adult patients, allowing the patients to be referred for tertiary and quaternary health care facilities when necessary, and providing the transportation and medical costs when traveling off the island of Vieques, until such time as the disease levels are reduced to the average in the United States.

(E) Amounts necessary for the academic partner and medical coordinator to carry out the duties described in subparagraphs (A) through (D).

(F) Amounts necessary to compensate the Municipality of Vieques for—

(i) contractual procurement obligations and additional expenses incurred by the Municipality as a result of the enactment of this section; and

(ii) any other damages and costs to be incurred by the Municipality, if the Special Master determines that it is necessary to carry out the purpose of this section.

(2) SOURCE.—Amounts awarded under this subsection shall be made from amounts appropriated under section 1304 of title 31, United States Code.

(3) DETERMINATION AND PAYMENT OF CLAIMS.—

(A) ESTABLISHMENT OF FILING PROCEDURES.—The Secretary of the Treasury shall establish procedures whereby individuals may submit claims for payments under this section to the Special Master.

(B) DETERMINATION OF CLAIMS.—The Special Master shall, in accordance with this subsection, determine whether each claim meets the requirements of this section. Claims already disposed of by a court under chapter 171 of title 28, United States Code, shall be treated as if they are currently filed.

(d) ACTION ON CLAIMS.—The Special Master shall complete a determination on any claim filed under the procedures established under this section not later than 150 days after the date on which the claim is filed.

(e) PAYMENT IN FULL SETTLEMENT OF CLAIMS BY INDIVIDUALS AND THE MUNICIPALITY OF VIEQUES AGAINST THE UNITED STATES.—The acceptance by an individual or the Municipality of Vieques a payment of an award under this section shall—

(1) be final and conclusive;

(2) be deemed to be in full satisfaction of the claim described in subsection (a)(2); and

(3) constitute a complete release by the individual of such claim against the United States and against any employee of the United States acting in the scope of employment who is involved in the matter giving rise to the claim.

(f) ADMINISTRATIVE COSTS.—No costs incurred by the Secretary of the Treasury, or a designee of the Secretary, not including attorney's fees, in carrying out this section shall be paid from amounts appropriated under section 1304 of title 31, United States Code, or set off against, or otherwise deducted from, any payment under this section to any individual.

(g) CERTIFICATION OF TREATMENT OF PAYMENTS UNDER OTHER LAWS.—Amounts paid to an individual under this section—

(1) shall be treated for purposes of the laws of the United States as damages for human suffering; and

(2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

(h) NONASSIGNABILITY OF CLAIMS.—No claim cognizable under this section shall be assignable or transferable.

(i) LIMITATION.—A claim to which this section applies shall be barred unless the claim is filed within 20 years after the date of the enactment of this Act.

(j) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Treasury may promulgated regulations to carry out this section.

(k) USE OF EXISTING RESOURCES.—The Secretary of the Treasury should use funds or resources available to the Secretary to carry out the functions under this section.

SA 573. Mr. DONNELLY (for himself and Mr. YOUNG) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1088. INTERAGENCY REPORT ON MENTAL HEALTH PRACTICES AND SERVICES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to Congress, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, a report on mental health practices and services of the Department of Defense and the Department of Veterans Affairs that could be adopted by Federal, State, local, and tribal law enforcement agencies.

(b) PUBLIC AVAILABILITY.—The Attorney General shall make the report submitted under subsection (a) available to the public.

SA 574. Ms. HEITKAMP (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXPANSION OF SKILLBRIDGE INITIATIVE TO INCLUDE PARTICIPATION BY FEDERAL AGENCIES.

(a) MODIFICATION OF INITIATIVE BY SECRETARY OF DEFENSE.—The Secretary of Defense, in consultation with the Director of the Office of Personnel Management, shall make such modifications to the SkillBridge initiative of the Department of Defense as the Secretary considers appropriate to enable Federal agencies to participate in the initiative as employers and trainers, including the provision of training by Federal agencies under the initiative to transitioning members of the Armed Forces.

(b) PARTICIPATION BY FEDERAL AGENCIES.—The Director, in consultation with the Secretary, shall take such actions as may be necessary to ensure that each Federal agency participates in the SkillBridge initiative of the Department of Defense as described in subsection (a).

(c) TRANSITIONING MEMBERS OF THE ARMED FORCES DEFINED.—In this section, the term ''transitioning member of the Armed Forces'' means a member of the Armed Forces who is expected to be discharged or released from active duty in the Armed Forces not more than 180 days after the member commences training under the SkillBridge initiative.

SA 575. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle ____ of title ____, add the following:

SEC. _____. PROTECTING CRITICAL INFRASTRUCTURE AGAINST CYBER ATTACKS FROM FOREIGN GOVERNMENTS.

(a) FINDINGS.—Congress finds the following:

(1) Authoritative evidence and testimony to Congress indicate that the United States Government cannot prevent cyber attacks by determined and capable adversaries from reaching critical infrastructure in the United States and that, absent major efforts to identify and eliminate vulnerabilities in the most critical nodes of the most critical infrastructure, such attacks would succeed in causing unacceptable damage to the United States.

(2) To secure the United States against cyber attacks, it is necessary to develop deterrence capabilities through a combination of offensive cyber attack means and greater survivability, resilience, and recovery capabilities in the critical infrastructure of the United States.

(3) Defense of the United States against cyber attacks from foreign adversaries, including foreign governments, is a responsibility of the Federal Government.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Federal Government should provide funding in a collaborative effort with the owners of the most critical infrastructure to identify vulnerabilities to cyber attacks in the most critical nodes and develop solutions either through alternative equipment and practices, or by assured redundancy and recovery capabilities; and

(2) Government funding should also help cover the cost of any inefficiencies caused by changes in equipment, practices, or recovery capabilities to protect critical infrastructure against cyber attacks from foreign governments.

(c) ANALYSIS AND SOLUTION DESIGNS.—The President shall—

(1) conduct an analysis of cyber vulnerabilities in the most critical nodes of the most critical infrastructure; and

(2) design solutions to eliminate such vulnerabilities.

(d) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the President shall submit to Congress a report on the vulnerabilities identified under paragraph (1) of subsection (c) and the solutions designed under paragraph (2) of such subsection.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the vulnerabilities identified under paragraph (1) of subsection (c).

(B) A description of the solutions designed under paragraph (2) of such subsection.

(C) A strategy for working with owners of relevant critical infrastructure to eliminate vulnerabilities identified under subsection (c)(1).

(D) An estimate of the cost of carrying out the strategy included under subparagraph (C) and a schedule to implement such strategy.

(e) CONSIDERATION OF INVESTMENTS REQUIRED.—The President shall consider the investments required to correct the vulnerabilities identified under subsection (c)(1) whenever developing plans and proposals for national infrastructure investment that the President submits to Congress.

SA 576. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OFFICE OF THE COORDINATOR FOR CYBER ISSUES.

(a) OFFICE OF THE COORDINATOR FOR CYBER ISSUES.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following new subsection:

''(h) OFFICE OF THE COORDINATOR FOR CYBER ISSUES.—

''(1) ESTABLISHMENT.—There is established within the Department of State the Office of the Coordinator for Cyber Issues.

''(2) COORDINATOR FOR CYBER ISSUES.—The head of the Office shall be the Coordinator for Cyber Issues, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary of State.

''(3) DUTIES.—The Coordinator shall perform the following duties:

''(A) Coordinating the Department of State's global diplomatic engagement on cyber issues.

''(B) Serving as the Department's liaison to the President and Federal departments and agencies on these issues.

''(C) Advising the Secretary of State and Deputy Secretaries of State on cyber issues and engagements.

''(D) Acting as liaison to public and private sector entities on cyber issues.

''(E) Coordinating the work of regional and functional bureaus within the Department engaged in these areas.

''(4) RANK AND STATUS OF AMBASSADOR.—The Coordinator shall have the rank and status of Ambassador at Large.''.

(b) REPORT ON DEVELOPMENT OF FRAMEWORK ON VOLUNTARY NORMS AND CONFIDENCE BUILDING MEASURES RELATED TO CYBER ISSUES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on efforts to establish a coalition of states in support of a framework on voluntary norms and confidence building measures related to cyber issues, including a description of any alternative frameworks by other countries or international organizations.

SA 577. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle C of title VI, add the following:

SEC. ___. CREDIT TOWARD COMPUTATION OF YEARS OF SERVICE FOR NONREGULAR SERVICE RETIRED PAY UPON COMPLETION OF REMOTELY DELIVERED MILITARY EDUCATION OR TRAINING.

(a) IN GENERAL.—Section 12732(a)(2) of title 10, United States Code, is amended—

(1) by inserting after subparagraph (E) the following new subparagraph:

''(F) Such points as the Secretary concerned determines to be appropriate for successful completion of a course of instruction using electronically delivered methodologies to accomplish military education or training, unless the education or training is performed while in a status for which credit is provided under another subparagraph of this paragraph.''; and

(2) by striking ''and (E)'' in the last sentence and inserting ''(E), and (F)''.

(b) MAXIMUM NUMBER OF POINTS PER SERVICE YEAR.—Section 12733(3) of such title is amended by striking ''or (D)'' and inserting ''(D), or (F)''.

SA 578. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. ____. PLAN TO ENHANCE THE EXTENDED DETERRENCE AND ASSURANCE CAPABILITIES OF THE UNITED STATES IN THE ASIA-PACIFIC REGION.

(a) FINDING.—Congress recognizes that North Korea's first successful test of an intercontinental ballistic missile (ICBM) constitutes a grave and imminent threat to United States security and to the security of United States allies and partners in the Asia-Pacific region.

(b) PLAN.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Commander of the United States Pacific Command and the Commander of the United States Strategic Command, shall submit to the congressional defense committees a plan to enhance the extended deterrence and assurance capabilities of the United States in the Asia-Pacific region.

(c) MATTERS TO BE INCLUDED.—Such plan shall include consideration of actions that will enhance United States security by strengthening deterrence of North Korean aggression and providing increased assurance to United States allies in the Asia-Pacific region, including the following:

(1) Increased visible presence of key United States military assets, such as missile defenses, long-range strike assets, and intermediate-range strike assets to the region.

(2) Increased military cooperation, exercises, and integration of defenses with allies in the region.

(3) Development and deployment of ground-based intermediate-range missiles, whether by allies or by the United States, if the United States were no longer bound by the limitations of the INF Treaty.

(4) Increased foreign military sales to allies in the region.

(5) Planning for, exercising, or deploying dual-capable aircraft to the region.

(6) Any necessary modifications to the United States nuclear force posture, including re-deployment of submarine-launched nuclear cruise missiles to the region.

(7) Such other actions the Secretary considers appropriate to strengthen extended deterrence and assurance in the region.

(d) FORM.—Such plan shall be submitted in unclassified form, but may contain a classified annex.

(e) INF TREATY DEFINED.—In this section, the term ''INF Treaty'' means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, signed at Washington December 8, 1987, and entered into force June 1, 1988.

SA 579. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. ___. ANNUAL REPORT ON NAVY ACTIVITIES TO IMPLEMENT THE REGIONAL BIOSECURITY PLAN FOR MICRONESIA AND HAWAII.

(a) ANNUAL REPORT REQUIRED.—The Secretary of the Navy shall submit to the Committees on Appropriations of the Senate and the House of Representatives each year, at the time the budget of the President for the fiscal year beginning in such year is submitted to Congress under section 1105(a) of title 31, United States Code, a report on the activities of the Department of the Navy to implement the Regional Biosecurity Plan for Micronesia and Hawaii (RBP).

(b) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) A description of Department of the Navy activities to implement the Regional Biosecurity Plan for Micronesia and Hawaii during the previous fiscal year.

(2) A description of the activities planned to be undertaken by the Department during the fiscal year beginning in the year of such report to implement the Regional Biosecurity Plan for Micronesia and Hawaii, including the funding required during such fiscal year for such activities.

(c) REGIONAL BIOSECURITY PLAN FOR MICRONESIA AND HAWAII DEFINED.—In this section, the term ''Regional Biosecurity Plan for Micronesia and Hawaii'' means the strategic plan developed jointly by the Department of Navy and other Federal and non-Federal entities to prevent the introduction of invasive species to the United States Pacific region and to control such species in that region.

SA 580. Ms. HIRONO submitted an amendment intended to be proposed by

her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON APPLICATION OF HIRING FREEZES AT DEPARTMENT OF DEFENSE INDUSTRIAL BASE FACILITIES.

(a) DEFINITION.—In this section, the term ''depot-level maintenance and repair'' has the meaning given the term in section 2460 of title 10, United States Code.

(b) PROHIBITION.—No memorandum, Executive order, or other action by the President to prevent a Federal department or agency from appointing an individual to a vacant Federal civilian employee position, or creating a new Federal civilian employee position, shall have any force or effect with respect to any civilian employee position in the Department of Defense at, or in support of, any facility—

(1) at which depot-level maintenance and repair is carried out; or

(2) that is designated under section 2474 of title 10, United States Code, as a Center of Industrial and Technical Excellence.

SA 581. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle F of title V, add the following:

SEC. _____. ISSUANCE OF CONSOLIDATED PREGNANCY AND PARENTHOOD INSTRUCTION FOR MEMBERS OF THE ARMED FORCES.

The Secretary of Defense shall ensure that each military department issues a single, consolidated instruction that addresses the decisions, actions, and requirements for members of the Armed Forces relating to pregnancy, the postpartum period, and parenthood.

SA 582. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. _____. REPORT ON IMPLEMENTATION OF GAO RECOMMENDATIONS RELATING TO CONSIDERATION OF POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY IN MISCONDUCT SEPARATIONS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation by the Department of Defense of the recommendations from the Government Accountability Office report entitled ''Actions Needed to Ensure Post-Traumatic Stress Disorder and Traumatic Brain Injury Are Considered in Misconduct Separations'' and published on May 16, 2017.

SA 583. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. ___. SENSE OF CONGRESS REGARDING PACIFIC WAR MEMORIAL.

(a) FINDING.—Congress recognizes that, as of the date of the enactment of this Act, there is no memorial that specifically honors the members of the Armed Forces of the United States who served in the Pacific Theater of World War II, also known as the Pacific War.

(b) SENSE OF CONGRESS.—It is the sense of Congress that a Pacific War memorial should be established at a suitable location at or near the Pearl Harbor site of the World War II Valor in the Pacific National Monument in Honolulu, Hawaii.

SA 584. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. _____. ENHANCEMENT OF CYBER CAPABILITIES OF UNITED STATES ALLIES AND PARTNERS IN THE NORTH ATLANTIC TREATY ORGANIZATION.

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

(1) The North Atlantic Treaty Organization (commonly known as ''NATO'') remains a critical alliance for the United States and a cost-effective, flexible means of providing security to the most important allies of the United States.

(2) The regime of Russian President Vladimir Putin is actively working to erode democratic systems of NATO member states, including the United States.

(3) According to the report of the Office of the Director of National Intelligence dated January 6, 2017, on the Russian Federation's hack of the United States presidential election: ''Russian efforts to influence the 2016 presidential election represent the most recent expression of Moscow's longstanding desire to undermine the US-led liberal democratic order.''.

(4) As recently as May 4, 2017, the press reported a massive cyber hack of French President Emmanuel Macron's campaign, likely attributable to Russian actors.

(5) It is in the core interests of the United States to enhance the offensive and defensive cyber capabilities of NATO member states to deter and defend against Russian cyber and influence operations.

(6) Enhanced offensive cyber capabilities would enable the United States to demonstrate strength and deter the Russian Federation from threatening NATO, while reassuring allies, without a provocative buildup of conventional military forces.

(b) SENSE OF CONGRESS ON CYBER STRATEGY OF THE DEPARTMENT OF DEFENSE.—It is the sense of Congress that—

(1) the Secretary of Defense should update the cyber strategy of the Department of Defense (as that strategy is described in the Department of Defense document titled ''The Department of Defense Cyber Strategy'' dated April 15, 2015); and

(2) in updating the cyber strategy of the Department, the Secretary should—

(A) specifically develop an offensive cyber strategy that includes plans for the offensive use of cyber capabilities, including computer network exploitation and computer network attacks, to thwart air, land, or sea attacks by the regime of Russia President Vladimir Putin and other adversaries;

(B) provide guidance on integrating offensive tools into the cyber arsenal of the Department; and

(C) assist North Atlantic Treaty Organization partners, through the North Atlantic Treaty Organization Cooperative Cyber Center of Excellence and other entities, in developing offensive cyber capabilities.

(c) STRATEGY FOR OFFENSIVE USE OF CYBER CAPABILITIES.—

(1) STRATEGY REQUIRED.—The President shall develop a written strategy for the offensive use of cyber capabilities by departments and agencies of the United States Government.

(2) ELEMENTS.—The strategy developed under paragraph (1) shall include, at minimum—

(A) a description of enhancements that are needed to improve the offensive cyber capabilities of the United States and partner nations, including North Atlantic Treaty Organization member states; and

(B) a statement of principles concerning the appropriate deployment of offensive cyber capabilities.

(3) SUBMITTAL TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees the strategy developed under paragraph (1).

(4) FORM OF SUBMITTAL.—The strategy submitted under paragraph (1) may be submitted in classified form.

(d) INTERNATIONAL COOPERATION.—

(1) AUTHORITY TO PROVIDE TECHNICAL ASSISTANCE.—The President, acting through the Secretary of Defense and with the concurrence of the Secretary of State, is authorized to provide technical assistance to North Atlantic Treaty Organization member states to assist such states in developing and enhancing offensive cyber capabilities.

(2) TECHNICAL EXPERTS.—In providing technical assistance under paragraph (1), the President, acting through the North Atlantic Treaty Organization Cooperative Cyber Center of Excellence, may detail technical experts in the field of cyber operations to North Atlantic Treaty Organization member states.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to preclude or limit the authorities of the President or the Secretary of Defense to provide cyber-related assistance to foreign countries, including the authority of the Secretary to provide such assistance under section 333 of title 10, United States Code.

SA 585. Mr. YOUNG submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. _____. LIMITATION ON SALE OR LICENSE FOR EXPORT OF DEFENSE ARTICLES TO SAUDI ARABIA.

(a) IN GENERAL.—The United States Government may not enter into an agreement to sell or lease any defense article to the Government of Saudi Arabia, and may not issue any license for the export of a defense article to the Government of Saudi Arabia pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.), during fiscal year 2018 until 14 days after the date on which the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, submits to the appropriate committees of Congress and the Comptroller General of the United States a certification described in subsection (b), together with a detailed justification for the certification.

(b) CERTIFICATION DESCRIBED.—A certification described in this subsection is a certification as follows:

(1) That the Government of Saudi Arabia is complying fully with its obligations in Yemen under each of the following:

(A) Customary international law rule 55.

(B) Articles 14 and 18 of the Additional Protocol (II) to the Geneva Conventions of August 12, 1949.

(2) That the Government of Saudi Arabia is facilitating the delivery and installation of cranes to the port of Hodeidah that will expedite the delivery of humanitarian assistance.

(c) COMPTROLLER GENERAL REPORT.—Not later than 60 days after the submittal of the certification described in subsection (b), the Comptroller General shall submit to the appropriate committees of Congress a report assessing whether the conclusions in the certification are fully supported, and the justification for the certification pursuant to subsection (a) is sufficiently detailed, and identifying whether any shortcomings, limitations, or other reportable matters exist that affect the quality of the certification.

(d) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

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

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

(2) The term ''defense article'' has the meaning given that term in section 47 of the Arms Export Control Act (22 U.S.C. 2794).

SA 586. Mr. GRAHAM (for himself, Mr. CASSIDY, and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

TITLE I

SEC. 101. ELIMINATION OF LIMITATION ON RECAPTURE OF EXCESS ADVANCE PAYMENTS OF PREMIUM TAX CREDITS.

Subparagraph (B) of section 36B(f)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

''(iii) NONAPPLICABILITY OF LIMITATION.—This subparagraph shall not apply to taxable years ending after December 31, 2017.''.

SEC. 102. PREMIUM TAX CREDIT.

(a) PREMIUM TAX CREDIT.—

(1) MODIFICATION OF DEFINITION OF QUALIFIED HEALTH PLAN.—

(A) IN GENERAL.—Section 36B(c)(3)(A) of the Internal Revenue Code of 1986 is amended by inserting before the period at the end the following: ''or a plan that includes coverage for abortions (other than any abortion necessary to save the life of the mother or any abortion with respect to a pregnancy that is the result of an act of rape or incest)''.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to taxable years beginning after December 31, 2017.

(2) REPEAL.—

(A) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking section 36B.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to taxable years beginning after December 31, 2019.

(b) REPEAL OF ELIGIBILITY DETERMINATIONS.—

(1) IN GENERAL.—The following sections of the Patient Protection and Affordable Care Act are repealed:

(A) Section 1411 (other than subsection (i), the last sentence of subsection (e)(4)(A)(ii), and such provisions of such section solely to the extent related to the application of the last sentence of subsection (e)(4)(A)(ii)).

(B) Section 1412.

(2) EFFECTIVE DATE.—The repeals in paragraph (1) shall take effect on January 1, 2020.

(c) PROTECTING AMERICANS BY REPEAL OF DISCLOSURE AUTHORITY TO CARRY OUT ELIGIBILITY REQUIREMENTS FOR CERTAIN PROGRAMS.—

(1) IN GENERAL.—Paragraph (21) of section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) TERMINATION.—No disclosure may be made under this paragraph after December 31, 2019.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on January 1, 2020.

SEC. 103. MODIFICATIONS TO SMALL BUSINESS TAX CREDIT.

(a) SUNSET.—

(1) IN GENERAL.—Section 45R of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(j) SHALL NOT APPLY.—This section shall not apply with respect to amounts paid or incurred in taxable years beginning after December 31, 2019.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years beginning after December 31, 2019.

(b) DISALLOWANCE OF SMALL EMPLOYER HEALTH INSURANCE EXPENSE CREDIT FOR PLAN WHICH INCLUDES COVERAGE FOR ABORTION.—

(1) IN GENERAL.—Subsection (h) of section 45R of the Internal Revenue Code of 1986 is amended—

(A) by striking ''Any term'' and inserting the following:

''(1) IN GENERAL.—Any term'', and

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

''(2) EXCLUSION OF HEALTH PLANS INCLUDING COVERAGE FOR ABORTION.—The term 'qualified health plan' does not include any health plan that includes coverage for abortions (other than any abortion necessary to save the life of the mother or any abortion with respect to a pregnancy that is the result of an act of rape or incest).''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2017.

SEC. 104. INDIVIDUAL MANDATE.

(a) IN GENERAL.—Section 5000A(c) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(B)(iii), by striking ''2.5 percent'' and inserting ''Zero percent'', and

(2) in paragraph (3)—

(A) by striking ''$695'' in subparagraph (A) and inserting ''$0'', and

(B) by striking subparagraph (D).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2015.

SEC. 105. EMPLOYER MANDATE.

(a) IN GENERAL.—

(1) Paragraph (1) of section 4980H(c) of the Internal Revenue Code of 1986 is amended by inserting ''($0 in the case of months beginning after December 31, 2015)'' after ''$2,000''.

(2) Paragraph (1) of section 4980H(b) of the Internal Revenue Code of 1986 is amended by inserting ''($0 in the case of months beginning after December 31, 2015)'' after ''$3,000''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2015.

SEC. 106. SHORT TERM ASSISTANCE FOR STATES AND MARKET-BASED HEALTH CARE GRANT PROGRAM.

(a) IN GENERAL.—Section 2105 of the Social Security Act (42 U.S.C. 1397ee) is amended by adding at the end the following new subsections:

''(h) SHORT-TERM ASSISTANCE TO ADDRESS COVERAGE AND ACCESS DISRUPTION AND PROVIDE SUPPORT FOR STATES.—

''(1) APPROPRIATION.—There are authorized to be appropriated, and are appropriated, out of monies in the Treasury not otherwise obligated, $20,000,000,000 for each of calendar years 2018 and 2019, and $15,000,000,000 for calendar year 2020, to the Administrator of the Centers for Medicare & Medicaid Services (in this subsection and subsection (i) referred to as the 'Administrator') to fund arrangements with health insurance issuers to assist in the purchase of health benefits coverage by addressing coverage and access disruption and responding to urgent health care needs within States. Funds appropriated under this paragraph shall remain available until expended.

''(2) PARTICIPATION REQUIREMENTS.—

''(A) GUIDANCE.—Not later than 30 days after the date of enactment of this subsection, the Administrator shall issue guidance to health insurance issuers regarding how to submit a notice of intent to participate in the program established under this subsection.

''(B) NOTICE OF INTENT TO PARTICIPATE.—To be eligible for funding under this subsection, a health insurance issuer shall submit to the Administrator a notice of intent to participate at such time (but, in the case of funding for calendar year 2018, not later than 35 days after the date of enactment of this subsection and, in the case of funding for calendar year 2019, 2020, or 2021, not later than March 31 of the previous year) and in such form and manner as specified by the Administrator and containing—

''(i) a certification that the health insurance issuer will use the funds in accordance with the requirements of paragraph (5); and

''(ii) such information as the Administrator may require to carry out this subsection.

''(3) PROCEDURE FOR DISTRIBUTION OF FUNDS.—The Administrator shall determine

an appropriate procedure for providing and distributing funds under this subsection.

''(4) USE OF FUNDS.—Funds provided to a health insurance issuer under paragraph (1) shall be subject to the requirements of paragraphs (1)(D) and (7) of subsection (i) in the same manner as such requirements apply to States receiving payments under subsection (i) and shall be used only for the activities specified in paragraph (1)(A)(ii) of subsection (i).

''(i) MARKET-BASED HEALTH CARE GRANT PROGRAM.—

''(1) APPLICATION AND CERTIFICATION REQUIREMENTS.—To be eligible for an allotment of funds under this subsection, a State shall submit to the Administrator an application, not later than March 31, 2019, in the case of allotments for calendar year 2020, and not later than March 31 of the previous year, in the case of allotments for any subsequent calendar year) and in such form and manner as specified by the Administrator, that contains the following:

''(A) A description of how the funds will be used to do 1 or more of the following:

''(i) To establish or maintain a program or mechanism to help high-risk individuals in the purchase of health benefits coverage, including by reducing premium costs for such individuals, who have or are projected to have a high rate of utilization of health services, as measured by cost, and who do not have access to health insurance coverage offered through an employer, enroll in health insurance coverage under a plan offered in the individual market (within the meaning of section 5000A(f)(1)(C) of the Internal Revenue Code of 1986).

''(ii) To establish or maintain a program to enter into arrangements with health insurance issuers to assist in the purchase of health benefits coverage by stabilizing premiums and promoting State health insurance market participation and choice in plans offered in the individual market (within the meaning of section 5000A(f)(1)(C) of the Internal Revenue Code of 1986).

''(iii) To provide payments for health care providers for the provision of health care services, as specified by the Administrator.

''(iv) To provide health insurance coverage by funding assistance to reduce out-of-pocket costs, such as copayments, coinsurance, and deductibles, of individuals enrolled in plans offered in the individual market (within the meaning of section 5000A(f)(1)(C) of the Internal Revenue Code of 1986).

''(v) To establish or maintain a program or mechanism to help individuals purchase health benefits coverage, including by reducing premium costs for plans offered in the individual market (within the meaning of section 5000A(f)(1)(C) of the Internal Revenue Code of 1986) for individuals who do not have access to health insurance coverage offered through an employer.

''(vi) Subject to paragraph (4)(B)(iii), to provide health insurance coverage for individuals who are eligible for medical assistance under a State plan under title XIX (but are not described in section 1902(a)(10)(A)(ii)(XXIII)) by establishing or maintaining relationships with health insurance issuers to provide such coverage.

''(B) A certification that the State shall make, from non-Federal funds, expenditures for 1 or more of the activities specified in subparagraph (A) in an amount that is not less than the State percentage required for the year under paragraph (5)(B)(ii).

''(C) A certification that the funds provided under this subsection shall only be used for the activities specified in subparagraph (A).

''(D) A certification that none of the funds provided under this subsection shall be used by the State for an expenditure that is attributable to an intergovernmental transfer, certified public expenditure, or any other expenditure to finance the non-Federal share of expenditures required under any provision of law, including under the State plans established under this title and title XIX or under a waiver of such plans.

''(E) Such other information as necessary for the Administrator to carry out this subsection.

''(2) ELIGIBILITY.—Only the 50 States and the District of Columbia shall be eligible for an allotment and payments under this subsection and all references in this subsection to a State shall be treated as only referring to the 50 States and the District of Columbia.

''(3) ONE-TIME APPLICATION.—If an application of a State submitted under this subsection is approved by the Administrator for a year, the application shall be deemed to be approved by the Administrator for that year and each subsequent year through December 31, 2026.

''(4) MARKET-BASED HEALTH CARE GRANT ALLOTMENTS.—

''(A) APPROPRIATION.—For the purpose of providing allotments to States under this subsection, there is appropriated, out of any money in the Treasury not otherwise appropriated—

''(i) for calendar year 2020, [$140,000,000,000];

''(ii) for calendar year 2021, [$143,000,000,000];

''(iii) for calendar year 2022, [$146,000,000,000];

''(iv) for calendar year 2023, [$149,000,000,000];

''(v) for calendar year 2024, [$152,000,000,000];

''(vi) for calendar year 2025, [$155,000,000,000]; and

''(vii) for calendar year 2026, [$158,000,000,000].

''(B) ALLOTMENTS; AVAILABILITY OF ALLOTMENTS.—

''(i) IN GENERAL.—In the case of a State with an application approved under this subsection with respect to a year, the Administrator shall allot to the State for the year, from amounts appropriated for such year under subparagraph (A), the amount determined for the State and year under paragraph (5).

''(ii) AVAILABILITY OF ALLOTMENTS; UNUSED AMOUNTS.—

''(I) IN GENERAL.—Amounts allotted to a State for a calendar year under this subparagraph shall remain available for obligation by the State through December 31 of the second calendar year following the year for which the allotment is made.

''(II) UNUSED AMOUNTS TO BE USED FOR DEFICIT REDUCTION.—Amounts allotted to a State for a calendar year that remain unobligated on April 1 of the following year shall be deposited into the general fund of the Treasury and shall be used for deficit reduction.

''(iii) LIMITATION.—In no case may a State use more than 10 percent of the amount allotted to the State for a year under this subparagraph for the purpose described in clause (vi) of paragraph (1)(A).

''(5) DETERMINATION OF ALLOTMENT AMOUNTS.—

''(A) CALENDAR YEAR 2020.—Subject to subparagraph (B), the amount determined under this paragraph for a State for calendar year 2020 shall be equal to the sum of each of the following component amounts which is applicable to the State:

''(i) With respect to each State, an amount equal to 10 percent of the amount appropriated for calendar year 2020 under paragraph (4)(A) multiplied by the ratio of—

''(I) the number of individuals in the State whose income for calendar year 2019 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved; over

''(II) the number of individuals in all States whose income for calendar year 2019 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as so defined) applicable to a family of the size involved.

''(ii) With respect to each State, an amount equal to 20 percent of the amount so appropriated multiplied by the ratio of—

''(I) the number of individuals in the State who are not less than 45 and not more than 64 years old; over

''(II) the number of individuals in all States who are not less than 45 and not more than 64 years old.

''(iii) With respect to each State that, for calendar year 2016, had a State average per capita income that did not exceed $52,500, an amount equal to 25 percent of the amount so appropriated multiplied by the ratio of—

''(I) the number of individuals in the State whose income for calendar year 2019 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved; over

''(II) the number of individuals in all States that, for calendar year 2016, had a State average per capita income that did not exceed $52,500, whose income for calendar year 2019 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as so defined) applicable to a family of the size involved.

''(iv) With respect to each State that, for calendar year 2016, had an average population density of fewer than 15 individuals per square mile, an amount equal to 1 percent of the amount so appropriated divided by the number of such States.

''(v) With respect to each State that, for calendar year 2016, had an average population density that was greater than 14 individuals per square mile but fewer than 80 individuals per square mile, an amount equal to 3.5 percent of the amount so appropriated, divided by the number of such States.

''(vi) With respect to each State that, for calendar year 2016, had an average population density that was greater than 79 individuals per square mile but fewer than 115 individuals per square mile, an amount equal to 5.5 percent of the amount so appropriated, divided by the number of such States.

''(vii) With respect to each State that was an expansion State for calendar year 2017, an amount equal to 35 percent of the amount so appropriated multiplied by the ratio of—

''(I) the number of individuals in the State whose income for calendar year 2016 was not less than 100 percent, and not greater than 138 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved; over

''(II) the number of individuals in all States that were expansion States for calendar year 2017 whose income for calendar year 2016 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as so defined) applicable to a family of the size involved.

''(B) CALENDAR YEAR 2020 ALLOTMENT PARAMETERS.—The Secretary shall adjust the amounts of allotments determined under this paragraph for States for calendar year 2020 under subparagraph (A) as necessary to ensure that a State's allotment for calendar year 2026 (prior to any redistribution of unallotted funds under subparagraph (G)) shall in no case be—

''(i) greater than 3 times the sum of—

''(I) the amount of Federal payments made to the State for calendar year 2016 for medical assistance provided to individuals under clause (i)(VIII) or (ii)(XX) of section 1902(a)(10)(A) (including medical assistance provided to individuals who are not newly eligible (as defined in section 1905(y)(2)) individuals described in subclause (VIII) of section 1902(a)(10)(A)(i));

''(II) the amount of Federal payments made to the State for calendar year 2016 for operating a Basic Health Program under section 1331 of the Patient Protection and Affordable Care Act for such year;

''(III) the amount of advance payments of premium assistance credits allowable under section 36B of the Internal Revenue Code of 1986 made under section 1412(a) of the Patient Protection and Affordable Care Act in calendar year 2016 on behalf of individuals who purchased insurance through the Exchange established for or by the State pursuant to title I of such Act; and

''(IV) the amount of Federal payments for cost-sharing reductions provided for calendar year 2016 under section 1402 of such Act to individuals who purchased insurance through the Exchange established for or by the State pursuant to title I of such Act; or

''(ii) less than 75 percent of the sum of the amounts described in subclauses (I) through (IV) of clause (i).

''(C) CALENDAR YEARS AFTER 2020 AND BEFORE 2026.—Subject to subparagraph (F), For calendar years after 2020 and before 2026, the amount determined under this paragraph for a State and year shall be equal to—

''(i) for calendar years before 2025—

''(I) the amount determined for the State under subparagraph (A) (after adjustment under subparagraph (B), if applicable) or this subparagraph for the previous year; increased by

''(II) the percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average) from October 1 of the previous calendar year to October 1 of the calendar year involved;

''(ii) for calendar year 2025—

''(I) the amount determined for the State under this subparagraph for the previous year; increased by

''(II) the percentage increase in the consumer price index for all urban consumers (U.S. city average) from October 1 of the previous calendar year to October 1 of the calendar year involved.

''(D) CALENDAR YEAR 2026.—Subject to subparagraph (E), the amount determined under this paragraph for a State for calendar year 2026 shall be equal to the sum of each of the following component amounts which is applicable to the State:

''(i) With respect to each State, an amount equal to 15.5 percent of the amount appropriated for calendar year 2026 under paragraph (4)(A) multiplied by the ratio of—

''(I) the number of individuals in the State whose income for calendar year 2025 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved; over

''(II) the number of individuals in all States whose income for calendar year 2025 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as so defined) applicable to a family of the size involved.

''(ii) With respect to each State, an amount equal to 30 percent of the amount so appropriated multiplied by the ratio of—

''(I) the number of individuals in the State who are not less than 45 and not more than 64 years old; over

''(II) the number of individuals in all States who are not less than 45 and not more than 64 years old.

''(iii) With respect to each State that, for calendar year 2025, had a State average per capita income that did not exceed $52,500, an amount equal to 39 percent of the amount so appropriated multiplied by the ratio of—

''(I) the number of individuals in the State whose income for calendar year 2025 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved; over

''(II) the number of individuals in all States that, for calendar year 2025, had a State average per capita income that did not exceed $52,500, whose income for calendar year 2019 was not less than 100 percent, and not greater than 138 percent, of the poverty line (as so defined) applicable to a family of the size involved.

''(iv) With respect to each State that, for calendar year 2025, had an average population density of fewer than 15 individuals per square mile, an amount equal to 1.5 percent of the amount so appropriated divided by the number of such States.

''(v) With respect to each State that, for calendar year 2025, had an average population density that was greater than 14 individuals per square mile but fewer than 80 individuals per square mile, an amount equal to 5.5 percent of the amount so appropriated, divided by the number of such States.

''(vi) With respect to each State that, for calendar year 2025, had an average population density that was greater than 79 individuals per square mile but fewer than 115 individuals per square mile, an amount equal to 8.5 percent of the amount so appropriated, divided by the number of such States.

''(E) CALENDAR YEAR 2026 ALLOTMENT PARAMETERS.—The Secretary shall adjust the amounts of allotments determined under this paragraph for States for calendar year 2026 as necessary to ensure that a State's allotment for calendar year 2026 (prior to any adjustment which may be applicable under subparagraph (F) or distribution under subparagraph (G)) shall in no case be—

''(i) greater than 3.5 times the sum of—

''(I) the amount of Federal payments made to the State for calendar year 2016 for medical assistance provided to individuals under clause (i)(VIII) or (ii)(XX) of section 1902(a)(10)(A) (including medical assistance provided to individuals who are not newly eligible (as defined in section 1905(y)(2)) individuals described in subclause (VIII) of section 1902(a)(10)(A)(i));

''(II) the amount of Federal payments made to the State for calendar year 2016 for operating a Basic Health Program under section 1331 of the Patient Protection and Affordable Care Act for such year;

''(III) the amount of advance payments of premium assistance credits allowable under section 36B of the Internal Revenue Code of 1986 made under section 1412(a) of the Patient Protection and Affordable Care Act in calendar year 2016 on behalf of individuals who purchased insurance through the Exchange established for or by the State pursuant to title I of such Act; and

''(IV) the amount of Federal payments for cost-sharing reductions provided for calendar year 2016 under section 1402 of such Act to individuals who purchased insurance through the Exchange established for or by the State pursuant to title I of such Act; or

''(ii) less than 75 percent of the sum of the amounts described in subclauses (I) through (IV) of clause (i).

''(F) LOW INCOME POPULATION ADJUSTMENT.—

''(i) FOR CALENDAR YEARS 2021 THROUGH 2025.—For each of calendar years 2021, 2022, 2023, 2024, and 2025 if a State's low income per capita allotment amount for the year (as defined in clause (iii))—

''(I) exceeds the mean low income per capita allotment amount for all States for the year by not less than 15 percent, the State's allotment for the year (as determined under subparagraph (C)) shall be reduced by a percentage that shall be determined by the Secretary but which shall not be less than 0.5 percent or greater than 5 percent; or

''(II) is not less than 15 percent below the mean low income per capita allotment amount for all States for the year, the State's allotment for the year (as so determined) shall be increased by a percentage that shall be determined by the Secretary but which shall not be less than 0.5 percent or greater than 5 percent.

''(ii) FOR CALENDAR YEAR 2026.—For calendar year 2026, Secretary shall adjust the allotment for the year for each State with a low income per capita allotment amount (as defined in clause (iii)) that exceeds the mean low income per capita allotment amount for all States for the year by more than 10 percent or is below such mean amount by not less than 10 percent in such a manner that the low income per capita allotment for each such State (after the adjustment under this clause) is within 10 percent of such mean amount.

''(iii) LOW INCOME PER CAPITA ALLOTMENT AMOUNT.—

''(I) IN GENERAL.—The term 'low income per capita allotment amount' means, with respect to a State and year and subject to adjustment under subclause (II), an amount equal to—

''(aa) the State's allotment for the year, as determined under subparagraph (C); divided by

''(bb) the number of individuals in the State—

''(AA) whose income for the previous calendar year did not exceed 138 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved; and

''(BB) who, during the previous calendar year, were not enrolled under the State plan under title XIX (except that, in the case of an individual who is enrolled under the State plan under clause (i)(VIII), (ii)(XX), or (ii)(XXIII) of section 1902(a)(10)(A) or is described in any such clause and is enrolled under a waiver of such plan, shall not be considered to be enrolled under such State plan for purposes of this clause).

''(II) ADJUSTMENT FOR ADDITIONAL SIGNIFICANT FACTORS.—The Secretary may adjust the amount determined for a State and year under subclause (I) if the Secretary determines an adjustment to be appropriate based on statistically and actuarially significant factors, which may include—

''(aa) the population of older individuals in the State, relative to other States;

''(bb) disease burdens for the State, relative to other States; and

''(cc) variations in regional costs of care.

''(iv) RULES OF APPLICATION.—

''(I) BUDGET NEUTRALITY REQUIREMENT.—In determining the appropriate percentages by which to adjust States' allotments for a calendar year under this subparagraph, the Secretary shall make such adjustments in a manner that does not result in a net increase in Federal payments under this section for such year, and if the Secretary cannot adjust such expenditures in such a manner there shall be no adjustment under this paragraph for such year.

''(II) NONAPPLICATION TO LOW-DENSITY STATES.—This paragraph shall not apply to any State that has a population density of less than 15 individuals per square mile,

based on the most recent data available from the Bureau of the Census.

''(G) REDUCTION FOR EXPENDITURES ON EXPANSION POPULATION.—In the case of an expansion State, the amount of the allotment determined for the State for a calendar year under this paragraph shall be reduced by the amount of Federal payments received by the State for medical assistance provided to individuals under section 1902(a)(10)(A)(ii)(XXIII) for the year.

''(H) DISTRIBUTION OF UNALLOTTED FUNDS.—To the extent that any funds appropriated for a calendar year under paragraph (4)(A) remain unallotted after the determinations, adjustments, and reductions made under the preceding subparagraphs of this paragraph, the Secretary shall increase the allotments so determined and adjusted for States that have a low income per capita allotment amount that is below the mean low income per capita allotment amount for all States in a manner to be determined by the Secretary.

''(I) EXPANSION STATE DEFINED.—In this paragraph, the term 'expansion State' means, with respect to a State and year, a State that provided for eligibility for medical assistance under the State plan established under title XIX on the basis of clause (i)(VIII) or (ii)(XX) of section 1902(a)(10)(A) (or provided eligibility for individuals described in either such clause under a waiver approved under section 1115) during calendar year 2017.

''(6) PAYMENTS.—

''(A) ANNUAL PAYMENT OF ALLOTMENTS.—Subject to subparagraph (B), the Administrator shall pay to each State that has an application approved under this subsection for a year, from the amount allotted to the State under paragraph (4)(B) for the year, an amount equal to the Federal percentage of the State's expenditures for the year.

''(B) STATE EXPENDITURES REQUIRED BEGINNING 2022.—For purposes of subparagraph (A), the Federal percentage is equal to 100 percent reduced by the State percentage for that year, and the State percentage is equal to—

''(i) in the case of calendar year 2020, 3 percent;

''(ii) in the case of calendar year 2021, 3 percent;

''(iii) in the case of calendar year 2022, 4 percent;

''(iv) in the case of calendar year 2023, 4 percent;

''(v) in the case of calendar year 2024, 5 percent;

''(vi) in the case of calendar year 2025, 5 percent; and

''(vii) in the case of calendar year 2026, 5 percent.

''(C) ADVANCE PAYMENT; RETROSPECTIVE ADJUSTMENT.—

''(i) IN GENERAL.—If the Administrator deems it appropriate, the Administrator shall make payments under this subsection for each year on the basis of advance estimates of expenditures submitted by the State and such other investigation as the Administrator shall find necessary, and shall reduce or increase the payments as necessary to adjust for any overpayment or underpayment for prior years.

''(ii) MISUSE OF FUNDS.—If the Administrator determines that a State is not using funds paid to the State under this subsection in a manner consistent with the description provided by the State in its application approved under paragraph (1), the Administrator may withhold payments, reduce payments, or recover previous payments to the State under this subsection as the Administrator deems appropriate.

''(D) FLEXIBILITY IN SUBMITTAL OF CLAIMS.—Nothing in this subsection shall be construed as preventing a State from claiming as expenditures in the year expenditures that were incurred in a previous year.

''(7) EXEMPTIONS.—Paragraphs (2), (3), (5), (6), (8), (10), and (11) of subsection (c) do not apply to payments under this subsection.''.

(b) OTHER TITLE XXI AMENDMENTS.—

(1) Section 2101 of such Act (42 U.S.C. 1397aa) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking ''The purpose'' and inserting ''Except with respect to short-term assistance activities under section 2105(h) and the Market-Based Health Care Grant Program established in section 2105(i), the purpose''; and

(B) in subsection (b), in the matter preceding paragraph (1), by inserting ''subsection (a) or (g) of'' before ''section 2105''.

(2) Section 2105(c)(1) of such Act (42 U.S.C. 1397ee(c)(1)) is amended by striking ''and may not include'' and inserting ''or to carry out short-term assistance activities under subsection (h) or the Market-Based Health Care Grant Program established in subsection (i) and, except in the case of funds made available under subsection (h) or (i), may not include''.

(3) Section 2106(a)(1) of such Act (42 U.S.C. 1397ff(a)(1)) is amended by inserting ''subsection (a) or (g) of'' before ''section 2105''.

SEC. 107. BETTER CARE RECONCILIATION IMPLEMENTATION FUND.

(a) IN GENERAL.—There is hereby established a Better Care Reconciliation Implementation Fund (referred to in this section as the ''Fund'') within the Department of Health and Human Services to provide for Federal administrative expenses in carrying out this Act.

(b) FUNDING.—There is appropriated to the Fund, out of any funds in the Treasury not otherwise appropriated, $2,000,000,000.

SEC. 108. REPEAL OF THE TAX ON EMPLOYEE HEALTH INSURANCE PREMIUMS AND HEALTH PLAN BENEFITS.

(a) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 is amended by striking section 4980I.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2019.

(c) SUBSEQUENT EFFECTIVE DATE.—The amendment made by subsection (a) shall not apply to taxable years beginning after December 31, 2025, and chapter 43 of the Internal Revenue Code of 1986 is amended to read as such chapter would read if such subsection had never been enacted.

SEC. 109. REPEAL OF TAX ON OVER-THE-COUNTER MEDICATIONS.

(a) HSAS.—Subparagraph (A) of section 223(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''Such term'' and all that follows through the period.

(b) ARCHER MSAS.—Subparagraph (A) of section 220(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''Such term'' and all that follows through the period.

(c) HEALTH FLEXIBLE SPENDING ARRANGEMENTS AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Section 106 of the Internal Revenue Code of 1986 is amended by striking subsection (f).

(d) EFFECTIVE DATES.—

(1) DISTRIBUTIONS FROM SAVINGS ACCOUNTS.—The amendments made by subsections (a) and (b) shall apply to amounts paid with respect to taxable years beginning after December 31, 2016.

(2) REIMBURSEMENTS.—The amendment made by subsection (c) shall apply to expenses incurred with respect to taxable years beginning after December 31, 2016.

SEC. 110. REPEAL OF TAX ON HEALTH SAVINGS ACCOUNTS.

(a) HSAS.—Section 223(f)(4)(A) of the Internal Revenue Code of 1986 is amended by striking ''20 percent'' and inserting ''10 percent''.

(b) ARCHER MSAS.—Section 220(f)(4)(A) of the Internal Revenue Code of 1986 is amended by striking ''20 percent'' and inserting ''15 percent''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after December 31, 2016.

SEC. 111. REPEAL OF MEDICAL DEVICE EXCISE TAX.

Section 4191 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) APPLICABILITY.—The tax imposed under subsection (a) shall not apply to sales after December 31, 2017.''.

SEC. 112. REPEAL OF ELIMINATION OF DEDUCTION FOR EXPENSES ALLOCABLE TO MEDICARE PART D SUBSIDY.

(a) IN GENERAL.—Section 139A of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''This section shall not be taken into account for purposes of determining whether any deduction is allowable with respect to any cost taken into account in determining such payment.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2016.

SEC. 113. PURCHASE OF INSURANCE FROM HEALTH SAVINGS ACCOUNT.

(a) IN GENERAL.—Paragraph (2) of section 223(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and any dependent (as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof) of such individual'' in subparagraph (A) and inserting ''any dependent (as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof) of such individual, and any child (as defined in section 152(f)(1)) of such individual who has not attained the age of 27 before the end of such individual's taxable year'',

(2) by striking subparagraph (B) and inserting the following:

''(B) HEALTH INSURANCE MAY NOT BE PURCHASED FROM ACCOUNT.—Except as provided in subparagraph (C), subparagraph (A) shall not apply to any payment for insurance.'', and

(3) by striking ''or'' at the end of subparagraph (C)(iii), by striking the period at the end of subparagraph (C)(iv) and inserting '', or'', and by adding at the end the following:

''(v) a high deductible health plan but only to the extent of the portion of such expense in excess of—

''(I) any amount allowable as a credit under section 36B for the taxable year with respect to such coverage,

''(II) any amount allowable as a deduction under section 162(l) with respect to such coverage, or

''(III) any amount excludable from gross income with respect to such coverage under section 106 (including by reason of section 125) or 402(l).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to amounts paid for expenses incurred for, and distributions made for, coverage under a high deductible health plan beginning after December 31, 2017.

SEC. 114. PRIMARY CARE ENHANCEMENT.

(a) TREATMENT OF DIRECT PRIMARY CARE SERVICE ARRANGEMENTS.—Section 223(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) TREATMENT OF DIRECT PRIMARY CARE SERVICE ARRANGEMENTS.—An arrangement under which an individual is provided coverage restricted to primary care services in

exchange for a fixed periodic fee or payment for such services—

''(A) shall not be treated as a health plan for purposes of paragraph (1)(A)(ii), and

''(B) shall not be treated as insurance for purposes of subsection (d)(2)(B).''.

(b) CERTAIN PROVIDER FEES TO BE TREATED AS MEDICAL CARE.—Section 213(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(12) PERIODIC PROVIDER FEES.—The term 'medical care' shall include periodic fees paid for a defined set of primary care medical services provided on an as-needed basis.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2016.

SEC. 115. MAXIMUM CONTRIBUTION LIMIT TO HEALTH SAVINGS ACCOUNT INCREASED TO AMOUNT OF DEDUCTIBLE AND OUT-OF-POCKET LIMITATION.

(a) SELF-ONLY COVERAGE.—Section 223(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking ''$2,250'' and inserting ''the amount in effect under subsection (c)(2)(A)(ii)(I)''.

(b) FAMILY COVERAGE.—Section 223(b)(2)(B) of such Code is amended by striking ''$4,500'' and inserting ''the amount in effect under subsection (c)(2)(A)(ii)(II)''.

(c) COST-OF-LIVING ADJUSTMENT.—Section 223(g)(1) of such Code is amended—

(1) by striking ''subsections (b)(2) and'' both places it appears and inserting ''subsection'', and

(2) in subparagraph (B), by striking ''determined by'' and all that follows through '' 'calendar year 2003'.'' and inserting ''determined by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 116. ALLOW BOTH SPOUSES TO MAKE CATCH-UP CONTRIBUTIONS TO THE SAME HEALTH SAVINGS ACCOUNT.

(a) IN GENERAL.—Section 223(b)(5) of the Internal Revenue Code of 1986 is amended to read as follows:

''(5) SPECIAL RULE FOR MARRIED INDIVIDUALS WITH FAMILY COVERAGE.—

''(A) IN GENERAL.—In the case of individuals who are married to each other, if both spouses are eligible individuals and either spouse has family coverage under a high deductible health plan as of the first day of any month—

''(i) the limitation under paragraph (1) shall be applied by not taking into account any other high deductible health plan coverage of either spouse (and if such spouses both have family coverage under separate high deductible health plans, only one such coverage shall be taken into account),

''(ii) such limitation (after application of clause (i)) shall be reduced by the aggregate amount paid to Archer MSAs of such spouses for the taxable year, and

''(iii) such limitation (after application of clauses (i) and (ii)) shall be divided equally between such spouses unless they agree on a different division.

''(B) TREATMENT OF ADDITIONAL CONTRIBUTION AMOUNTS.—If both spouses referred to in subparagraph (A) have attained age 55 before the close of the taxable year, the limitation referred to in subparagraph (A)(iii) which is subject to division between the spouses shall include the additional contribution amounts determined under paragraph (3) for both spouses. In any other case, any additional contribution amount determined under paragraph (3) shall not be taken into account under subparagraph (A)(iii) and shall not be subject to division between the spouses.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 117. SPECIAL RULE FOR CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF HEALTH SAVINGS ACCOUNT.

(a) IN GENERAL.—Section 223(d)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) TREATMENT OF CERTAIN MEDICAL EXPENSES INCURRED BEFORE ESTABLISHMENT OF ACCOUNT.—If a health savings account is established during the 60-day period beginning on the date that coverage of the account beneficiary under a high deductible health plan begins, then, solely for purposes of determining whether an amount paid is used for a qualified medical expense, such account shall be treated as having been established on the date that such coverage begins.''.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to coverage under a high deductible health plan beginning after December 31, 2017.

SEC. 118. EXCLUSION FROM HSAS OF HIGH DEDUCTIBLE HEALTH PLANS INCLUDING COVERAGE FOR ABORTION.

(a) IN GENERAL.—Subparagraph (C) of section 223(d)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following flush sentence:

''A high deductible health plan shall not be treated as described in clause (v) if such plan includes coverage for abortions (other than any abortion necessary to save the life of the mother or any abortion with respect to a pregnancy that is the result of an act of rape or incest).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to coverage under a high deductible health plan beginning after December 31, 2017.

SEC. 119. FEDERAL PAYMENTS TO STATES.

(a) IN GENERAL.—Notwithstanding section 504(a), 1902(a)(23), 1903(a), 2002, 2005(a)(4), 2102(a)(7), or 2105(a)(1) of the Social Security Act (42 U.S.C. 704(a), 1396a(a)(23), 1396b(a), 1397a, 1397d(a)(4), 1397bb(a)(7), 1397ee(a)(1)), or the terms of any Medicaid waiver in effect on the date of enactment of this Act that is approved under section 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1396n), for the 1-year period beginning on the date of enactment of this Act, no Federal funds provided from a program referred to in this subsection that is considered direct spending for any year may be made available to a State for payments to a prohibited entity, whether made directly to the prohibited entity or through a managed care organization under contract with the State.

(b) DEFINITIONS.—In this section:

(1) PROHIBITED ENTITY.—The term ''prohibited entity'' means an entity, including its affiliates, subsidiaries, successors, and clinics—

(A) that, as of the date of enactment of this Act—

(i) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(ii) is an essential community provider described in section 156.235 of title 45, Code of Federal Regulations (as in effect on the date of enactment of this Act), that is primarily engaged in family planning services, reproductive health, and related medical care; and

(iii) provides for abortions, other than an abortion—

(I) if the pregnancy is the result of an act of rape or incest; or

(II) in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself; and

(B) for which the total amount of Federal and State expenditures under the Medicaid program under title XIX of the Social Security Act in fiscal year 2014 made directly to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity, or made to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity as part of a nationwide health care provider network, exceeded $1,000,000.

(2) DIRECT SPENDING.—The term ''direct spending'' has the meaning given that term under section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)).

SEC. 120. MEDICAID.

The Social Security Act (42 U.S.C. 301 et seq.) is amended—

(1) in section 1902—

(A) in subsection (a)(10)(A), in each of clauses (i)(VIII) and (ii)(XX), by inserting ''and ending December 31, 2019,'' after ''January 1, 2014,''; and

(B) in subsection (a)(47)(B), by inserting ''and provided that any such election shall cease to be effective on January 1, 2020, and no such election shall be made after that date'' before the semicolon at the end;

(2) in section 1905—

(A) in the first sentence of subsection (b), by inserting ''(50 percent on or after January 1, 2020)'' after ''55 percent'';

(B) in subsection (y)(1), by striking the semicolon at the end of subparagraph (D) and all that follows through ''thereafter''; and

(C) in subsection (z)(2)—

(i) in subparagraph (A), by inserting ''through 2019'' after ''each year thereafter''; and

(ii) in subparagraph (B)(ii)(VI), by striking ''and each subsequent year'';

(3) in section 1915(k)(2), by striking ''during the period described in paragraph (1)'' and inserting ''on or after the date referred to in paragraph (1) and before January 1, 2020'';

(4) in section 1920(e), by adding at the end the following: ''This subsection shall not apply after December 31, 2019.'';

(5) in section 1937(b)(5), by adding at the end the following: ''This paragraph shall not apply after December 31, 2019.''; and

(6) in section 1943(a), by inserting ''and before January 1, 2020,'' after ''January 1, 2014,''.

SEC. 121. REPEAL OF MEDICAID EXPANSION.

Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) in section 1902 (42 U.S.C. 1396a)—

(A) in subsection (a)(10)(A)—

(i) in clause (i)(VIII), by inserting ''and ending December 31, 2019,'' after ''2014,'';

(ii) in clause (ii)(XX), by inserting ''and ending December 31, 2017,'' after ''2014,''; and

(iii) in clause (ii), by adding at the end the following new subclause:

''(XXIII) beginning January 1, 2020, who are expansion enrollees (as defined in subsection (nn)(1));''; and

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

''(nn) EXPANSION ENROLLEES.—In this title:

''(1) IN GENERAL.—The term 'expansion enrollee' means an individual—

''(A) who is under 65 years of age;

''(B) who is not pregnant;

''(C) who is not entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of title XVIII;

''(D) who is not described in any of subclauses (I) through (VII) of subsection (a)(10)(A)(i); and

''(E) whose income (as determined under subsection (e)(14)) does not exceed 133 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved.

''(2) APPLICATION OF RELATED PROVISIONS.—Any reference in subsection (a)(10)(G), (k), or (gg) of this section or in section 1903, 1905(a), 1920(e), or 1937(a)(1)(B) to individuals described in subclause (VIII) of subsection (a)(10)(A)(i) shall be deemed to include a reference to expansion enrollees.''; and

(2) in section 1905 (42 U.S.C. 1396d)—

(A) in subsection (y)(1), by striking ''; and'' at the end of subparagraph (D) and all that follows through ''thereafter''; and

(B) in subsection (z)(2)—

(i) in subparagraph (A), by striking ''each year thereafter'' and inserting ''through 2019''; and

(ii) in subparagraph (B)(ii), by striking ''is 80 percent'' in subclause (IV) and all that follows through ''100 percent'' and inserting ''and subsequent years is 80 percent''.

SEC. 122. REDUCING STATE MEDICAID COSTS.

(a) IN GENERAL.—

(1) STATE PLAN REQUIREMENTS.—Section 1902(a)(34) of the Social Security Act (42 U.S.C. 1396a(a)(34)) is amended by striking ''in or after the third month'' and all that follows through ''individual)'' and inserting ''in or after the month in which the individual (or, in the case of a deceased individual, another individual acting on the individual's behalf) made application (or, in the case of an individual who is 65 years of age or older or who is eligible for medical assistance under the plan on the basis of being blind or disabled, in or after the third month before such month)''.

(2) DEFINITION OF MEDICAL ASSISTANCE.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended by striking ''in or after the third month before the month in which the recipient makes application for assistance'' and inserting ''in or after the month in which the recipient makes application for assistance, or, in the case of a recipient who is 65 years of age or older or who is eligible for medical assistance on the basis of being blind or disabled at the time application is made, in or after the third month before the month in which the recipient makes application for assistance,''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to medical assistance with respect to individuals whose eligibility for such assistance is based on an application for such assistance made (or deemed to be made) on or after October 1, 2017.

SEC. 123. ELIGIBILITY REDETERMINATIONS.

(a) IN GENERAL.—Section 1902(e)(14) of the Social Security Act (42 U.S.C. 1396a(e)(14)) (relating to modified adjusted gross income) is amended by adding at the end the following:

''(J) FREQUENCY OF ELIGIBILITY REDETERMINATIONS.—Beginning on October 1, 2017, and notwithstanding subparagraph (H), in the case of an individual whose eligibility for medical assistance under the State plan under this title (or a waiver of such plan) is determined based on the application of modified adjusted gross income under subparagraph (A) and who is so eligible on the basis of clause (i)(VIII), (ii)(XX), or (ii)(XXIII) of subsection (a)(10)(A), at the option of the State, the State plan may provide that the individual's eligibility shall be redetermined every 6 months (or such shorter number of months as the State may elect).''.

(b) INCREASED ADMINISTRATIVE MATCHING PERCENTAGE.—For each calendar quarter during the period beginning on October 1, 2017, and ending on December 31, 2019, the Federal matching percentage otherwise applicable under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) with respect to State expenditures during such quarter that are attributable to meeting the requirement of section 1902(e)(14) (relating to determinations of eligibility using modified adjusted gross income) of such Act shall be increased by 5 percentage points with respect to State expenditures attributable to activities carried out by the State (and approved by the Secretary) to exercise the option described in subparagraph (J) of such section (relating to eligibility redeterminations made on a 6-month or shorter basis) (as added by subsection (a)) to increase the frequency of eligibility redeterminations.

SEC. 124. OPTIONAL WORK REQUIREMENT FOR NONDISABLED, NONELDERLY, NONPREGNANT INDIVIDUALS.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a), as previously amended, is further amended by adding at the end the following new subsection:

''(oo) OPTIONAL WORK REQUIREMENT FOR NONDISABLED, NONELDERLY, NONPREGNANT INDIVIDUALS.—

''(1) IN GENERAL.—Beginning October 1, 2017, subject to paragraph (3), a State may elect to condition medical assistance to a nondisabled, nonelderly, nonpregnant individual under this title upon such an individual's satisfaction of a work requirement (as defined in paragraph (2)).

''(2) WORK REQUIREMENT DEFINED.—In this section, the term 'work requirement' means, with respect to an individual, the individual's participation in work activities (as defined in section 407(d)) for such period of time as determined by the State, and as directed and administered by the State.

''(3) REQUIRED EXCEPTIONS.—States administering a work requirement under this subsection may not apply such requirement to—

''(A) a woman during pregnancy through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends;

''(B) an individual who is under 19 years of age;

''(C) an individual who is the only parent or caretaker relative in the family of a child who has not attained 6 years of age or who is the only parent or caretaker of a child with disabilities; or

''(D) an individual who is married or a head of household and has not attained 20 years of age and who—

''(i) maintains satisfactory attendance at secondary school or the equivalent; or

''(ii) participates in education directly related to employment.''.

(b) INCREASE IN MATCHING RATE FOR IMPLEMENTATION.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following:

''(aa) The Federal matching percentage otherwise applicable under subsection (a) with respect to State administrative expenditures during a calendar quarter for which the State receives payment under such subsection shall, in addition to any other increase to such Federal matching percentage, be increased for such calendar quarter by 5 percentage points with respect to State expenditures attributable to activities carried out by the State (and approved by the Secretary) to implement subsection (oo) of section 1902.''.

SEC. 125. PROVIDER TAXES.

Section 1903(w)(4)(C) of the Social Security Act (42 U.S.C. 1396b(w)(4)(C)) is amended by adding at the end the following new clause:

''(iii) For purposes of clause (i), a determination of the existence of an indirect guarantee shall be made under paragraph (3)(i) of section 433.68(f) of title 42, Code of Federal Regulations, as in effect on June 1, 2017, except that—

''(I) for fiscal year 2021, '5.8 percent' shall be substituted for '6 percent' each place it appears;

''(II) for fiscal year 2022, '5.6 percent' shall be substituted for '6 percent' each place it appears;

''(III) for fiscal year 2023, '5.4 percent' shall be substituted for '6 percent' each place it appears;

''(IV) for fiscal year 2024, '5.2 percent' shall be substituted for '6 percent' each place it appears; and

''(V) for fiscal year 2025 and each subsequent fiscal year, '5 percent' shall be substituted for '6 percent' each place it appears.''.

SEC. 126. PER CAPITA ALLOTMENT FOR MEDICAL ASSISTANCE.

(a) IN GENERAL.—Title XIX of the Social Security Act is amended—

(1) in section 1903 (42 U.S.C. 1396b)—

(A) in subsection (a), in the matter before paragraph (1), by inserting ''and section 1903A(a)'' after ''except as otherwise provided in this section''; and

(B) in subsection (d)(1), by striking ''to which'' and inserting ''to which, subject to section 1903A(a),''; and

(2) by inserting after such section 1903 the following new section:

''SEC. 1903A. PER CAPITA-BASED CAP ON PAYMENTS FOR MEDICAL ASSISTANCE.

''(a) APPLICATION OF PER CAPITA CAP ON PAYMENTS FOR MEDICAL ASSISTANCE EXPENDITURES.—

''(1) IN GENERAL.—If a State which is one of the 50 States or the District of Columbia has excess aggregate medical assistance expenditures (as defined in paragraph (2)) for a fiscal year (beginning with fiscal year 2020), the amount of payment to the State under section 1903(a)(1) for each quarter in the following fiscal year shall be reduced by ¼ of the excess aggregate medical assistance payments (as defined in paragraph (3)) for that previous fiscal year. In this section, the term 'State' means only the 50 States and the District of Columbia.

''(2) EXCESS AGGREGATE MEDICAL ASSISTANCE EXPENDITURES.—In this subsection, the term 'excess aggregate medical assistance expenditures' means, for a State for a fiscal year, the amount (if any) by which—

''(A) the amount of the adjusted total medical assistance expenditures (as defined in subsection (b)(1)) for the State and fiscal year; exceeds

''(B) the amount of the target total medical assistance expenditures (as defined in subsection (c)) for the State and fiscal year.

''(3) EXCESS AGGREGATE MEDICAL ASSISTANCE PAYMENTS.—In this subsection, the term 'excess aggregate medical assistance payments' means, for a State for a fiscal year, the product of—

''(A) the excess aggregate medical assistance expenditures (as defined in paragraph (2)) for the State for the fiscal year; and

''(B) the Federal average medical assistance matching percentage (as defined in paragraph (4)) for the State for the fiscal year.

''(4) FEDERAL AVERAGE MEDICAL ASSISTANCE MATCHING PERCENTAGE.—In this subsection, the term 'Federal average medical assistance matching percentage' means, for a State for a fiscal year, the ratio (expressed as a percentage) of—

''(A) the amount of the Federal payments that would be made to the State under section 1903(a)(1) for medical assistance expenditures for calendar quarters in the fiscal year if paragraph (1) did not apply; to

''(B) the amount of the medical assistance expenditures for the State and fiscal year.

''(5) PER CAPITA BASE PERIOD.—

''(A) IN GENERAL.—In this section, the term 'per capita base period' means, with respect

to a State, a period of 8 (or, in the case of a State selecting a period under subparagraph (D), not less than 4) consecutive fiscal quarters selected by the State.

''(B) TIMELINE.—Each State shall submit its selection of a per capita base period to the Secretary not later than January 1, 2018.

''(C) PARAMETERS.—In selecting a per capita base period under this paragraph, a State shall—

''(i) only select a period of 8 (or, in the case of a State selecting a base period under subparagraph (D), not less than 4) consecutive fiscal quarters for which all the data necessary to make determinations required under this section is available, as determined by the Secretary; and

''(ii) shall not select any period of 8 (or, in the case of a State selecting a base period under subparagraph (D), not less than 4) consecutive fiscal quarters that begins with a fiscal quarter earlier than the first quarter of fiscal year 2014 or ends with a fiscal quarter later than the third fiscal quarter of 2017.

''(D) BASE PERIOD FOR LATE-EXPANDING STATES.—

''(i) IN GENERAL.—In the case of a State that did not provide for medical assistance for the 1903A enrollee category described in subsection (e)(2)(D) as of the first day of the fourth fiscal quarter of fiscal year 2015 but which provided for such assistance for such category in a subsequent fiscal quarter that is not later than the fourth quarter of fiscal year 2016, the State may select a per capita base period that is less than 8 consecutive fiscal quarters, but in no case shall the period selected be less than 4 consecutive fiscal quarters.

''(ii) APPLICATION OF OTHER REQUIREMENTS.—Except for the requirement that a per capita base period be a period of 8 consecutive fiscal quarters, all other requirements of this paragraph shall apply to a per capita base period selected under this subparagraph.

''(iii) APPLICATION OF BASE PERIOD ADJUSTMENTS.—The adjustments to amounts for per capita base periods required under subsections (b)(5) and (d)(4)(E) shall be applied to amounts for per capita base periods selected under this subparagraph by substituting 'divided by the ratio that the number of quarters in the base period bears to 4' for 'divided by 2'.

''(E) ADJUSTMENT BY THE SECRETARY.—If the Secretary determines that a State took actions after the date of enactment of this section (including making retroactive adjustments to supplemental payment data in a manner that affects a fiscal quarter in the per capita base period) to diminish the quality of the data from the per capita base period used to make determinations under this section, the Secretary may adjust the data as the Secretary deems appropriate.

''(b) ADJUSTED TOTAL MEDICAL ASSISTANCE EXPENDITURES.—Subject to subsection (g), the following shall apply:

''(1) IN GENERAL.—In this section, the term 'adjusted total medical assistance expenditures' means, for a State—

''(A) for the State's per capita base period (as defined in subsection (a)(5)), the product of—

''(i) the amount of the medical assistance expenditures (as defined in paragraph (2) and adjusted under paragraph (5)) for the State and period, reduced by the amount of any excluded expenditures (as defined in paragraph (3) and adjusted under paragraph (5)) for the State and period otherwise included in such medical assistance expenditures; and

''(ii) the 1903A base period population percentage (as defined in paragraph (4)) for the State; or

''(B) for fiscal year 2019 or a subsequent fiscal year, the amount of the medical assistance expenditures (as defined in paragraph (2)) for the State and fiscal year that is attributable to 1903A enrollees, reduced by the amount of any excluded expenditures (as defined in paragraph (3)) for the State and fiscal year otherwise included in such medical assistance expenditures and includes non-DSH supplemental payments (as defined in subsection (d)(4)(A)(ii)) and payments described in subsection (d)(4)(A)(iii) but shall not be construed as including any expenditures attributable to the program under section 1928 (relating to State pediatric vaccine distribution programs). In applying subparagraph (B), non-DSH supplemental payments (as defined in subsection (d)(4)(A)(ii)) and payments described in subsection (d)(4)(A)(iii) shall be treated as fully attributable to 1903A enrollees.

''(2) MEDICAL ASSISTANCE EXPENDITURES.—In this section, the term 'medical assistance expenditures' means, for a State and fiscal year or per capita base period, the medical assistance payments as reported by medical service category on the Form CMS-64 quarterly expense report (or successor to such a report form, and including enrollment data and subsequent adjustments to any such report, in this section referred to collectively as a 'CMS-64 report') for quarters in the year or base period for which payment is (or may otherwise be) made pursuant to section 1903(a)(1), adjusted, in the case of a per capita base period, under paragraph (5).

''(3) EXCLUDED EXPENDITURES.—In this section, the term 'excluded expenditures' means, for a State and fiscal year or per capita base period, expenditures under the State plan (or under a waiver of such plan) that are attributable to any of the following:

''(A) DSH.—Payment adjustments made for disproportionate share hospitals under section 1923.

''(B) MEDICARE COST-SHARING.—Payments made for medicare cost-sharing (as defined in section 1905(p)(3)).

''(C) SAFETY NET PROVIDER PAYMENT ADJUSTMENTS IN NON-EXPANSION STATES.—Payment adjustments under subsection (a) of section 1923A for which payment is permitted under subsection (c) of such section.

''(D) EXPENDITURES FOR PUBLIC HEALTH EMERGENCIES.—Any expenditures that are subject to a public health emergency exclusion under paragraph (6).

''(4) 1903A BASE PERIOD POPULATION PERCENTAGE.—In this subsection, the term '1903A base period population percentage' means, for a State, the Secretary's calculation of the percentage of the actual medical assistance expenditures, as reported by the State on the CMS–64 reports for calendar quarters in the State's per capita base period, that are attributable to 1903A enrollees (as defined in subsection (e)(1)).

''(5) ADJUSTMENTS FOR PER CAPITA BASE PERIOD.—In calculating medical assistance expenditures under paragraph (2) and excluded expenditures under paragraph (3) for a State for the State's per capita base period, the total amount of each type of expenditure for the State and base period shall be divided by 2.

''(6) AUTHORITY TO EXCLUDE STATE EXPENDITURES FROM CAPS DURING PUBLIC HEALTH EMERGENCY.—

''(A) IN GENERAL.—During the period that begins on January 1, 2020, and ends on December 31, 2024, the Secretary may exclude, from a State's medical assistance expenditures for a fiscal year or portion of a fiscal year that occurs during such period, an amount that shall not exceed the amount determined under subparagraph (B) for the State and year or portion of a year if—

''(i) a public health emergency declared by the Secretary pursuant to section 319 of the Public Health Service Act existed within the State during such year or portion of a year; and

''(ii) the Secretary determines that such an exemption would be appropriate.

''(B) MAXIMUM AMOUNT OF ADJUSTMENT.—The amount excluded for a State and fiscal year or portion of a fiscal year under this paragraph shall not exceed the amount by which—

''(i) the amount of State expenditures for medical assistance for 1903A enrollees in areas of the State which are subject to a declaration described in subparagraph (A)(i) for the fiscal year or portion of a fiscal year; exceeds

''(ii) the amount of such expenditures for such enrollees in such areas during the most recent fiscal year or portion of a fiscal year of equal length to the portion of a fiscal year involved during which no such declaration was in effect.

''(C) AGGREGATE LIMITATION ON EXCLUSIONS AND ADDITIONAL BLOCK GRANT PAYMENTS.—The aggregate amount of expenditures excluded under this paragraph and additional payments made under section 1903B(c)(3)(E) for the period described in subparagraph (A) shall not exceed $5,000,000,000.

''(D) REVIEW.—If the Secretary exercises the authority under this paragraph with respect to a State for a fiscal year or portion of a fiscal year, the Secretary shall, not later than 6 months after the declaration described in subparagraph (A)(i) ceases to be in effect, conduct an audit of the State's medical assistance expenditures for 1903A enrollees during the year or portion of a year to ensure that all of the expenditures so excluded were made for the purpose of ensuring that the health care needs of 1903A enrollees in areas affected by a public health emergency are met.

''(c) TARGET TOTAL MEDICAL ASSISTANCE EXPENDITURES.—

''(1) CALCULATION.—In this section, the term 'target total medical assistance expenditures' means, for a State for a fiscal year, the sum of the products, for each of the 1903A enrollee categories (as defined in subsection (e)(2)), of—

''(A) the target per capita medical assistance expenditures (as defined in paragraph (2)) for the enrollee category, State, and fiscal year; and

''(B) the number of 1903A enrollees for such enrollee category, State, and fiscal year, as determined under subsection (e)(4).

''(2) TARGET PER CAPITA MEDICAL ASSISTANCE EXPENDITURES.—In this subsection, the term 'target per capita medical assistance expenditures' means, for a 1903A enrollee category and State—

''(A) for fiscal year 2020, an amount equal to—

''(i) the provisional FY19 target per capita amount for such enrollee category (as calculated under subsection (d)(5)) for the State; increased by

''(ii) the applicable annual inflation factor (as defined in paragraph (3)) for fiscal year 2020; and

''(B) for each succeeding fiscal year, an amount equal to—

''(i) the target per capita medical assistance expenditures (under subparagraph (A) or this subparagraph) for the 1903A enrollee category and State for the preceding fiscal year; increased by

''(ii) the applicable annual inflation factor for that succeeding fiscal year.

''(3) APPLICABLE ANNUAL INFLATION FACTOR.—In paragraph (2), the term 'applicable annual inflation factor' means—

''(A) for fiscal years before 2025—

''(i) for each of the 1903A enrollee categories described in subparagraphs (C), (D), and (E) of subsection (e)(2), the percentage increase in the medical care component of

the consumer price index for all urban consumers (U.S. city average) from September of the previous fiscal year to September of the fiscal year involved; and

''(ii) for each of the 1903A enrollee categories described in subparagraphs (A) and (B) of subsection (e)(2), the percentage increase described in clause (i) plus 1 percentage point; and

''(B) for fiscal years after 2024, for all 1903A enrollee categories, the percentage increase in the consumer price index for all urban consumers (U.S. city average) from September of the previous fiscal year to September of the fiscal year involved.

''(4) ADJUSTMENTS TO STATE EXPENDITURES TARGETS TO PROMOTE PROGRAM EQUITY ACROSS STATES.—

''(A) IN GENERAL.—Beginning with fiscal year 2020, the target per capita medical assistance expenditures for a 1903A enrollee category, State, and fiscal year, as determined under paragraph (2), shall be adjusted (subject to subparagraph (C)(i)) in accordance with this paragraph.

''(B) ADJUSTMENT BASED ON LEVEL OF PER CAPITA SPENDING FOR 1903A ENROLLEE CATEGORIES.—Subject to subparagraph (C), with respect to a State, fiscal year, and 1903A enrollee category, if the State's per capita categorical medical assistance expenditures (as defined in subparagraph (D)) for the State and category in the preceding fiscal year—

''(i) exceed the mean per capita categorical medical assistance expenditures for the category for all States for such preceding year by not less than 25 percent, the State's target per capita medical assistance expenditures for such category for the fiscal year involved shall be reduced by a percentage that shall be determined by the Secretary but which shall not be less than 0.5 percent or greater than 2 percent; or

''(ii) are less than the mean per capita categorical medical assistance expenditures for the category for all States for such preceding year by not less than 25 percent, the State's target per capita medical assistance expenditures for such category for the fiscal year involved shall be increased by a percentage that shall be determined by the Secretary but which shall not be less than 0.5 percent or greater than 2 percent.

''(C) RULES OF APPLICATION.—

''(i) BUDGET NEUTRALITY REQUIREMENT.—In determining the appropriate percentages by which to adjust States' target per capita medical assistance expenditures for a category and fiscal year under this paragraph, the Secretary shall make such adjustments in a manner that does not result in a net increase in Federal payments under this section for such fiscal year, and if the Secretary cannot adjust such expenditures in such a manner there shall be no adjustment under this paragraph for such fiscal year.

''(ii) ASSUMPTION REGARDING STATE EXPENDITURES.—For purposes of clause (i), in the case of a State that has its target per capita medical assistance expenditures for a 1903A enrollee category and fiscal year increased under this paragraph, the Secretary shall assume that the categorical medical assistance expenditures (as defined in subparagraph (D)(ii)) for such State, category, and fiscal year will equal such increased target medical assistance expenditures.

''(iii) NONAPPLICATION TO LOW-DENSITY STATES.—This paragraph shall not apply to any State that has a population density of less than 15 individuals per square mile, based on the most recent data available from the Bureau of the Census.

''(iv) DISREGARD OF ADJUSTMENT.—Any adjustment under this paragraph to target medical assistance expenditures for a State, 1903A enrollee category, and fiscal year shall be disregarded when determining the target medical assistance expenditures for such State and category for a succeeding year under paragraph (2).

''(v) APPLICATION FOR FISCAL YEARS 2020 AND 2021.—In fiscal years 2020 and 2021, the Secretary shall apply this paragraph by deeming all categories of 1903A enrollees to be a single category.

''(D) PER CAPITA CATEGORICAL MEDICAL ASSISTANCE EXPENDITURES.—

''(i) IN GENERAL.—In this paragraph, the term 'per capita categorical medical assistance expenditures' means, with respect to a State, 1903A enrollee category, and fiscal year, an amount equal to—

''(I) the categorical medical expenditures (as defined in clause (ii)) for the State, category, and year; divided by

''(II) the number of 1903A enrollees for the State, category, and year.

''(ii) CATEGORICAL MEDICAL ASSISTANCE EXPENDITURES.—The term 'categorical medical assistance expenditures' means, with respect to a State, 1903A enrollee category, and fiscal year, an amount equal to the total medical assistance expenditures (as defined in paragraph (2)) for the State and fiscal year that are attributable to 1903A enrollees in the category, excluding any excluded expenditures (as defined in paragraph (3)) for the State and fiscal year that are attributable to 1903A enrollees in the category.

''(d) CALCULATION OF FY19 PROVISIONAL TARGET AMOUNT FOR EACH 1903A ENROLLEE CATEGORY.—Subject to subsection (g), the following shall apply:

''(1) CALCULATION OF BASE AMOUNTS FOR PER CAPITA BASE PERIOD.—For each State the Secretary shall calculate (and provide notice to the State not later than April 1, 2018, of) the following:

''(A) The amount of the adjusted total medical assistance expenditures (as defined in subsection (b)(1)) for the State for the State's per capita base period.

''(B) The number of 1903A enrollees for the State in the State's per capita base period (as determined under subsection (e)(4)).

''(C) The average per capita medical assistance expenditures for the State for the State's per capita base period equal to—

''(i) the amount calculated under subparagraph (A); divided by

''(ii) the number calculated under subparagraph (B).

''(2) FISCAL YEAR 2019 AVERAGE PER CAPITA AMOUNT BASED ON INFLATING THE PER CAPITA BASE PERIOD AMOUNT TO FISCAL YEAR 2019 BY CPI-MEDICAL.—The Secretary shall calculate a fiscal year 2019 average per capita amount for each State equal to—

''(A) the average per capita medical assistance expenditures for the State for the State's per capita base period (calculated under paragraph (1)(C)); increased by

''(B) the percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average) from the last month of the State's per capita base period to September of fiscal year 2019.

''(3) AGGREGATE AND AVERAGE EXPENDITURES PER CAPITA FOR FISCAL YEAR 2019.—The Secretary shall calculate for each State the following:

''(A) The amount of the adjusted total medical assistance expenditures (as defined in subsection (b)(1)) for the State for fiscal year 2019.

''(B) The number of 1903A enrollees for the State in fiscal year 2019 (as determined under subsection (e)(4)).

''(4) PER CAPITA EXPENDITURES FOR FISCAL YEAR 2019 FOR EACH 1903A ENROLLEE CATEGORY.—The Secretary shall calculate (and provide notice to each State not later than January 1, 2020, of) the following:

''(A)(i) For each 1903A enrollee category, the amount of the adjusted total medical assistance expenditures (as defined in subsection (b)(1)) for the State for fiscal year 2019 for individuals in the enrollee category, calculated by excluding from medical assistance expenditures those expenditures attributable to expenditures described in clause (iii) or non-DSH supplemental expenditures (as defined in clause (ii)).

''(ii) In this paragraph, the term 'non-DSH supplemental expenditure' means a payment to a provider under the State plan (or under a waiver of the plan) that—

''(I) is not made under section 1923;

''(II) is not made with respect to a specific item or service for an individual;

''(III) is in addition to any payments made to the provider under the plan (or waiver) for any such item or service; and

''(IV) complies with the limits for additional payments to providers under the plan (or waiver) imposed pursuant to section 1902(a)(30)(A), including the regulations specifying upper payment limits under the State plan in part 447 of title 42, Code of Federal Regulations (or any successor regulations).

''(iii) An expenditure described in this clause is an expenditure that meets the criteria specified in subclauses (I), (II), and (III) of clause (ii) and is authorized under section 1115 for the purposes of funding a delivery system reform pool, uncompensated care pool, a designated State health program, or any other similar expenditure (as defined by the Secretary).

''(B) For each 1903A enrollee category, the number of 1903A enrollees for the State in fiscal year 2019 in the enrollee category (as determined under subsection (e)(4)).

''(C) For the State's per capita base period, the State's non-DSH supplemental and pool payment percentage is equal to the ratio (expressed as a percentage) of—

''(i) the total amount of non-DSH supplemental expenditures (as defined in subparagraph (A)(ii) and adjusted under subparagraph (E)) and payments described in subparagraph (A)(iii) (and adjusted under subparagraph (E)) for the State for the period; to

''(ii) the amount described in subsection (b)(1)(A) for the State for the State's per capita base period.

''(D) For each 1903A enrollee category an average medical assistance expenditures per capita for the State for fiscal year 2019 for the enrollee category equal to—

''(i) the amount calculated under subparagraph (A) for the State, increased by the non-DSH supplemental and pool payment percentage for the State (as calculated under subparagraph (C)); divided by

''(ii) the number calculated under subparagraph (B) for the State for the enrollee category.

''(E) For purposes of subparagraph (C)(i), in calculating the total amount of non-DSH supplemental expenditures and payments described in subparagraph (A)(iii) for a State for the per capita base period, the total amount of such expenditures and the total amount of such payments for the State and base period shall each be divided by 2.

''(5) PROVISIONAL FY19 PER CAPITA TARGET AMOUNT FOR EACH 1903A ENROLLEE CATEGORY.—Subject to subsection (f)(2), the Secretary shall calculate for each State a provisional FY19 per capita target amount for each 1903A enrollee category equal to the average medical assistance expenditures per capita for the State for fiscal year 2019 (as calculated under paragraph (4)(D)) for such enrollee category multiplied by the ratio of—

''(A) the product of—

''(i) the fiscal year 2019 average per capita amount for the State, as calculated under paragraph (2); and

''(ii) the number of 1903A enrollees for the State in fiscal year 2019, as calculated under paragraph (3)(B); to

''(B) the amount of the adjusted total medical assistance expenditures for the State for fiscal year 2019, as calculated under paragraph (3)(A).

''(e) 1903A ENROLLEE; 1903A ENROLLEE CATEGORY.—Subject to subsection (g), for purposes of this section, the following shall apply:

''(1) 1903A ENROLLEE.—The term '1903A enrollee' means, with respect to a State and a month and subject to subsection (i)(1)(B), any Medicaid enrollee (as defined in paragraph (3)) for the month, other than such an enrollee who for such month is in any of the following categories of excluded individuals:

''(A) CHIP.—An individual who is provided, under this title in the manner described in section 2101(a)(2), child health assistance under title XXI.

''(B) IHS.—An individual who receives any medical assistance under this title for services for which payment is made under the third sentence of section 1905(b).

''(C) BREAST AND CERVICAL CANCER SERVICES ELIGIBLE INDIVIDUAL.—An individual who is eligible for medical assistance under this title only on the basis of section 1902(a)(10)(A)(ii)(XVIII).

''(D) PARTIAL-BENEFIT ENROLLEES.—An individual who—

''(i) is an alien who is eligible for medical assistance under this title only on the basis of section 1903(v)(2);

''(ii) is eligible for medical assistance under this title only on the basis of subclause (XII) or (XXI) of section 1902(a)(10)(A)(ii) (or on the basis of a waiver that provides only comparable benefits);

''(iii) is a dual eligible individual (as defined in section 1915(h)(2)(B)) and is eligible for medical assistance under this title (or under a waiver) only for some or all of medicare cost-sharing (as defined in section 1905(p)(3)); or

''(iv) is eligible for medical assistance under this title and for whom the State is providing a payment or subsidy to an employer for coverage of the individual under a group health plan pursuant to section 1906 or section 1906A (or pursuant to a waiver that provides only comparable benefits).

''(E) BLIND AND DISABLED CHILDREN.—An individual who—

''(i) is a child under 19 years of age; and

''(ii) is eligible for medical assistance under this title on the basis of being blind or disabled.

''(2) 1903A ENROLLEE CATEGORY.—The term '1903A enrollee category' means each of the following:

''(A) ELDERLY.—A category of 1903A enrollees who are 65 years of age or older.

''(B) BLIND AND DISABLED.—A category of 1903A enrollees (not described in the previous subparagraph) who—

''(i) are 19 years of age or older; and

''(ii) are eligible for medical assistance under this title on the basis of being blind or disabled.

''(C) CHILDREN.—A category of 1903A enrollees (not described in a previous subparagraph) who are children under 19 years of age.

''(D) EXPANSION ENROLLEES.—A category of 1903A enrollees (not described in a previous subparagraph) who are eligible for medical assistance under this title only on the basis of clause (i)(VIII), (ii)(XX), or (ii)(XXIII) of section 1902(a)(10)(A).

''(E) OTHER NONELDERLY, NONDISABLED, NON-EXPANSION ADULTS.—A category of 1903A enrollees who are not described in any previous subparagraph.

''(3) MEDICAID ENROLLEE.—The term 'Medicaid enrollee' means, with respect to a State for a month, an individual who is eligible for medical assistance for items or services under this title and enrolled under the State plan (or a waiver of such plan) under this title for the month.

''(4) DETERMINATION OF NUMBER OF 1903A ENROLLEES.—The number of 1903A enrollees for a State and fiscal year or the State's per capita base period, and, if applicable, for a 1903A enrollee category, is the average monthly number of Medicaid enrollees for such State and fiscal year or base period (and, if applicable, in such category) that are reported through the CMS–64 report under (and subject to audit under) subsection (h).

''(f) SPECIAL PAYMENT RULES.—

''(1) APPLICATION IN CASE OF RESEARCH AND DEMONSTRATION PROJECTS AND OTHER WAIVERS.—In the case of a State with a waiver of the State plan approved under section 1115, section 1915, or another provision of this title, this section shall apply to medical assistance expenditures and medical assistance payments under the waiver, in the same manner as if such expenditures and payments had been made under a State plan under this title and the limitations on expenditures under this section shall supersede any other payment limitations or provisions (including limitations based on a per capita limitation) otherwise applicable under such a waiver.

''(2) TREATMENT OF STATES EXPANDING COVERAGE AFTER JULY 1, 2016.—In the case of a State that did not provide for medical assistance for the 1903A enrollee category described in subsection (e)(2)(D) as of July 1, 2016, but which subsequently provides for such assistance for such category, the provisional FY19 per capita target amount for such enrollee category under subsection (d)(5) shall be equal to the provisional FY19 per capita target amount for the 1903A enrollee category described in subsection (e)(2)(E).

''(3) IN CASE OF STATE FAILURE TO REPORT NECESSARY DATA.—If a State for any quarter in a fiscal year (beginning with fiscal year 2019) fails to satisfactorily submit data on expenditures and enrollees in accordance with subsection (h)(1), for such fiscal year and any succeeding fiscal year for which such data are not satisfactorily submitted—

''(A) the Secretary shall calculate and apply subsections (a) through (e) with respect to the State as if all 1903A enrollee categories for which such expenditure and enrollee data were not satisfactorily submitted were a single 1903A enrollee category; and

''(B) the growth factor otherwise applied under subsection (c)(2)(B) shall be decreased by 1 percentage point.

''(g) RECALCULATION OF CERTAIN AMOUNTS FOR DATA ERRORS.—The amounts and percentage calculated under paragraphs (1) and (4)(C) of subsection (d) for a State for the State's per capita base period, and the amounts of the adjusted total medical assistance expenditures calculated under subsection (b) and the number of Medicaid enrollees and 1903A enrollees determined under subsection (e)(4) for a State for the State's per capita base period, fiscal year 2019, and any subsequent fiscal year, may be adjusted by the Secretary based upon an appeal (filed by the State in such a form, manner, and time, and containing such information relating to data errors that support such appeal, as the Secretary specifies) that the Secretary determines to be valid, except that any adjustment by the Secretary under this subsection for a State may not result in an increase of the target total medical assistance expenditures exceeding 2 percent.

''(h) REQUIRED REPORTING AND AUDITING; TRANSITIONAL INCREASE IN FEDERAL MATCHING PERCENTAGE FOR CERTAIN ADMINISTRATIVE EXPENSES.—

''(1) AUDITING OF CMS–64 DATA.—The Secretary shall conduct for each State an audit of the number of individuals and expenditures reported through the CMS–64 report for the State's per capita base period, fiscal year 2019, and each subsequent fiscal year, which audit may be conducted on a representative sample (as determined by the Secretary).

''(2) AUDITING OF STATE SPENDING.—The Inspector General of the Department of Health and Human Services shall conduct an audit (which shall be conducted using random sampling, as determined by the Inspector General) of each State's spending under this section not less than once every 3 years.

''(3) TEMPORARY INCREASE IN FEDERAL MATCHING PERCENTAGE TO SUPPORT IMPROVED DATA REPORTING SYSTEMS FOR FISCAL YEARS 2018 AND 2019.—In the case of any State that selects as its per capita base period the most recent 8 consecutive quarter period for which the data necessary to make the determinations required under this section is available, for amounts expended during calendar quarters beginning on or after October 1, 2017, and before October 1, 2019—

''(A) the Federal matching percentage applied under section 1903(a)(3)(A)(i) shall be increased by 10 percentage points to 100 percent; and

''(B) the Federal matching percentage applied under section 1903(a)(3)(B) shall be increased by 25 percentage points to 100 percent.

''(4) HHS REPORT ON ADOPTION OF T–MSIS DATA.—Not later than January 1, 2025, the Secretary shall submit to Congress a report making recommendations as to whether data from the Transformed Medicaid Statistical Information System would be preferable to CMS–64 report data for purposes of making the determinations necessary under this section.''.

(b) ENSURING ACCESS TO HOME AND COMMUNITY BASED SERVICES.—Section 1915 of the Social Security Act (42 U.S.C. 1396n) is amended by adding at the end the following new subsection:

''(1) INCENTIVE PAYMENTS FOR HOME AND COMMUNITY-BASED SERVICES.—

''(1) IN GENERAL.—The Secretary shall establish a demonstration project (referred to in this subsection as the 'demonstration project') under which eligible States may make HCBS payment adjustments for the purpose of continuing to provide and improving the quality of home and community-based services provided under a waiver under subsection (c) or (d) or a State plan amendment under subsection (i).

''(2) SELECTION OF ELIGIBLE STATES.—

''(A) APPLICATION.—A State seeking to participate in the demonstration project shall submit to the Secretary, at such time and in such manner as the Secretary shall require, an application that includes—

''(i) an assurance that any HCBS payment adjustment made by the State under this subsection will comply with the health and welfare and financial accountability safeguards taken by the State under subsection (c)(2)(A); and

''(ii) such other information and assurances as the Secretary shall require.

''(B) SELECTION.—The Secretary shall select States to participate in the demonstration project on a competitive basis except that, in making selections under this paragraph, the Secretary shall give priority to any State that is one of the 15 States in the United States with the lowest population density, as determined by the Secretary based on data from the Bureau of the Census.

''(3) TERM OF DEMONSTRATION PROJECT.—The demonstration project shall be conducted for the 4-year period beginning on January 1, 2020, and ending on December 31, 2023.

''(4) STATE ALLOTMENTS AND INCREASED FMAP FOR PAYMENT ADJUSTMENTS.—

''(A) IN GENERAL.—

''(i) ANNUAL ALLOTMENT.—Subject to clause (ii), for each year of the demonstration project, the Secretary shall allot an amount to each State that is an eligible State for the year.

''(ii) LIMITATION ON FEDERAL SPENDING.—The aggregate amount that may be allotted to eligible States under clause (i) for all years of the demonstration project shall not exceed $8,000,000,000.

''(B) FMAP APPLICABLE TO HCBS PAYMENT ADJUSTMENTS.—For each year of the demonstration project, notwithstanding section 1905(b) but subject to the limitations described in subparagraph (C), the Federal medical assistance percentage applicable with respect to expenditures by an eligible State that are attributable to HCBS payment adjustments shall be equal to (and shall in no case exceed) 100 percent.

''(C) INDIVIDUAL PROVIDER AND ALLOTMENT LIMITATIONS.—Payment under section 1903(a) shall not be made to an eligible State for expenditures for a year that are attributable to an HCBS payment adjustment—

''(i) that is paid to a single provider and exceeds a percentage which shall be established by the Secretary of the payment otherwise made to the provider; or

''(ii) to the extent that the aggregate amount of HCBS payment adjustments made by the State in the year exceeds the amount allotted to the State for the year under clause (i).

''(5) REPORTING AND EVALUATION.—

''(A) IN GENERAL.—As a condition of receiving the increased Federal medical assistance percentage described in paragraph (4)(B), each eligible State shall collect and report information, as determined necessary by the Secretary, for the purposes of providing Federal oversight and evaluating the State's compliance with the health and welfare and financial accountability safeguards taken by the State under subsection (c)(2)(A).

''(B) FORMS.—Expenditures by eligible States on HCBS payment adjustments shall be separately reported on the CMS-64 Form and in T-MSIS.

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

''(A) ELIGIBLE STATE.—The term 'eligible State' means a State that—

''(i) is one of the 50 States or the District of Columbia;

''(ii) has in effect—

''(I) a waiver under subsection (c) or (d); or

''(II) a State plan amendment under subsection (i);

''(iii) submits an application under paragraph (2)(A); and

''(iv) is selected by the Secretary to participate in the demonstration project.

''(B) HCBS PAYMENT ADJUSTMENT.—The term 'HCBS payment adjustment' means a payment adjustment made by an eligible State to the amount of payment otherwise provided under a waiver under subsection (c) or (d) or a State plan amendment under subsection (i) for a home and community-based service which is provided to a 1903A enrollee (as defined in section 1903A(e)(1)) who is in the enrollee category described in subparagraph (A) or (B) of section 1903A(e)(2).''.

SEC. 127. FLEXIBLE BLOCK GRANT OPTION FOR STATES.

Title XIX of the Social Security Act, as previously amended, is further amended by inserting after section 1903A the following new section:

''SEC. 1903B. MEDICAID FLEXIBILITY PROGRAM.

''(a) IN GENERAL.—Beginning with fiscal year 2020, any State (as defined in subsection (e)) that has an application approved by the Secretary under subsection (b) may conduct a Medicaid Flexibility Program to provide targeted health assistance to program enrollees.

''(b) STATE APPLICATION.—

''(1) IN GENERAL.—To be eligible to conduct a Medicaid Flexibility Program, a State shall submit an application to the Secretary that meets the requirements of this subsection.

''(2) CONTENTS OF APPLICATION.—An application under this subsection shall include the following:

''(A) A description of the proposed Medicaid Flexibility Program and how the State will satisfy the requirements described in subsection (d).

''(B) The proposed conditions for eligibility of program enrollees.

''(C) The applicable program enrollee category (as defined in subsection (e)(1)).

''(D) A description of the types, amount, duration, and scope of services which will be offered as targeted health assistance under the program, including a description of the proposed package of services which will be provided to program enrollees to whom the State would otherwise be required to make medical assistance available under section 1902(a)(10)(A)(i).

''(E) A description of how the State will notify individuals currently enrolled in the State plan for medical assistance under this title of the transition to such program.

''(F) Statements certifying that the State agrees to—

''(i) submit regular enrollment data with respect to the program to the Centers for Medicare & Medicaid Services at such time and in such manner as the Secretary may require;

''(ii) submit timely and accurate data to the Transformed Medicaid Statistical Information System (T–MSIS);

''(iii) report annually to the Secretary on adult health quality measures implemented under the program and information on the quality of health care furnished to program enrollees under the program as part of the annual report required under section 1139B(d)(1);

''(iv) submit such additional data and information not described in any of the preceding clauses of this subparagraph but which the Secretary determines is necessary for monitoring, evaluation, or program integrity purposes, including—

''(I) survey data, such as the data from Consumer Assessment of Healthcare Providers and Systems (CAHPS) surveys;

''(II) birth certificate data; and

''(III) clinical patient data for quality measurements which may not be present in a claim, such as laboratory data, body mass index, and blood pressure; and

''(v) on an annual basis, conduct a report evaluating the program and make such report available to the public.

''(G) An information technology systems plan demonstrating that the State has the capability to support the technological administration of the program and comply with reporting requirements under this section.

''(H) A statement of the goals of the proposed program, which shall include—

''(i) goals related to quality, access, rate of growth targets, consumer satisfaction, and outcomes;

''(ii) a plan for monitoring and evaluating the program to determine whether such goals are being met; and

''(iii) a proposed process for the State, in consultation with the Centers for Medicare & Medicaid Services, to take remedial action to make progress on unmet goals.

''(I) Such other information as the Secretary may require.

''(3) STATE NOTICE AND COMMENT PERIOD.—

''(A) IN GENERAL.—Before submitting an application under this subsection, a State shall make the application publicly available for a 30 day notice and comment period.

''(B) NOTICE AND COMMENT PROCESS.—During the notice and comment period described in subparagraph (A), the State shall provide opportunities for a meaningful level of public input, which shall include public hearings on the proposed Medicaid Flexibility Program.

''(4) FEDERAL NOTICE AND COMMENT PERIOD.—The Secretary shall not approve of any application to conduct a Medicaid Flexibility Program without making such application publicly available for a 30 day notice and comment period.

''(5) TIMELINE FOR SUBMISSION.—

''(A) IN GENERAL.—A State may submit an application under this subsection to conduct a Medicaid Flexibility Program that would begin in the next fiscal year at any time, subject to subparagraph (B).

''(B) DEADLINES.—Each year beginning with 2019, the Secretary shall specify a deadline for submitting an application under this subsection to conduct a Medicaid Flexibility Program that would begin in the next fiscal year, but such deadline shall not be earlier than 60 days after the date that the Secretary publishes the amounts of State block grants as required under subsection (c)(4).

''(c) FINANCING.—

''(1) IN GENERAL.—For each fiscal year during which a State is conducting a Medicaid Flexibility Program, the State shall receive, instead of amounts otherwise payable to the State under this title for medical assistance for program enrollees, the amount specified in paragraph (3)(A).

''(2) AMOUNT OF BLOCK GRANT FUNDS.—

''(A) IN GENERAL.—The block grant amount under this paragraph for a State and year shall be equal to the sum of the amounts determined under subparagraph (B) for each 1903A enrollee category within the applicable program enrollee category for the State and year.

''(B) ENROLLEE CATEGORY AMOUNTS.—

''(i) FOR INITIAL YEAR.—Subject to subparagraph (C), for the first fiscal year in which a 1903A enrollee category is included in the applicable program enrollee category for a Medicaid Flexibility Program conducted by the State, the amount determined under this subparagraph for the State, year, and category shall be equal to the Federal average medical assistance matching percentage (as defined in section 1903A(a)(4)) for the State and year multiplied by the product of—

''(I) the target per capita medical assistance expenditures (as defined in section 1903A(c)(2)) for the State, year, and category; and

''(II) the number of 1903A enrollees in such category for the State for the second fiscal year preceding such first fiscal year, increased by the percentage increase in State population from such second preceding fiscal year to such first fiscal year, based on the best available estimates of the Bureau of the Census.

''(ii) FOR ANY SUBSEQUENT YEAR.—For any fiscal year that is not the first fiscal year in which a 1903A enrollee category is included in the applicable program enrollee category for a Medicaid Flexibility Program conducted by the State, the block grant amount under this paragraph for the State, year, and category shall be equal to the amount determined for the State and category for the most recent previous fiscal year in which the

State conducted a Medicaid Flexibility Program that included such category, except that such amount shall be increased by the percentage increase in the consumer price index for all urban consumers (U.S. city average) from April of the second fiscal year preceding the fiscal year involved to April of the fiscal year preceding the fiscal year involved.

''(C) CAP ON TOTAL POPULATION OF 1903A ENROLLEES FOR PURPOSES OF BLOCK GRANT CALCULATION.—

''(i) IN GENERAL.—In calculating the amount of a block grant for the first year in which a 1903A enrollee category is included in the applicable program enrollee category for a Medicaid Flexibility Program conducted by the State under subparagraph (B)(i), the total number of 1903A enrollees in such 1903A enrollee category for the State and year shall not exceed the adjusted number of base period enrollees for the State (as defined in clause (ii)).

''(ii) ADJUSTED NUMBER OF BASE PERIOD ENROLLEES.—The term 'adjusted number of base period enrollees' means, with respect to a State and 1903A enrollee category, the number of 1903A enrollees in the enrollee category for the State for the State's per capita base period (as determined under section 1903A(e)(4)), increased by the percentage increase, if any, in the total State population from the last April in the State's per capita base period to April of the fiscal year preceding the fiscal year involved (determined using the best available data from the Bureau of the Census) plus 3 percentage points.

''(3) FEDERAL PAYMENT AND STATE MAINTENANCE OF EFFORT.—

''(A) FEDERAL PAYMENT.—Subject to subparagraphs (D) and (E), the Secretary shall pay to each State conducting a Medicaid Flexibility Program under this section for a fiscal year, from its block grant amount under paragraph (2) for such year, an amount for each quarter of such year equal to the Federal average medical assistance percentage (as defined in section 1903A(a)(4)) of the total amount expended under the program during such quarter as targeted health assistance, and the State is responsible for the balance of the funds to carry out such program.

''(B) STATE MAINTENANCE OF EFFORT EXPENDITURES.—For each year during which a State is conducting a Medicaid Flexibility Program, the State shall make expenditures for targeted health assistance under the program in an amount equal to the product of—

''(i) the block grant amount determined for the State and year under paragraph (2); and

''(ii) the enhanced FMAP described in the first sentence of section 2105(b) for the State and year.

''(C) REDUCTION IN BLOCK GRANT AMOUNT FOR STATES FAILING TO MEET MOE REQUIREMENT.—

''(i) IN GENERAL.—In the case of a State conducting a Medicaid Flexibility Program that makes expenditures for targeted health assistance under the program for a fiscal year in an amount that is less than the required amount for the fiscal year under subparagraph (B), the amount of the block grant determined for the State under paragraph (2) for the succeeding fiscal year shall be reduced by the amount by which such expenditures are less than such required amount.

''(ii) DISREGARD OF REDUCTION.—For purposes of determining the amount of a State block grant under paragraph (2), any reduction made under this subparagraph to a State's block grant amount in a previous fiscal year shall be disregarded.

''(iii) APPLICATION TO STATES THAT TERMINATE PROGRAM.—In the case of a State described in clause (i) that terminates the State Medicaid Flexibility Program under subsection (d)(2)(B) and such termination is effective with the end of the fiscal year in which the State fails to make the required amount of expenditures under subparagraph (B), the reduction amount determined for the State and succeeding fiscal year under clause (i) shall be treated as an overpayment under this title.

''(D) REDUCTION FOR NONCOMPLIANCE.—If the Secretary determines that a State conducting a Medicaid Flexibility Program is not complying with the requirements of this section, the Secretary may withhold payments, reduce payments, or recover previous payments to the State under this section as the Secretary deems appropriate.

''(E) ADDITIONAL FEDERAL PAYMENTS DURING PUBLIC HEALTH EMERGENCY.—

''(i) IN GENERAL.—In the case of a State and fiscal year or portion of a fiscal year for which the Secretary has excluded expenditures under section 1903A(b)(6), if the State has uncompensated targeted health assistance expenditures for the year or portion of a year, the Secretary may make an additional payment to such State equal to the Federal average medical assistance percentage (as defined in section 1903A(a)(4)) for the year or portion of a year of the amount of such uncompensated targeted health assistance expenditures, except that the amount of such payment shall not exceed the amount determined for the State and year or portion of a year under clause (ii).

''(ii) MAXIMUM AMOUNT OF ADDITIONAL PAYMENT.—The amount determined for a State and fiscal year or portion of a fiscal year under this subparagraph shall not exceed the Federal average medical assistance percentage (as defined in section 1903A(a)(4)) for such year or portion of a year of the amount by which—

''(I) the amount of State expenditures for targeted health assistance for program enrollees in areas of the State which are subject to a declaration described in section 1903A(b)(6)(A)(i) for the year or portion of a year; exceeds

''(II) the amount of such expenditures for such enrollees in such areas during the most recent fiscal year involved (or portion of a fiscal year of equal length to the portion of a fiscal year involved) during which no such declaration was in effect.

''(iii) UNCOMPENSATED TARGETED HEALTH ASSISTANCE.—In this subparagraph, the term 'uncompensated targeted health assistance expenditures' means, with respect to a State and fiscal year or portion of a fiscal year, an amount equal to the amount (if any) by which—

''(I) the total amount expended by the State under the program for targeted health assistance for the year or portion of a year; exceeds

''(II) the amount equal to the amount of the block grant (reduced, in the case of a portion of a year, to the same proportion of the full block grant amount that the portion of the year bears to the whole year) divided by the Federal average medical assistance percentage for the year or portion of a year.

''(iv) REVIEW.—If the Secretary makes a payment to a State for a fiscal year or portion of a fiscal year, the Secretary shall, not later than 6 months after the declaration described in section 1903A(b)(6)(A)(i) ceases to be in effect, conduct an audit of the State's targeted health assistance expenditures for program enrollees during the year or portion of a year to ensure that all of the expenditures for which the additional payment was made were made for the purpose of ensuring that the health care needs of program enrollees in areas affected by a public health emergency are met.

''(4) DETERMINATION AND PUBLICATION OF BLOCK GRANT AMOUNT.—Beginning in 2019 and each year thereafter, the Secretary shall determine for each State, regardless of whether the State is conducting a Medicaid Flexibility Program or has submitted an application to conduct such a program, the amount of the block grant for the State under paragraph (2) which would apply for the upcoming fiscal year if the State were to conduct such a program in such fiscal year, and shall publish such determinations not later than June 1 of each year.

''(d) PROGRAM REQUIREMENTS.—

''(1) IN GENERAL.—No payment shall be made under this section to a State conducting a Medicaid Flexibility Program unless such program meets the requirements of this subsection.

''(2) TERM OF PROGRAM.—

''(A) IN GENERAL.—A State Medicaid Flexibility Program approved under subsection (b)—

''(i) shall be conducted for not less than 1 program period;

''(ii) at the option of the State, may be continued for succeeding program periods without resubmitting an application under subsection (b), provided that—

''(I) the State provides notice to the Secretary of its decision to continue the program; and

''(II) no significant changes are made to the program; and

''(iii) shall be subject to termination only by the State, which may terminate the program by making an election under subparagraph (B).

''(B) ELECTION TO TERMINATE PROGRAM.—

''(i) IN GENERAL.—Subject to clause (ii), a State conducting a Medicaid Flexibility Program may elect to terminate the program effective with the first day after the end of the program period in which the State makes the election.

''(ii) TRANSITION PLAN REQUIREMENT.—A State may not elect to terminate a Medicaid Flexibility Program unless the State has in place an appropriate transition plan approved by the Secretary.

''(iii) EFFECT OF TERMINATION.—If a State elects to terminate a Medicaid Flexibility Program, the per capita cap limitations under section 1903A shall apply effective with the day described in clause (i), and such limitations shall be applied as if the State had never conducted a Medicaid Flexibility Program.

''(3) PROVISION OF TARGETED HEALTH ASSISTANCE.—

''(A) IN GENERAL.—A State Medicaid Flexibility Program shall provide targeted health assistance to program enrollees and such assistance shall be instead of medical assistance which would otherwise be provided to the enrollees under this title.

''(B) CONDITIONS FOR ELIGIBILITY.—

''(i) IN GENERAL.—A State conducting a Medicaid Flexibility Program shall establish conditions for eligibility of program enrollees, which shall be instead of other conditions for eligibility under this title, except that the program must provide for eligibility for program enrollees to whom the State would otherwise be required to make medical assistance available under section 1902(a)(10)(A)(i).

''(ii) MAGI.—Any determination of income necessary to establish the eligibility of a program enrollee for purposes of a State Medicaid Flexibility Program shall be made using modified adjusted gross income in accordance with section 1902(e)(14).

''(4) BENEFITS AND SERVICES.—

''(A) REQUIRED SERVICES.—In the case of program enrollees to whom the State would otherwise be required to make medical assistance available under section

1902(a)(10)(A)(i), a State conducting a Medicaid Flexibility Program shall provide as targeted health assistance the following types of services:

''(i) Inpatient and outpatient hospital services.

''(ii) Laboratory and X-ray services.

''(iii) Nursing facility services for individuals aged 21 and older.

''(iv) Physician services.

''(v) Home health care services (including home nursing services, medical supplies, equipment, and appliances).

''(vi) Rural health clinic services (as defined in section 1905(l)(1)).

''(vii) Federally-qualified health center services (as defined in section 1905(l)(2)).

''(viii) Family planning services and supplies.

''(ix) Nurse midwife services.

''(x) Certified pediatric and family nurse practitioner services.

''(xi) Freestanding birth center services (as defined in section 1905(l)(3)).

''(xii) Emergency medical transportation.

''(xiii) Non-cosmetic dental services.

''(xiv) Pregnancy-related services, including postpartum services for the 12-week period beginning on the last day of a pregnancy.

''(B) OPTIONAL BENEFITS.—A State may, at its option, provide services in addition to the services described in subparagraph (A) as targeted health assistance under a Medicaid Flexibility Program.

''(C) BENEFIT PACKAGES.—

''(i) IN GENERAL.—The targeted health assistance provided by a State to any group of program enrollees under a Medicaid Flexibility Program shall have an aggregate actuarial value that is equal to at least 95 percent of the aggregate actuarial value of the benchmark coverage described in subsection (b)(1) of section 1937 or benchmark-equivalent coverage described in subsection (b)(2) of such section, as such subsections were in effect prior to the enactment of the Patient Protection and Affordable Care Act.

''(ii) AMOUNT, DURATION, AND SCOPE OF BENEFITS.—Subject to clause (i), the State shall determine the amount, duration, and scope with respect to services provided as targeted health assistance under a Medicaid Flexibility Program, including with respect to services that are required to be provided to certain program enrollees under subparagraph (A) except as otherwise provided under such subparagraph.

''(iii) MENTAL HEALTH AND SUBSTANCE USE DISORDER COVERAGE AND PARITY.—The targeted health assistance provided by a State to program enrollees under a Medicaid Flexibility Program shall include mental health services and substance use disorder services and the financial requirements and treatment limitations applicable to such services under the program shall comply with the requirements of section 2726 of the Public Health Service Act in the same manner as such requirements apply to a group health plan.

''(iv) PRESCRIPTION DRUGS.—If the targeted health assistance provided by a State to program enrollees under a Medicaid Flexibility Program includes assistance for covered outpatient drugs, such drugs shall be subject to a rebate agreement that complies with the requirements of section 1927, and any requirements applicable to medical assistance for covered outpatient drugs under a State plan (including the requirement that the State provide information to a manufacturer) shall apply in the same manner to targeted health assistance for covered outpatient drugs under a Medicaid Flexibility Program.

''(D) COST SHARING.—A State conducting a Medicaid Flexibility Program may impose premiums, deductibles, cost-sharing, or other similar charges, except that the total annual aggregate amount of all such charges imposed with respect to all program enrollees in a family shall not exceed 5 percent of the family's income for the year involved.

''(5) ADMINISTRATION OF PROGRAM.—Each State conducting a Medicaid Flexibility Program shall do the following:

''(A) SINGLE AGENCY.—Designate a single State agency responsible for administering the program.

''(B) ENROLLMENT SIMPLIFICATION AND COORDINATION WITH STATE HEALTH INSURANCE EXCHANGES.—Provide for simplified enrollment processes (such as online enrollment and reenrollment and electronic verification) and coordination with State health insurance exchanges.

''(C) BENEFICIARY PROTECTIONS.—Establish a fair process (which the State shall describe in the application required under subsection (b)) for individuals to appeal adverse eligibility determinations with respect to the program.

''(6) APPLICATION OF REST OF TITLE XIX.—

''(A) IN GENERAL.—To the extent that a provision of this section is inconsistent with another provision of this title, the provision of this section shall apply.

''(B) APPLICATION OF SECTION 1903A.—With respect to a State that is conducting a Medicaid Flexibility Program, section 1903A shall be applied as if program enrollees were not 1903A enrollees for each program period during which the State conducts the program.

''(C) WAIVERS AND STATE PLAN AMENDMENTS.—

''(i) IN GENERAL.—In the case of a State conducting a Medicaid Flexibility Program that has in effect a waiver or State plan amendment, such waiver or amendment shall not apply with respect to the program, targeted health assistance provided under the program, or program enrollees.

''(ii) REPLICATION OF WAIVER OR AMENDMENT.—In designing a Medicaid Flexibility Program, a State may mirror provisions of a waiver or State plan amendment described in clause (i) in the program to the extent that such provisions are otherwise consistent with the requirements of this section.

''(iii) EFFECT OF TERMINATION.—In the case of a State described in clause (i) that terminates its program under subsection (d)(2)(B), any waiver or amendment which was limited pursuant to subparagraph (A) shall cease to be so limited effective with the effective date of such termination.

''(D) NONAPPLICATION OF PROVISIONS.—With respect to the design and implementation of Medicaid Flexibility Programs conducted under this section, paragraphs (1), (10)(B), (17), and (23) of section 1902(a), as well as any other provision of this title (except for this section and as otherwise provided by this section) that the Secretary deems appropriate, shall not apply.

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

''(1) APPLICABLE PROGRAM ENROLLEE CATEGORY.—The term 'applicable program enrollee category' means, with respect to a State Medicaid Flexibility Program for a program period, any of the following as specified by the State for the period in its application under subsection (b):

''(A) 2 ENROLLEE CATEGORIES.—Both of the 1903A enrollee categories described in subparagraphs (D) and (E) of section 1903A(e)(2).

''(B) EXPANSION ENROLLEES.—The 1903A enrollee category described in subparagraph (D) of section 1903A(e)(2).

''(C) NONELDERLY, NONDISABLED, NONEXPANSION ADULTS.—The 1903A enrollee category described in subparagraph (E) of section 1903A(e)(2).

''(2) MEDICAID FLEXIBILITY PROGRAM.—The term 'Medicaid Flexibility Program' means a State program for providing targeted health assistance to program enrollees funded by a block grant under this section.

''(3) PROGRAM ENROLLEE.—

''(A) IN GENERAL.—The term 'program enrollee' means, with respect to a State that is conducting a Medicaid Flexibility Program for a program period, an individual who is a 1903A enrollee (as defined in section 1903A(e)(1)) who is in the applicable program enrollee category specified by the State for the period.

''(B) RULE OF CONSTRUCTION.—For purposes of section 1903A(e)(3), eligibility and enrollment of an individual under a Medicaid Flexibility Program shall be deemed to be eligibility and enrollment under a State plan (or waiver of such plan) under this title.

''(4) PROGRAM PERIOD.—The term 'program period' means, with respect to a State Medicaid Flexibility Program, a period of 5 consecutive fiscal years that begins with either—

''(A) the first fiscal year in which the State conducts the program; or

''(B) the next fiscal year in which the State conducts such a program that begins after the end of a previous program period.

''(5) STATE.—The term 'State' means one of the 50 States or the District of Columbia.

''(6) TARGETED HEALTH ASSISTANCE.—The term 'targeted health assistance' means assistance for health-care-related items and medical services for program enrollees.''.

SEC. 128. MEDICAID AND CHIP QUALITY PERFORMANCE BONUS PAYMENTS.

Section 1903 of the Social Security Act (42 U.S.C. 1396b), as previously amended, is further amended by adding at the end the following new subsection:

''(bb) QUALITY PERFORMANCE BONUS PAYMENTS.—

''(1) INCREASED FEDERAL SHARE.—With respect to each of fiscal years 2023 through 2026, in the case of one of the 50 States or the District of Columbia (each referred to in this subsection as a 'State') that—

''(A) equals or exceeds the qualifying amount (as established by the Secretary) of lower than expected aggregate medical assistance expenditures (as defined in paragraph (4)) for that fiscal year; and

''(B) submits to the Secretary, in accordance with such manner and format as specified by the Secretary and for the performance period (as defined by the Secretary) for such fiscal year—

''(i) information on the applicable quality measures identified under paragraph (3) with respect to each category of Medicaid eligible individuals under the State plan or a waiver of such plan; and

''(ii) a plan for spending a portion of additional funds resulting from application of this subsection on quality improvement within the State plan under this title or under a waiver of such plan,

the Federal matching percentage otherwise applied under subsection (a)(7) for such fiscal year shall be increased by such percentage (as determined by the Secretary) so that the aggregate amount of the resulting increase pursuant to this subsection for the State and fiscal year does not exceed the State allotment established under paragraph (2) for the State and fiscal year.

''(2) ALLOTMENT DETERMINATION.—The Secretary shall establish a formula for computing State allotments under this paragraph for each fiscal year described in paragraph (1) such that—

''(A) such an allotment to a State is determined based on the performance, including improvement, of such State under this title and title XXI with respect to the quality measures submitted under paragraph (3) by

such State for the performance period (as defined by the Secretary) for such fiscal year; and

''(B) the total of the allotments under this paragraph for all States for the period of the fiscal years described in paragraph (1) is equal to $8,000,000,000.

''(3) QUALITY MEASURES REQUIRED FOR BONUS PAYMENTS.—For purposes of this subsection, the Secretary shall, pursuant to rulemaking and after consultation with State agencies administering State plans under this title, identify and publish (and update as necessary) peer-reviewed quality measures (which shall include health care and long-term care outcome measures and may include the quality measures that are overseen or developed by the National Committee for Quality Assurance or the Agency for Healthcare Research and Quality or that are identified under section 1139A or 1139B) that are quantifiable, objective measures that take into account the clinically appropriate measures of quality for different types of patient populations receiving benefits or services under this title or title XXI.

''(4) LOWER THAN EXPECTED AGGREGATE MEDICAL ASSISTANCE EXPENDITURES.—In this subsection, the term 'lower than expected aggregate medical assistance expenditures' means, with respect to a State the amount (if any) by which—

''(A) the amount of the adjusted total medical assistance expenditures for the State and fiscal year determined in section 1903A(b)(1) without regard to the 1903A enrollee category described in section 1903A(e)(2)(E); is less than

''(B) the amount of the target total medical assistance expenditures for the State and fiscal year determined in section 1903A(c) without regard to the 1903A enrollee category described in section 1903A(e)(2)(E).''.

SEC. 129. OPTIONAL ASSISTANCE FOR CERTAIN INPATIENT PSYCHIATRIC SERVICES.

(a) STATE OPTION.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (a)—

(A) in paragraph (16)—

(i) by striking ''and, (B)'' and inserting ''(B)''; and

(ii) by inserting before the semicolon at the end the following: '', and (C) subject to subsection (h)(4), qualified inpatient psychiatric hospital services (as defined in subsection (h)(3)) for individuals who are over 21 years of age and under 65 years of age''; and

(B) in the subdivision (B) that follows paragraph (29), by inserting ''(other than services described in subparagraph (C) of paragraph (16) for individuals described in such subparagraph)'' after ''patient in an institution for mental diseases''; and

(2) in subsection (h), by adding at the end the following new paragraphs:

''(3) For purposes of subsection (a)(16)(C), the term 'qualified inpatient psychiatric hospital services' means, with respect to individuals described in such subsection, services described in subparagraph (B) of paragraph (1) that are not otherwise covered under subsection (a)(16)(A) and are furnished—

''(A) in an institution (or distinct part thereof) which is a psychiatric hospital (as defined in section 1861(f)); and

''(B) with respect to such an individual, for a period not to exceed 30 consecutive days in any month and not to exceed 90 days in any calendar year.

''(4) As a condition for a State including qualified inpatient psychiatric hospital services as medical assistance under subsection (a)(16)(C), the State must (during the period in which it furnishes medical assistance under this title for services and individuals described in such subsection)—

''(A) maintain at least the number of licensed beds at psychiatric hospitals owned, operated, or contracted for by the State that were being maintained as of the date of the enactment of this paragraph or, if higher, as of the date the State applies to the Secretary to include medical assistance under such subsection; and

''(B) maintain on an annual basis a level of funding expended by the State (and political subdivisions thereof) other than under this title from non-Federal funds for inpatient services in an institution described in paragraph (3)(A), and for active psychiatric care and treatment provided on an outpatient basis, that is not less than the level of such funding for such services and care as of the date of the enactment of this paragraph or, if higher, as of the date the State applies to the Secretary to include medical assistance under such subsection.''.

(b) SPECIAL MATCHING RATE.—Section 1905(b) of the Social Security Act (42 U.S.C. 1395d(b)) is amended by adding at the end the following: ''Notwithstanding the previous provisions of this subsection, the Federal medical assistance percentage shall be 50 percent with respect to medical assistance for services and individuals described in subsection (a)(16)(C).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified inpatient psychiatric hospital services furnished on or after October 1, 2018.

SEC. 130. ENHANCED FMAP FOR MEDICAL ASSISTANCE TO ELIGIBLE INDIANS.

Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended, in the third sentence, by inserting ''and with respect to amounts expended by a State as medical assistance for services provided by any other provider under the State plan to an individual who is a member of an Indian tribe who is eligible for assistance under the State plan'' before the period.

SEC. 131. SMALL BUSINESS HEALTH PLANS.

(a) TAX TREATMENT OF SMALL BUSINESS HEALTH PLANS.—A small business health plan (as defined in section 801(a) of the Employee Retirement Income Security Act of 1974) shall be treated—

(1) as a group health plan (as defined in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91)) for purposes of applying title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) and title XXII of such Act (42 U.S.C. 300bb-1);

(2) as a group health plan (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986) for purposes of applying sections 4980B and 5000 and chapter 100 of the Internal Revenue Code of 1986; and

(3) as a group health plan (as defined in section 733(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(a)(1))) for purposes of applying parts 6 and 7 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161 et seq.).

(b) RULES.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021 et seq.) is amended by adding at the end the following new part:

''PART 8—RULES GOVERNING SMALL BUSINESS RISK SHARING POOLS

''SEC. 801. SMALL BUSINESS HEALTH PLANS.

''(a) IN GENERAL.—For purposes of this part, the term 'small business health plan' means a fully insured group health plan, offered by a health insurance issuer in the large group market, whose sponsor is described in subsection (b).

''(b) SPONSOR.—The sponsor of a group health plan is described in this subsection if such sponsor—

''(1) is a qualified sponsor and receives certification by the Secretary;

''(2) is organized and maintained in good faith, with a constitution or bylaws specifically stating its purpose and providing for periodic meetings on at least an annual basis;

''(3) is established as a permanent entity;

''(4) is established for a purpose other than providing health benefits to its members, such as an organization established as a bona fide trade association, franchise, or section 7705 organization; and

''(5) does not condition membership on the basis of a minimum group size.

''SEC. 802. FILING FEE AND CERTIFICATION OF SMALL BUSINESS HEALTH PLANS.

''(a) FILING FEE.—A small business health plan shall pay to the Secretary at the time of filing an application for certification under subsection (b) a filing fee in the amount of $5,000, which shall be available to the Secretary for the sole purpose of administering the certification procedures applicable with respect to small business health plans.

''(b) CERTIFICATION.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of this part, the Secretary shall prescribe by interim final rule a procedure under which the Secretary—

''(A) will certify a qualified sponsor of a small business health plan, upon receipt of an application that includes the information described in paragraph (2);

''(B) may provide for continued certification of small business health plans under this part;

''(C) shall provide for the revocation of a certification if the applicable authority finds that the small business health plan involved fails to comply with the requirements of this part;

''(D) shall conduct oversight of certified plan sponsors, including periodic review, and consistent with section 504, applying the requirements of sections 518, 519, and 520; and

''(E) will consult with a State with respect to a small business health plan domiciled in such State regarding the Secretary's authority under this part and other enforcement authority under sections 502 and 504.

''(2) INFORMATION TO BE INCLUDED IN APPLICATION FOR CERTIFICATION.—An application for certification under this part meets the requirements of this section only if it includes, in a manner and form which shall be prescribed by the applicable authority by regulation, at least the following information:

''(A) Identifying information.

''(B) States in which the plan intends to do business.

''(C) Bonding requirements.

''(D) Plan documents.

''(E) Agreements with service providers.

''(3) REQUIREMENTS FOR CERTIFIED PLAN SPONSORS.—Not later than 6 months after the date of enactment of this part, the Secretary shall prescribe by interim final rule requirements for certified plan sponsors that include requirements regarding—

''(A) structure and requirements for boards of trustees or plan administrators;

''(B) notification of material changes; and

''(C) notification for voluntary termination.

''(c) FILING NOTICE OF CERTIFICATION WITH STATES.—A certification granted under this part to a small business health plan shall not be effective unless written notice of such certification is filed by the plan sponsor with the applicable State authority of each State in which the small business health plan operates.

''(d) EXPEDITED AND DEEMED CERTIFICATION.—

''(1) IN GENERAL.—If the Secretary fails to act on a complete application for certification under this section within 90 days of receipt of such complete application, the applying small business health plan sponsor shall be deemed certified until such time as the Secretary may deny for cause the application for certification.

''(2) PENALTY.—The Secretary may assess a penalty against the board of trustees, plan administrator, and plan sponsor (jointly and severally) of a small business health plan sponsor that is deemed certified under paragraph (1) of up to $500,000 in the event the Secretary determines that the application for certification of such small business health plan sponsor was willfully or with gross negligence incomplete or inaccurate.

''SEC. 803. PARTICIPATION AND COVERAGE REQUIREMENTS.

''(a) COVERED EMPLOYERS AND INDIVIDUALS.—The requirements of this subsection are met with respect to a small business health plan if, under the terms of the plan—

''(1) each participating employer must be—

''(A) a member of the sponsor;

''(B) the sponsor; or

''(C) an affiliated member of the sponsor, except that, in the case of a sponsor which is a professional association or other individual-based association, if at least one of the officers, directors, or employees of an employer, or at least one of the individuals who are partners in an employer and who actively participates in the business, is a member or such an affiliated member of the sponsor, participating employers may also include such employer; and

''(2) all individuals commencing coverage under the plan after certification under this part must be—

''(A) active or retired owners (including self-employed individuals with or without employees), officers, directors, or employees of, or partners in, participating employers; or

''(B) the dependents of individuals described in subparagraph (A).

''(b) PARTICIPATING EMPLOYERS.—In applying requirements relating to coverage renewal, a participating employer shall not be deemed to be a plan sponsor.

''(c) PROHIBITION OF DISCRIMINATION AGAINST EMPLOYERS AND EMPLOYEES ELIGIBLE TO PARTICIPATE.—The requirements of this subsection are met with respect to a small business health plan if—

''(1) under the terms of the plan, no participating employer may provide health insurance coverage in the individual market for any employee not covered under the plan, if such exclusion of the employee from coverage under the plan is based on a health status-related factor with respect to the employee and such employee would, but for such exclusion on such basis, be eligible for coverage under the plan; and

''(2) information regarding all coverage options available under the plan is made readily available to any employer eligible to participate.

''SEC. 804. DEFINITIONS; RENEWAL.

''For purposes of this part:

''(1) AFFILIATED MEMBER.—The term 'affiliated member' means, in connection with a sponsor—

''(A) a person who is otherwise eligible to be a member of the sponsor but who elects an affiliated status with the sponsor, or

''(B) in the case of a sponsor with members which consist of associations, a person who is a member or employee of any such association and elects an affiliated status with the sponsor.

''(2) APPLICABLE STATE AUTHORITY.—The term 'applicable State authority' means, with respect to a health insurance issuer in a State, the State insurance commissioner or official or officials designated by the State to enforce the requirements of title XXVII of the Public Health Service Act for the State involved with respect to such issuer.

''(3) FRANCHISOR; FRANCHISEE.—The terms 'franchisor' and 'franchisee' have the meanings given such terms for purposes of sections 436.2(a) through 436.2(c) of title 16, Code of Federal Regulations (including any such amendments to such regulation after the date of enactment of this part) and, for purposes of this part, franchisor or franchisee employers participating in such a group health plan shall not be treated as the employer, co-employer, or joint employer of the employees of another participating franchisor or franchisee employer for any purpose.

''(4) HEALTH PLAN TERMS.—The terms 'group health plan', 'health insurance coverage', and 'health insurance issuer' have the meanings given such terms in section 733.

''(5) INDIVIDUAL MARKET.—

''(A) IN GENERAL.—The term 'individual market' means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

''(B) TREATMENT OF VERY SMALL GROUPS.—

''(i) IN GENERAL.—Subject to clause (ii), such term includes coverage offered in connection with a group health plan that has fewer than 2 participants as current employees or participants described in section 732(d)(3) on the first day of the plan year.

''(ii) STATE EXCEPTION.—Clause (i) shall not apply in the case of health insurance coverage offered in a State if such State regulates the coverage described in such clause in the same manner and to the same extent as coverage in the small group market (as defined in section 2791(e)(5) of the Public Health Service Act) is regulated by such State.

''(6) PARTICIPATING EMPLOYER.—The term 'participating employer' means, in connection with a small business health plan, any employer, if any individual who is an employee of such employer, a partner in such employer, or a self-employed individual who is such employer with or without employees (or any dependent, as defined under the terms of the plan, of such individual) is or was covered under such plan in connection with the status of such individual as such an employee, partner, or self-employed individual in relation to the plan.

''(7) SECTION 7705 ORGANIZATION.—The term 'section 7705 organization' means an organization providing services for a customer pursuant to a contract meeting the conditions of subparagraphs (A), (B), (C), (D), and (E) (but not (F)) of section 7705(e)(2) of the Internal Revenue Code of 1986, including an entity that is part of a section 7705 organization control group . For purposes of this part, any reference to 'member' shall include a customer of a section 7705 organization except with respect to references to a 'member' or 'members' in paragraph (1).''.

(c) PREEMPTION RULES.—Section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144) is amended by adding at the end the following:

''(f) The provisions of this title shall supersede any and all State laws insofar as they may now or hereafter preclude a health insurance issuer from offering health insurance coverage in connection with a small business health plan which is certified under part 8.''.

(d) PLAN SPONSOR.—Section 3(16)(B) of such Act (29 U.S.C. 102(16)(B)) is amended by adding at the end the following new sentence: ''Such term also includes a person serving as the sponsor of a small business health plan under part 8.''.

(e) SAVINGS CLAUSE.—Section 731(c) of such Act is amended by inserting ''or part 8'' after ''this part''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act. The Secretary of Labor shall first issue all regulations necessary to carry out the amendments made by this section within 6 months after the date of the enactment of this Act.

TITLE II

SEC. 201. THE PREVENTION AND PUBLIC HEALTH FUND.

Subsection (b) of section 4002 of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11) is amended—

(1) in paragraph (3), by striking ''each of fiscal years 2018 and 2019'' and inserting ''fiscal year 2018''; and

(2) by striking paragraphs (4) through (8).

SEC. 202. COMMUNITY HEALTH CENTER PROGRAM.

Effective as if included in the enactment of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10, 129 Stat. 87), paragraph (1) of section 221(a) of such Act is amended by inserting '', and an additional $422,000,000 for fiscal year 2017'' after ''2017''.

SEC. 203. CHANGE IN PERMISSIBLE AGE VARIATION IN HEALTH INSURANCE PREMIUM RATES.

Section 2701(a)(1)(A)(iii) of the Public Health Service Act (42 U.S.C. 300gg(a)(1)(A)(iii)) is amended by inserting after ''(consistent with section 2707(c))'' the following: ''or, for plan years beginning on or after January 1, 2019, 5 to 1 for adults (consistent with section 2707(c)) or such other ratio for adults (consistent with section 2707(c)) as the State may determine''.

SEC. 204. WAIVERS FOR STATE INNOVATION.

(a) IN GENERAL.—Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(I) by amending clause (i) to read as follows:

''(i) a description of how the State plan meeting the requirements of a waiver under this section would, with respect to health insurance coverage within the State—

''(I) take the place of the requirements described in paragraph (2) that are waived; and

''(II) provide for alternative means of, and requirements for, increasing access to comprehensive coverage, reducing average premiums, providing consumers the freedom to purchase the health insurance of their choice, and increasing enrollment in private health insurance; and''; and

(II) in clause (ii), by striking ''that is budget neutral for the Federal Government'' and inserting '', demonstrating that the State plan does not increase the Federal deficit''; and

(ii) in subparagraph (C), by striking ''the law'' and inserting ''a law or has in effect a certification'';

(B) in paragraph (3)—

(i) in the first sentence, by inserting ''or would qualify for a reduction in'' after ''would not qualify for'';

(ii) by adding after the second sentence the following: ''A State may request that all of, or any portion of, such aggregate amount of such credits or reductions be paid to the State as described in the first sentence.'';

(iii) in the paragraph heading, by striking ''PASS THROUGH OF FUNDING'' and inserting ''FUNDING'';

(iv) by striking ''With respect'' and inserting the following:

''(A) PASS THROUGH OF FUNDING.—With respect''; and

(v) by adding at the end the following:

''(B) ADDITIONAL FUNDING.—There is authorized to be appropriated, and is appropriated, to the Secretary of Health and Human Services, out of monies in the Treasury not otherwise obligated, $2,000,000,000 for fiscal year 2017, to remain available until the end of fiscal year 2019, to provide grants to States for purposes of submitting an application for a waiver granted under this section and implementing the State plan under such waiver.

''(C) AUTHORITY TO USE MARKET-BASED HEALTH CARE GRANT ALLOTMENT.—If the State has an application for an allotment under section 2105(i) of the Social Security Act for the plan year, the State may use the funds available under the State's allotment for the plan year to carry out the State plan under this section, so long as such use is consistent with the requirements of paragraphs (1) and (7) of section 2105(i) of such Act (other than paragraph (1)(B) of such section). Any funds used to carry out a State plan under this subparagraph shall not be considered in determining whether the State plan increases the Federal deficit.''; and

(C) in paragraph (4), by adding at the end the following:

''(D) EXPEDITED PROCESS.—The Secretary shall establish an expedited application and approval process that may be used if the Secretary determines that such expedited process is necessary to respond to an urgent or emergency situation with respect to health insurance coverage within a State.'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''may'' and inserting ''shall''; and

(II) by striking ''only if'' and inserting ''unless''; and

(ii) by striking ''plan—'' and all that follows through the period at the end of subparagraph (D) and inserting ''application is missing a required element under subsection (a)(1) or that the State plan will increase the Federal deficit, not taking into account any amounts received through a grant under subsection (a)(3)(B).'';

(B) in paragraph (2)—

(i) in the paragraph heading, by inserting ''OR CERTIFY'' after ''LAW'';

(ii) in subparagraph (A), by inserting before the period '', and a certification described in this paragraph is a document, signed by the Governor, and the State insurance commissioner, of the State, that provides authority for State actions under a waiver under this section, including the implementation of the State plan under subsection (a)(1)(B)''; and

(iii) in subparagraph (B)—

(I) in the subparagraph heading, by striking ''OF OPT OUT''; and

(II) by striking '' may repeal a law'' and all that follows through the period at the end and inserting the following: ''may terminate the authority provided under the waiver with respect to the State by—

''(i) repealing a law described in subparagraph (A); or

''(ii) terminating a certification described in subparagraph (A), through a certification for such termination signed by the Governor, and the State insurance commissioner, of the State.'';

(3) in subsection (d)(2)(B), by striking ''and the reasons therefore'' and inserting ''and the reasons therefore, and provide the data on which such determination was made''; and

(4) in subsection (e), by striking ''No waiver'' and all that follows through the period at the end and inserting the following: ''A waiver under this section—

''(1) shall be in effect for a period of 8 years unless the State requests a shorter duration;

''(2) may be renewed for unlimited additional 8-year periods upon application by the State; and

''(3) may not be cancelled by the Secretary before the expiration of the 8-year period (including any renewal period under paragraph (2)).''.

(b) APPLICABILITY.—Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) shall apply as follows:

(1) In the case of a State for which a waiver under such section was granted prior to the date of enactment of this Act, such section 1332, as in effect on the day before the date of enactment of this Act shall apply to the waiver and State plan.

(2) In the case of a State that submitted an application for a waiver under such section prior to the date of enactment of this Act, and which application the Secretary of Health and Human Services has not approved prior to such date, the State may elect to have such section 1332, as in effect on the day before the date of enactment of this Act, or such section 1332, as amended by subsection (a), apply to such application and State plan.

(3) In the case of a State that submits an application for a waiver under such section on or after the date of enactment of this Act, such section 1332, as amended by subsection (a), shall apply to such application and State plan.

SEC. 205. ALLOWING ALL INDIVIDUALS PURCHASING HEALTH INSURANCE IN THE INDIVIDUAL MARKET THE OPTION TO PURCHASE A LOWER PREMIUM CATASTROPHIC PLAN.

(a) IN GENERAL.—Section 1302(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(e)) is amended by adding at the end the following:

''(4) CONSUMER FREEDOM.—For plan years beginning on or after January 1, 2019, paragraph (1)(A) shall not apply with respect to any plan offered in the State.''.

(b) RISK POOLS.—Section 1312(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18032(c)) is amended—

(1) in paragraph (1), by inserting ''and including, with respect to plan years beginning on or after January 1, 2019, enrollees in catastrophic plans described in section 1302(e)'' after ''Exchange''; and

(2) in paragraph (2), by inserting ''and including, with respect to plan years beginning on or after January 1, 2019, enrollees in catastrophic plans described in section 1302(e)'' after ''Exchange''.

SEC. 206. APPLICATION OF ENFORCEMENT PENALTIES.

(a) IN GENERAL.—Section 2723 of the Public Health Service Act (42 U.S.C. 300gg–22) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''and of section 1303 of the Patient Protection and Affordable Care Act'' after ''this part''; and

(B) in paragraph (2), by inserting ''or in such section 1303'' after ''this part''; and

(2) in subsection (b)—

(A) in paragraphs (1) and (2)(A), by inserting ''or section 1303 of the Patient Protection and Affordable Care Act'' after ''this part'' each place such term appears;

(B) in paragraph (2)(C)(ii), by inserting ''and section 1303 of the Patient Protection and Affordable Care Act'' after ''this part''.

(b) EFFECT OF WAIVER.—A State waiver pursuant to section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) shall not affect the authority of the Secretary to impose penalties under section 2723 of the Public Health Service Act (42 U.S.C. 300gg–22).

SEC. 207. FUNDING FOR COST-SHARING PAYMENTS.

There is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for payments for cost-sharing reductions authorized by the Patient Protection and Affordable Care Act (including adjustments to any prior obligations for such payments) for the period beginning on the date of enactment of this Act and ending on December 31, 2019. Notwithstanding any other provision of this Act, payments and other actions for adjustments to any obligations incurred for plan years 2018 and 2019 may be made through December 31, 2020.

SEC. 208. REPEAL OF COST-SHARING SUBSIDY PROGRAM.

(a) IN GENERAL.—Section 1402 of the Patient Protection and Affordable Care Act is repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to cost-sharing reductions (and payments to issuers for such reductions) for plan years beginning after December 31, 2019.

SA 587. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF THE SENATE ON REPEALING THE 1993 TAX HIKE ON SOCIAL SECURITY BENEFITS SECTION.

(a) FINDINGS.—

(1) The 1993 tax on Social Security benefits was imposed as part of the President Clinton's agenda to raise taxes;

(2) The original 1993 tax hike on Social Security benefits was to raise income taxes on Social Security retirees with as little as $25,000 of income;

(3) Repeated efforts to repeal the 1993 tax hike on Social Security benefits have failed; and

(4) Seniors rely on Social Security benefits as well as dividend income to fund their retirement and they should have taxes reduced on both sources of income.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Committee on Finance should report out legislation to repeal the tax on seniors for taxable years beginning in 2018 and 2019 in a manner consistent with the preservation of the Medicare Trust Fund.

SA 588. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 345. NATURAL GAS PRODUCTION, TREATMENT, MANAGEMENT, AND USE, FORT KNOX, KENTUCKY.

(a) IN GENERAL.—Chapter 449 of title 10, United States Code, is amended by adding at the end of the following new section:

"§ 4782. Natural gas production, treatment, management, and use, Fort Knox, Kentucky

''(a) AUTHORITY.—The Secretary of the Army (referred to in this section as the 'Secretary') may provide, by contract or otherwise, for the production, treatment, management, and use of natural gas located under Fort Knox, Kentucky, without regard to section 3 of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 352).

''(b) LIMITATION ON USES.—Any natural gas produced pursuant to subsection (a)—

''(1) may only be used to support activities and operations at Fort Knox; and

''(2) may not be sold for use elsewhere.

''(c) OWNERSHIP OF FACILITIES.—The Secretary may take ownership of any gas production and treatment equipment and facilities and associated infrastructure from a contractor in accordance with the terms of a contract or other agreement entered into pursuant to subsection (a).

''(d) NO APPLICATION ELSEWHERE.—

''(1) IN GENERAL.—The authority provided by this section applies only with respect to Fort Knox, Kentucky.

''(2) EFFECT OF SECTION.—Nothing in this section authorizes the production, treatment, management, or use of natural gas resources underlying any Department of Defense installation other than Fort Knox.

''(e) APPLICABILITY.—The authority of the Secretary under this section is effective beginning on August 2, 2007.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 449 of such title is amended by adding at the end the following new item:

''4782. Natural gas production, treatment, management, and use, Fort Knox, Kentucky.''.

SA 589. Mr. JOHNSON (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1088. OFFICE OF SPECIAL COUNSEL REAUTHORIZATION.

(a) SHORT TITLE.—This section may be cited as the ''Office of Special Counsel Reauthorization Act of 2017''.

(b) ADEQUATE ACCESS OF SPECIAL COUNSEL TO INFORMATION.—Section 1212(b) of title 5, United States Code, is amended by adding at the end the following:

''(5)(A) Except as provided in subparagraph (B), the Special Counsel, in carrying out this subchapter, is authorized to—

''(i) have timely access to all records, data, reports, audits, reviews, documents, papers, recommendations, or other material available to the applicable agency that relate to an investigation, review, or inquiry conducted under—

''(I) section 1213, 1214, 1215, or 1216 of this title; or

''(II) section 4324(a) of title 38;

''(ii) request from any agency the information or assistance that may be necessary for the Special Counsel to carry out the duties and responsibilities of the Special Counsel under this subchapter; and

''(iii) require, during an investigation, review, or inquiry of an agency, the agency to provide to the Special Counsel any record or other information that relates to an investigation, review, or inquiry conducted under—

''(I) section 1213, 1214, 1215, or 1216 of this title; or

''(II) section 4324(a) of title 38.

''(B)(i) The authorization of the Special Counsel under subparagraph (A) shall not apply with respect to any entity that is an element of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003), unless the Special Counsel is investigating, or otherwise carrying out activities relating to the enforcement of, an action under subchapter III of chapter 73.

''(ii) An Inspector General may withhold from the Special Counsel material described in subparagraph (A) if the Inspector General determines that the material contains information derived from, or pertaining to, intelligence activities.

''(iii) The Attorney General or an Inspector General may withhold from the Special Counsel material described in subparagraph (A) if—

''(I)(aa) disclosing the material could reasonably be expected to interfere with a criminal investigation or prosecution that is ongoing as of the date on which the Special Counsel submits a request for the material; or

''(bb) the material—

''(AA) may not be disclosed pursuant to a court order; or

''(BB) has been filed under seal under section 3730 of title 31; and

''(II) the Attorney General or the Inspector General, as applicable, submits to the Special Counsel a written report that describes—

''(aa) the material being withheld; and

''(bb) the reason that the material is being withheld.

''(C)(i) A claim of common law privilege by an agency, or an officer or employee of an agency, shall not prevent the Special Counsel from obtaining any material described in subparagraph (A)(i) with respect to the agency.

''(ii) The submission of material described in subparagraph (A)(i) by an agency to the Special Counsel may not be deemed to waive any assertion of privilege by the agency against a non-Federal entity or against an individual in any other proceeding.

''(iii) With respect to any record or other information made available to the Special Counsel by an agency under subparagraph (A), the Special Counsel may only disclose the record or information for a purpose that is in furtherance of any authority provided to the Special Counsel under this subchapter.

''(6) The Special Counsel shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and each committee of Congress with jurisdiction over the applicable agency a report regarding any case of contumacy or failure to comply with a request submitted by the Special Counsel under paragraph (5)(A).''.

(c) INFORMATION ON WHISTLEBLOWER PROTECTIONS.—

(1) AGENCY RESPONSIBILITIES.—Section 2302 of title 5, United States Code, is amended by striking subsection (c) and inserting the following:

''(c)(1) In this subsection—

''(A) the term 'new employee' means an individual—

''(i) appointed to a position as an employee on or after the date of enactment of the Office of Special Counsel Reauthorization Act of 2017; and

''(ii) who has not previously served as an employee; and

''(B) the term 'whistleblower protections' means the protections against and remedies for a prohibited personnel practice described in paragraph (8) or subparagraph (A)(i), (B), (C), or (D) of paragraph (9) of subsection (b).

''(2) The head of each agency shall be responsible for—

''(A) preventing prohibited personnel practices;

''(B) complying with and enforcing applicable civil service laws, rules, and regulations and other aspects of personnel management; and

''(C) ensuring, in consultation with the Special Counsel and the Inspector General of the agency, that employees of the agency are informed of the rights and remedies available to the employees under this chapter and chapter 12, including—

''(i) information with respect to whistleblower protections available to new employees during a probationary period;

''(ii) the role of the Office of Special Counsel and the Merit Systems Protection Board with respect to whistleblower protections; and

''(iii) the means by which, with respect to information that is otherwise required by law or Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, an employee may make a lawful disclosure of the information to—

''(I) the Special Counsel;

''(II) the Inspector General of an agency;

''(III) Congress; or

''(IV) another employee of the agency who is designated to receive such a disclosure.

''(3) The head of each agency shall ensure that the information described in paragraph (2) is provided to each new employee of the agency not later than 180 days after the date on which the new employee is appointed.

''(4) The head of each agency shall make available information regarding whistleblower protections applicable to employees of the agency on the public website of the agency and on any online portal that is made available only to employees of the agency, if such portal exists.

''(5) Any employee to whom the head of an agency delegates authority for any aspect of personnel management shall, within the limits of the scope of the delegation, be responsible for the activities described in paragraph (2).''.

(2) TRAINING FOR SUPERVISORS.—

(A) DEFINITIONS.—In this paragraph—

(i) the term ''agency'' means any entity the employees of which are covered under paragraphs (8) and (9) of section 2302(b) of title 5, United States Code, without regard to whether any other provision of that title is applicable to the entity; and

(ii) the term ''whistleblower protections'' has the meaning given the term in section 2302(c)(1)(B) of title 5, United States Code, as amended by paragraph (1).

(B) TRAINING REQUIRED.—The head of each agency, in consultation with the Special Counsel and the Inspector General of that agency (or, in the case of an agency that does not have an Inspector General, the senior ethics official of that agency), shall provide the training described in subparagraph (C).

(C) TRAINING DESCRIBED.—The training described in this subparagraph shall—

(i) cover the manner in which the agency shall respond to a complaint alleging a violation of whistleblower protections that are available to employees of the agency; and

(ii) be provided—

(I) to each employee of the agency who—

(aa) is appointed to a supervisory position in the agency; and

(bb) before the appointment described in item (aa), had not served in a supervisory position in the agency; and

(II) on an annual basis to all employees of the agency who serve in supervisory positions in the agency.

(3) INFORMATION ON APPEAL RIGHTS.—

(A) IN GENERAL.—Any notice provided to an employee under section 7503(b)(1), section 7513(b)(1), or section 7543(b)(1) of title 5, United States Code, shall include detailed information with respect to—

(i) the right of the employee to appeal an action brought under the applicable section;

(ii) the forums in which the employee may file an appeal described in clause (i); and

(iii) any limitations on the rights of the employee that would apply because of the forum in which the employee decides to file an appeal.

(B) DEVELOPMENT OF INFORMATION.—The information described in subparagraph (A) shall be developed by the Director of the Office of Personnel Management, in consultation with the Special Counsel, the Merit Systems Protection Board, and the Equal Employment Opportunity Commission.

(d) ADDITIONAL WHISTLEBLOWER PROVISIONS.—

(1) PROHIBITED PERSONNEL PRACTICES.—Section 2302 of title 5, United States Code, is amended—

(A) in subsection (b)—

(i) in paragraph (9)(C), by inserting ''(or any other component responsible for internal investigation or review)'' after ''Inspector General''; and

(ii) in paragraph (12), by striking ''or'' at the end;

(iii) in paragraph (13), by striking the period at the end and inserting ''; or''; and

(iv) by inserting after paragraph (13) the following:

''(14) access the medical record of another employee or an applicant for employment as a part of, or otherwise in furtherance of, any conduct described in paragraphs (1) through (13).''; and

(B) in subsection (f)—

(i) in paragraph (1)—

(I) in subparagraph (E), by striking ''or'' at the end;

(II) by redesignating subparagraph (F) as subparagraph (G); and

(III) by inserting after subparagraph (E) the following:

''(F) the disclosure was made before the date on which the individual was appointed or applied for appointment to a position; or''; and

(ii) by striking paragraph (2) and inserting the following:

''(2) If a disclosure is made during the normal course of duties of an employee, the principal job function of whom is to regularly investigate and disclose wrongdoing (referred to in this paragraph as the 'disclosing employee'), the disclosure shall not be excluded from subsection (b)(8) if the disclosing employee demonstrates that an employee who has the authority to take, direct other individuals to take, recommend, or approve any personnel action with respect to the disclosing employee took, failed to take, or threatened to take or fail to take a personnel action with respect to the disclosing employee in reprisal for the disclosure made by the disclosing employee.''.

(2) EXPLANATIONS FOR FAILURE TO TAKE ACTION.—Section 1213 of title 5, United States Code, is amended—

(A) in subsection (b), by striking ''15 days'' and inserting ''45 days''; and

(B) in subsection (e)—

(i) in paragraph (1), by striking ''Any such report'' and inserting ''Any report required under subsection (c) or paragraph (5) of this subsection'';

(ii) by striking paragraph (2) and inserting the following:

''(2) Upon receipt of any report that the head of an agency is required to submit under subsection (c), the Special Counsel shall review the report and determine whether—

''(A) the findings of the head of the agency appear reasonable; and

''(B) if the Special Counsel requires the head of the agency to submit a supplemental report under paragraph (5), the reports submitted by the head of the agency collectively contain the information required under subsection (d).'';

(iii) in paragraph (3), by striking ''agency report received pursuant to subsection (c) of this section'' and inserting ''report submitted to the Special Counsel by the head of an agency under subsection (c) or paragraph (5) of this subsection''; and

(iv) by adding at the end the following:

''(5) If, after conducting a review of a report under paragraph (2), the Special Counsel concludes that the Special Counsel requires additional information or documentation to determine whether the report submitted by the head of an agency is reasonable and sufficient, the Special Counsel may request that the head of the agency submit a supplemental report—

''(A) containing the additional information or documentation identified by the Special Counsel; and

''(B) that the head of the agency shall submit to the Special Counsel within a period of time specified by the Special Counsel.''.

(3) TRANSFER REQUESTS DURING STAYS.—

(A) PRIORITY GRANTED.—Section 1214(b)(1) of title 5, United States Code, is amended by adding at the end the following:

''(E) If the Board grants a stay under subparagraph (A), the head of the agency employing the employee who is the subject of the action shall give priority to a request for a transfer submitted by the employee.''.

(B) PROBATIONARY EMPLOYEES.—Section 1221 of title 5, United States Code, is amended by adding at the end the following:

''(k) If the Board grants a stay under subsection (c) and the employee who is the subject of the action is in probationary status, the head of the agency employing the employee shall give priority to a request for a transfer submitted by the employee.''.

(4) RETALIATORY INVESTIGATIONS.—Section 1214 of title 5, United States Code, is amended by adding at the end the following:

''(i) The Special Counsel may petition the Board to order corrective action, including fees, costs, or damages reasonably incurred by an employee due to an investigation of the employee by an agency, if the investigation by an agency was commenced, expanded, or extended in retaliation for a disclosure or protected activity described in section 2302(b)(8) or subparagraph (A)(i), (B), (C), or (D) of section 2302(b)(9), without regard to whether a personnel action, as defined in section 2302(a)(2)(A), is taken.''.

(e) SUICIDE BY EMPLOYEES.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''agency'' means any entity the employees of which are covered under paragraphs (8) and (9) of section 2302(b) of title 5, United States Code, without regard to whether any other provision of that title is applicable to the entity; and

(B) the term ''personnel action'' has the meaning given the term in section 2302(a)(2)(A) of title 5, United States Code.

(2) REFERRAL.—

(A) IN GENERAL.—The head of an agency shall refer to the Special Counsel, along with any information known to the agency regarding the circumstances described in subparagraph (B), any instance in which the head of the agency has information indicating that an employee of the agency committed suicide.

(B) INFORMATION.—The circumstances described in this subparagraph are as follows:

(i) Before the death of an employee described in subparagraph (A), the employee made a disclosure of information that reasonably evidences—

(I) a violation of a law, rule, or regulation;

(II) gross mismanagement;

(III) a gross waste of funds;

(IV) an abuse of authority; or

(V) a substantial and specific danger to public health or safety.

(ii) After a disclosure described in clause (i), a personnel action was taken with respect to the employee who made the disclosure.

(3) OFFICE OF SPECIAL COUNSEL REVIEW.—Upon receiving a referral under paragraph (2)(A), the Special Counsel shall—

(A) examine whether a personnel action was taken with respect to an employee because of a disclosure described in paragraph (2)(B)(i); and

(B) take any action that the Special Counsel determines is appropriate under subchapter II of chapter 12 of title 5, United States Code.

(f) PROTECTION OF WHISTLEBLOWERS AS CRITERIA IN PERFORMANCE APPRAISALS.—

(1) ESTABLISHMENT OF SYSTEMS.—Section 4302 of title 5, United States Code, is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following:

''(b)(1) The head of each agency, in consultation with the Director of the Office of Personnel Management and the Special Counsel, shall develop criteria that—

''(A) the head of the agency shall use as a critical element for establishing the job requirements of a supervisory employee; and

''(B) promote the protection of whistleblowers.

''(2) The criteria required under paragraph (1) shall include—

''(A) principles for the protection of whistleblowers, such as the degree to which supervisory employees—

''(i) respond constructively when employees of the agency make disclosures described in subparagraph (A) or (B) of section 2302(b)(8);

''(ii) take responsible actions to resolve the disclosures described in clause (i); and

''(iii) foster an environment in which employees of the agency feel comfortable making disclosures described in clause (i) to supervisory employees or other appropriate authorities; and

''(B) for each supervisory employee—

''(i) whether the agency entered into an agreement with an individual who alleged that the supervisory employee committed a prohibited personnel practice; and

''(ii) if the agency entered into an agreement described in clause (i), the number of instances in which the agency entered into such an agreement with respect to the supervisory employee.

''(3) In this subsection—

''(A) the term 'agency' means any entity the employees of which are covered under paragraphs (8) and (9) of section 2302(b), without regard to whether any other provision of this section is applicable to the entity;

''(B) the term 'prohibited personnel practice' has the meaning given the term in section 2302(a)(1);

''(C) the term 'supervisory employee' means an employee who would be a supervisor, as defined in section 7103(a), if the agency employing the employee was an agency for purposes of chapter 71; and

''(D) the term 'whistleblower' means an employee who makes a disclosure described in section 2302(b)(8).''.

(2) CRITERIA FOR PERFORMANCE APPRAISALS.—Section 4313 of title 5, United States Code, is amended—

(A) in paragraph (4), by striking ''and'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(6) protecting whistleblowers, as described in section 4302(b)(2).''.

(3) ANNUAL REPORT TO CONGRESS ON UNACCEPTABLE PERFORMANCE IN WHISTLEBLOWER PROTECTION.—

(A) DEFINITIONS.—In this paragraph, the terms ''agency'' and ''whistleblower'' have the meanings given the terms in section 4302(b)(3) of title 5, United States Code, as amended by paragraph (1).

(B) REPORT.—Each agency shall annually submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and each committee of Congress with jurisdiction over the agency a report that details—

(i) the number of performance appraisals, for the year covered by the report, that determined that an employee of the agency failed to meet the standards for protecting whistleblowers that were established under section 4302(b) of title 5, United States Code, as amended by paragraph (1);

(ii) the reasons for the determinations described in clause (i); and

(iii) each performance-based or corrective action taken by the agency in response to a determination under clause (i).

(4) TECHNICAL AND CONFORMING AMENDMENT.—Section 4301 of title 5, United States Code, is amended, in the matter preceding paragraph (1), by striking ''For the purpose of'' and inserting ''Except as otherwise expressly provided, for the purpose of''.

(g) DISCIPLINE OF SUPERVISORS BASED ON RETALIATION AGAINST WHISTLEBLOWERS.—

(1) IN GENERAL.—Subchapter II of chapter 75 of title 5, United States Code, is amended by adding at the end the following:

''§ 7515. Discipline of supervisors based on retaliation against whistleblowers

''(a) DEFINITIONS.—In this section—

''(1) the term 'agency'—

''(A) has the meaning given the term in section 2302(a)(2)(C), without regard to whether any other provision of this chapter is applicable to the entity; and

''(B) does not include any entity that is an element of the intelligence community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003);

''(2) the term 'prohibited personnel action' means taking or failing to take an action in violation of paragraph (8) or (9) of section 2302(b) against an employee of an agency; and

''(3) the term 'supervisor' means an employee who would be a supervisor, as defined in section 7103(a), if the entity employing the employee was an agency.

''(b) PROPOSED DISCIPLINARY ACTIONS.—

''(1) IN GENERAL.—If the head of the agency in which a supervisor is employed, an administrative law judge, the Merit Systems Protection Board, the Special Counsel, a judge of the United States, or the Inspector General of the agency in which a supervisor is employed has determined that the supervisor committed a prohibited personnel action, the head of the agency in which the supervisor is employed, consistent with the procedures required under paragraph (2)—

''(A) for the first prohibited personnel action committed by the supervisor—

''(i) shall propose suspending the supervisor for a period that is not less than 3 days; and

''(ii) may propose an additional action determined appropriate by the head of the agency, including a reduction in grade or pay; and

''(B) for the second prohibited personnel action committed by the supervisor, shall propose removing the supervisor.

''(2) PROCEDURES.—

''(A) NOTICE.—A supervisor against whom an action is proposed to be taken under paragraph (1) is entitled to written notice that—

''(i) states the specific reasons for the proposed action; and

''(ii) informs the supervisor about the right of the supervisor to review the material that constitutes the factual support on which the proposed action is based.

''(B) ANSWER AND EVIDENCE.—

''(i) IN GENERAL.—A supervisor who receives notice under subparagraph (A) may, not later than 14 days after the date on which the supervisor receives the notice, submit an answer and furnish evidence in support of that answer.

''(ii) NO EVIDENCE FURNISHED; INSUFFICIENT EVIDENCE FURNISHED.—If, after the end of the 14-day period described in clause (i), a supervisor does not furnish any evidence as described in that clause, or if the head of the agency in which the supervisor is employed determines that the evidence furnished by the supervisor is insufficient, the head of the agency shall carry out the action proposed under subparagraph (A) or (B) of paragraph (1), as applicable.

''(C) SCOPE OF PROCEDURES.—An action carried out under this section—

''(i) except as provided in clause (ii), shall be subject to the same requirements and procedures, including those with respect to an appeal, as an action under section 7503, 7513, or 7543; and

''(ii) shall not be subject to—

''(I) paragraphs (1) and (2) of section 7503(b);

''(II) paragraphs (1) and (2) of subsection (b) and subsection (c) of section 7513; and

''(III) paragraphs (1) and (2) of subsection (b) and subsection (c) of section 7543.

''(3) NON-DELEGATION.—If the head of an agency is responsible for determining whether a supervisor has committed a prohibited personnel action for purposes of paragraph (1), the head of the agency may not delegate that responsibility.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 75 of title 5, United States Code, is amended by inserting after the item relating to section 7514 the following:

''7515. Discipline of supervisors based on retaliation against whistleblowers.''.

(h) TERMINATION OF CERTAIN INVESTIGATIONS BY THE OFFICE OF SPECIAL COUNSEL.—Section 1214(a) of title 5, United States Code, is amended by adding at the end the following:

''(6)(A) Notwithstanding any other provision of this section, not later than 30 days after the date on which the Special Counsel receives an allegation of a prohibited personnel practice under paragraph (1), the Special Counsel may terminate an investigation of the allegation without further inquiry if the Special Counsel determines that—

''(i) the same allegation, based on the same set of facts and circumstances, had previously been—

''(I)(aa) made by the individual; and

''(bb) investigated by the Special Counsel; or

''(II) filed by the individual with the Merit Systems Protection Board;

''(ii) the Special Counsel does not have jurisdiction to investigate the allegation; or

''(iii) the individual knew or should have known of the alleged prohibited personnel practice on or before the date that is 3 years before the date on which the Special Counsel received the allegation.

''(B) Not later than 30 days after the date on which the Special Counsel terminates an investigation under subparagraph (A), the Special Counsel shall provide a written notification to the individual who submitted the allegation of a prohibited personnel practice that states the basis of the Special Counsel for terminating the investigation.''.

(i) ALLEGATIONS OF WRONGDOING WITHIN THE OFFICE OF SPECIAL COUNSEL.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

''(i) The Special Counsel shall enter into at least 1 agreement with the Inspector General of an agency under which—

''(1) the Inspector General shall—

''(A) receive, review, and investigate allegations of prohibited personnel practices or wrongdoing filed by employees of the Office of Special Counsel; and

''(B) develop a method for an employee of the Office of Special Counsel to communicate directly with the Inspector General; and

''(2) the Special Counsel—

''(A) may not require an employee of the Office of Special Counsel to seek authorization or approval before directly contacting the Inspector General in accordance with the agreement; and

''(B) may reimburse the Inspector General for services provided under the agreement.''.

(j) REPORTING REQUIREMENTS.—

(1) ANNUAL REPORT.—Section 1218 of title 5, United States Code, is amended to read as follows:

''§ 1218. Annual report

''The Special Counsel shall submit to Congress, on an annual basis, a report regarding the activities of the Special Counsel, which shall include, for the year preceding the submission of the report—

''(1) the number, types, and disposition of allegations of prohibited personnel practices filed with the Special Counsel and the costs of resolving such allegations;

''(2) the number of investigations conducted by the Special Counsel;

''(3) the number of stays and disciplinary actions negotiated with agencies by the Special Counsel;

''(4) the number of subpoenas issued by the Special Counsel;

''(5) the number of instances in which the Special Counsel reopened an investigation after the Special Counsel had made an initial determination with respect to the investigation;

''(6) the actions that resulted from reopening investigations, as described in paragraph (5);

''(7) the number of instances in which the Special Counsel did not make a determination before the end of the 240-day period described in section 1214(b)(2)(A)(i) regarding whether there were reasonable grounds to believe that a prohibited personnel practice had occurred, existed, or was to be taken;

''(8) a description of the recommendations and reports made by the Special Counsel to other agencies under this subchapter and the actions taken by the agencies as a result of the recommendations or reports;

''(9) the number of—

''(A) actions initiated before the Merit Systems Protection Board, including the number of corrective action petitions and disciplinary action complaints initiated; and

''(B) stays and extensions of stays obtained from the Merit Systems Protection Board;

''(10) the number of prohibited personnel practice complaints that resulted in a favorable action for the complainant, other than a stay or an extension of a stay, organized by actions in—

''(A) complaints dealing with reprisals against whistleblowers; and

''(B) all other complaints; and

''(11) the number of prohibited personnel practice complaints that were resolved by an agreement between an agency and an individual, organized by agency and agency components in—

''(A) complaints dealing with reprisals against whistleblowers; and

''(B) all other complaints;

''(12) the number of corrective actions that the Special Counsel required an agency to take after a finding by the Special Counsel of a prohibited personnel practice, as defined in section 2302(a)(1); and

''(13) the results for the Office of Special Counsel of any employee viewpoint survey conducted by the Office of Personnel Management or any other agency.''.

(2) PUBLIC INFORMATION.—Section 1219(a)(1) of title 5, United States Code, is amended to read as follows:

''(1) a list of any noncriminal matters referred to the head of an agency under section 1213(c), together with—

''(A) a copy of the information transmitted to the head of the agency under section 1213(c)(1);

''(B) any report from the agency under section 1213(c)(1)(B) relating to the matter;

''(C) if appropriate, not otherwise prohibited by law, and consented to by the complainant, any comments from the complainant under section 1213(e)(1) relating to the matter; and

''(D) the comments or recommendations of the Special Counsel under paragraph (3) or (4) of section 1213(e);''.

(3) NOTICE OF COMPLAINT SETTLEMENTS.—Section 1217 of title 5, United States Code, is amended—

(A) by striking ''The Special Counsel'' and inserting the following:

''(a) IN GENERAL.—The Special Counsel''; and

(B) by adding at the end the following:

''(b) ADDITIONAL REPORT REQUIRED.—

''(1) IN GENERAL.—If an allegation submitted to the Special Counsel is resolved by an agreement between an agency and an individual, the Special Counsel shall submit to Congress and each congressional committee with jurisdiction over the agency a report regarding the agreement.

''(2) CONTENTS.—Any report required under paragraph (1) shall identify, with respect to an agreement described in that paragraph—

''(A) the agency that entered into the agreement;

''(B) the position and employment location of the employee who submitted the allegation that formed the basis of the agreement;

''(C) the position and employment location of any employee alleged by an employee described in subparagraph (B) to have committed a prohibited personnel practice, as defined in section 2302(a)(1);

''(D) a description of the allegation described in subparagraph (B); and

''(E) whether the agency that entered into the agreement has agreed to pursue any disciplinary action as a result of the allegation described in subparagraph (B).''.

(k) ESTABLISHMENT OF SURVEY PILOT PROGRAM.—

(1) IN GENERAL.—The Office of Special Counsel shall design and establish a pilot program under which the Office shall conduct, during the first full fiscal year after the date of enactment of this Act, a survey of individuals who have filed a complaint or disclosure with the Office.

(2) PURPOSE.—The survey under paragraph (1) shall be designed for the purpose of collecting information and improving service at various stages of a review or investigation by the Office of Special Counsel.

(3) RESULTS.—The results of the survey under paragraph (1) shall be published in the annual report of the Office of Special Counsel.

(4) SUSPENSION OF OTHER SURVEYS.—During the period beginning on October 1, 2017, and ending on September 30, 2018, section 13 of the Act entitled ''An Act to reauthorize the Office of Special Counsel, and for other purposes'', approved October 29, 1994 (5 U.S.C. 1212 note), shall have no force or effect.

(l) STAYS OF THE MERIT SYSTEMS PROTECTION BOARD.—Section 1214(b)(1)(B)(ii) of title 5, United States Code, is amended by striking ''who was appointed, by and with the advice and consent of the Senate,''.

(m) REGULATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Special Counsel shall prescribe such regulations as may be necessary to perform—

(A) the functions of the Special Counsel under subchapter II of chapter 12 of title 5, United States Code, including regulations that are necessary to carry out sections 1213, 1214, and 1215 of that title; and

(B) any functions of the Special Counsel that are required because of the amendments made by this section.

(2) PUBLICATION.—Any regulations prescribed under paragraph (1) shall be published in the Federal Register.

(n) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 8(a)(2) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note) is amended by striking ''2003, 2004, 2005, 2006, and 2007'' and inserting ''2017 through 2022''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as though enacted on September 30, 2015.

SA 590. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

On page 6, strike line 9 and insert the following:

(b) DEFINITION OF FULL-TIME EMPLOYEE.—Section 4980H(c) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(E), by striking ''by 120'' and inserting ''by 174''; and

(2) in paragraph (4)(A) by striking ''30 hours'' and inserting ''40 hours''.

(c) EFFECTIVE DATE.—The amendments made by

SA 591. Ms. HEITKAMP submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 1269(2), strike the end period and insert the following: '', and should fully consider actions to reassure the Republic of Korea and Japan of the enduring commitment of the United States to provide its full range of defensive capabilities.''.

SA 592. Mr. DURBIN (for himself, Mr. BLUNT, Mr. CASEY, Mr. COCHRAN, Ms. BALDWIN, Mr. SHELBY, Mr. BROWN, Ms. MURKOWSKI, Mr. CARDIN, Mr. MORAN, Mr. COONS, Ms. DUCKWORTH, Ms. HASSAN, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mrs. MURRAY, Mr. NELSON, Mr. PETERS, Mr. REED, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL, Mr. VAN HOLLEN, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WYDEN, Ms. HIRONO, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 737. TREATMENT OF CERTAIN PROVISIONS RELATING TO MEDICAL RESEARCH CONDUCTED BY THE DEPARTMENT OF DEFENSE.

(a) MEDICAL RESEARCH AND DEVELOPMENT PROJECTS.—Section 733, relating to a prohibition on funding and conduct of certain medical research and development projects by the Department of Defense, shall have no force or effect.

(b) CONGRESSIONAL SPECIAL INTEREST MEDICAL RESEARCH PROGRAMS.—Sections 891, 892, and 893, relating to limitations on the authority of the Secretary of Defense to enter into contracts, grants, or cooperative agreements for congressional special interest medical research programs under the congressionally directed medical research program of the Department of Defense, shall have no force or effect.

SA 593. Ms. DUCKWORTH (for herself, Mr. DURBIN, Mr. BLUMENTHAL, Mr. WHITEHOUSE, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. _____. INTEREST RATE LIMITATION ON DEBT ENTERED INTO DURING MILITARY SERVICE TO CONSOLIDATE OR REFINANCE STUDENT LOANS INCURRED BEFORE MILITARY SERVICE.

(a) IN GENERAL.—Subsection (a) of section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended—

(1) in paragraph (1), by inserting ''ON DEBT INCURRED BEFORE SERVICE'' after ''LIMITATION TO 6 PERCENT'';

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

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

''(2) LIMITATION TO 6 PERCENT ON DEBT INCURRED DURING SERVICE TO CONSOLIDATE OR REFINANCE STUDENT LOANS INCURRED BEFORE SERVICE.—An obligation or liability bearing interest at a rate in excess of 6 percent per

year that is incurred by a servicemember, or the servicemember and the servicemember's spouse jointly, during military service to consolidate or refinance one or more student loans incurred by the servicemember before such military service shall not bear an interest at a rate in excess of 6 percent during the period of military service.'';

(4) in paragraph (3), as redesignated by paragraph (2) of this subsection, by inserting ''or (2)'' after ''paragraph (1)''; and

(5) in paragraph (4), as so redesignated, by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(b) IMPLEMENTATION OF LIMITATION.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking ''the interest rate limitation in subsection (a)'' and inserting ''an interest rate limitation in paragraph (1) or (2) of subsection (a)''; and

(2) in paragraph (2)—

(A) in the paragraph heading, by striking ''EFFECTIVE AS OF DATE OF ORDER TO ACTIVE DUTY'' and inserting ''EFFECTIVE DATE''; and

(B) by inserting before the period at the end the following: ''in the case of an obligation or liability covered by subsection (a)(1), or as of the date the servicemember (or servicemember and spouse jointly) incurs the obligation or liability concerned under subsection (a)(2)''.

(c) STUDENT LOAN DEFINED.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

''(3) STUDENT LOAN.—The term 'student loan' means the following:

''(A) A Federal student loan made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

''(B) A private student loan as that term is defined section 140(a) of the Truth in Lending Act (15 U.S.C. 1650(a)).''.

SA 594. Ms. KLOBUCHAR (for herself, Mr. TILLIS, Mr. BROWN, Mrs. GILLIBRAND, Ms. WARREN, Mr. WHITEHOUSE, Mr. NELSON, Ms. BALDWIN, Mr. ROUNDS, Mr. FRANKEN, and Mr. COONS) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1088. ESTABLISHMENT OF CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF HEALTH CONDITIONS RELATING TO EXPOSURE TO BURN PITS AND OTHER ENVIRONMENTAL EXPOSURES.

(a) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 7330C. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits and other environmental exposures

''(a) ESTABLISHMENT.—(1) The Secretary shall establish within the Department a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits and other environmental exposures to carry out the responsibilities specified in subsection (d).

''(2) The Secretary shall establish the center of excellence under paragraph (1) through the use of—

''(A) the directives and policies of the Department in effect as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018;

''(B) the recommendations of the Comptroller General of the United States and Inspector General of the Department in effect as of such date; and

''(C) guidance issued by the Secretary of Defense under section 313 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 1074 note).

''(b) SELECTION OF SITE.—In selecting the site for the center of excellence established under subsection (a), the Secretary shall consider entities that—

''(1) are equipped with the specialized equipment needed to study, diagnose, and treat health conditions relating to exposure to burn pits and other environmental exposures;

''(2) have a track record of publishing information relating to post-deployment health exposures among veterans who served in the Armed Forces in support of Operation Iraqi Freedom and Operation Enduring Freedom;

''(3) have access to animal models and in vitro models of dust immunology and lung injury consistent with the injuries of members of the Armed Forces who served in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

''(4) have expertise in allergy, immunology, and pulmonary diseases.

''(c) COLLABORATION.—The Secretary shall ensure that the center of excellence collaborates, to the maximum extent practicable, with the Secretary of Defense, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (d).

''(d) RESPONSIBILITIES.—The center of excellence shall have the following responsibilities:

''(1) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of health conditions relating to exposure to burn pits and other environmental exposures.

''(2) To provide guidance for the health systems of the Department and the Department of Defense in determining the personnel required to provide quality health care for members of the Armed Forces and veterans with health conditions relating to exposure to burn pits and other environmental exposures.

''(3) To establish, implement, and oversee a comprehensive program to train health professionals of the Department and the Department of Defense in the treatment of health conditions relating to exposure to burn pits and other environmental exposures.

''(4) To facilitate advancements in the study of the short-term and long-term effects of exposure to burn pits and other environmental exposures.

''(5) To disseminate within medical facilities of the Department best practices for training health professionals with respect to health conditions relating to exposure to burn pits and other environmental exposures.

''(6) To conduct basic science and translational research on health conditions relating to exposure to burn pits and other environmental exposures for the purposes of understanding the etiology of such conditions and developing preventive interventions and new treatments.

''(7) To provide medical treatment to veterans diagnosed with medical conditions specific to exposure to burn pits and other environmental exposures.

''(e) USE OF BURN PITS REGISTRY DATA.—In carrying out its responsibilities under subsection (d), the center of excellence shall have access to and make use of the data accumulated by the burn pits registry established under section 201 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

''(f) DEFINITIONS.—In this section:

''(1) The term 'burn pit' means an area of land located in Afghanistan or Iraq that—

''(A) is designated by the Secretary of Defense to be used for disposing solid waste by burning in the outdoor air; and

''(B) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.

''(2) The term 'other environmental exposures' means exposure to environmental hazards, including burn pits, dust or sand, hazardous materials, and waste at any site in Afghanistan or Iraq that emits smoke containing pollutants present in the environment or smoke from fires or explosions.

''(g) FUNDING.—(1) There is authorized to be appropriated to carry out this section $4,100,000 for each of the first five fiscal years beginning after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2018.

''(2) The Secretary may award additional amounts on a competitive basis to the center of excellence from the medical and prosthetics research account of the Department for the purpose of conducting research under this section relating to clinical and scientific investigation.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 7330B the following new item:

''7330C. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits and other environmental exposures.''.

SA 595. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. _____. LONGITUDINAL MEDICAL STUDY ON BLAST PRESSURE EXPOSURE OF MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—The Secretary of Defense shall conduct a longitudinal medical study on blast pressure exposure of members of the Armed Forces during combat and training, including members who train with high overpressure weapons, such as anti-tank recoilless rifles and heavy-caliber sniper rifles.

(b) ELEMENTS.—The study required under subsection (a) shall—

(1) monitor, record, and analyze data on blast pressure exposure for any member of the Armed Forces who is likely to be exposed to a blast in training or combat;

(2) assess the feasibility and advisability of including blast exposure history as part of the service record of a member, as a blast exposure log, in order to ensure that, if medical issues arise later, the member receives care for any service-connected injuries; and

(3) review the safety precautions surrounding heavy weapons training to account for emerging research on blast exposure and the effects on of such exposure on cognitive performance of members of the Armed Forces.

(c) REPORT.—The Secretary shall submit to Congress a report on the results of the study conducted under subsection (a).

SA 596. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle J of title VIII, add the following:

SEC. 899D. REPORT ON DEFENSE CONTRACTING FRAUD.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on defense contracting fraud.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A summary of fraud-related criminal convictions and civil judgements or settlements over the previous five fiscal years.

(2) A listing of contractors that within the previous five fiscal years performed contracts for the Department of Defense and were debarred or suspended from Federal contracting based on a criminal conviction for fraud.

(3) An assessment of the total value of Department of Defense contracts entered into during the previous five fiscal years with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government.

(4) Recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government, including an update on implementation by the Department of any previous such recommendations.

SA 597. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Outsourcing Prevention

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Defending American Jobs Act''.

SEC. 1092. WORKFORCE DISCLOSURE REQUIREMENTS FOR DEFENSE CONTRACTS.

(a) INFORMATION REQUIRED.—The Secretary of Defense shall require each contractor that enters into a contract with the Department of Defense for the procurement of property or services to provide to the Department, on an annual basis for the duration of the contract, the following information:

(1) The number of individuals employed by the contractor in the United States.

(2) The number of individuals employed by the contractor outside the United States.

(3) A description of the wages and employee benefits being provided to the employees of the contractor in the United States.

(4) A description of the wages and employee benefits being provided to the employees of the contractor outside the United States.

(b) CERTIFICATION REGARDING LAYOFFS.—Beginning on the date that is one year after a contractor enters into a contract described under subsection (a), and annually thereafter for the duration of the contract, the contractor shall provide, in addition to the information required under subsection (a), a written certification that contains the following information:

(1) The percentage of the workforce of the contractor employed in the United States that has been laid off or induced to resign from the contractor during the 12-month period preceding the submission of the certification.

(2) The percentage of the total workforce of the contractor that has been laid off or induced to resign from the contractor during the 12-month period preceding the submission of the certification.

(c) PROHIBITION ON AWARDING CONTRACTS TO DEFENSE CONTRACTORS THAT LAY OFF A GREATER PERCENTAGE OF WORKERS IN THE UNITED STATES THAN IN OTHER COUNTRIES.—Notwithstanding any other provision of law, if, in the written certification provided to the Department of Defense by a contractor under subsection (b), the percentage described in paragraph (1) of such subsection is greater than the percentage described in paragraph (2) of such subsection, the contractor shall be ineligible for further contracts with the Department of Defense until the contractor provides to the Department a written certification that the number of employees of the contractor in the United States is in the same proportion as, or has increased in proportion to, the number of the employees of the contractor worldwide as of the later of—

(1) the date the contractor last made a certification under subsection (b) concerning the contract that did not cause the contractor to become ineligible under this subsection for a Department of Defense contract; or

(2) the date on which the contractor entered into the contract for which the certification is being made.

SA 598. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MAXIMUM CONTAMINANT LEVELS FOR PERFLUORINATED COMPOUNDS.

Section 1412(b)(2) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)(2)) is amended by adding at the end the following:

''(D) PERFLUORINATED COMPOUNDS.—Not later than 2 years after the date of enactment of this subparagraph, with respect to the perfluorinated compounds perfluorooctanoic acid and perfluorooctanesulfonic acid, the Administrator shall—

''(i) publish a maximum contaminant level goal; and

''(ii) promulgate a national primary drinking water regulation.''.

SA 599. Mr. MORAN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 338. PROHIBITION ON TRANSFER OF THE TOOLS AND EQUIPMENT OF THE ADVANCED TURBINE ENGINE ARMY MAINTENANCE OF THE ARMY NATIONAL GUARD.

No action may be taken to reduce the capability of, or to eliminate or transfer the tools and equipment of, the Advanced Turbine Engine Army Maintenance (ATEAM) of the Army National Guard until the Secretary of Defense certifies each of the following:

(1) That Advanced Turbine Engine Army Maintenance capabilities do not result in any cost avoidance or savings to the Department of Defense.

(2) That there is no existing or anticipated requirement for Advanced Turbine Engine Army Maintenance technical expertise and capabilities among any Armed Force or the militaries of United States allies (through the Foreign Military Sales program).

(3) That there is no existing or anticipated requirement to support and maintain readiness of any unit of the Armed Forces, including Army National Guard units in the Idaho, Kansas, Minnesota, Mississippi, Montana, Nevada, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, and Tennessee, that may require the capabilities of the Advanced Turbine Engine Army Maintenance for on-site repair or field support during training events or otherwise.

SA 600. Mr. MORAN (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. _____. ARMY MILITARY VALUE ANALYSIS MODEL.

(a) FINDINGS.—Congress makes the following

(1) The Military Value Analysis model of the Army has been a key determinant for the force structure and strategic basing decisions of the Army in recent years.

(2) The Committees on Armed Services of the Senate and the House of Representatives have determined that a lack of transparency regarding process, metrics, and scoring on the matters covered by the Military Value Analysis model has made proper oversight of the Army by Congress far more difficult.

(c) REPORT ON UPDATED MODEL.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report setting forth an update of the Military Value Analysis model of the Army.

(2) REVIEW.—The Secretary shall update the Military Value Analysis model for purposes of the report required by paragraph (1) following a review undertaken by the Secretary for purposes of the update. The review and update shall address and appropriately incorporate the following:

(A) Qualitative and quantitative criteria and sub-criteria to be used for force structure and strategic basing decisions, including quantitative and qualitative measures on the average daily use of, and accessibility to, maneuver training acreage.

(B) Deployment criteria using a measure of the time required to deploy a unit of action from its home installation to its deployment site, including the transportation of unit personnel by military aircraft, and transportation of the commonly defined set of unit equipment to its designated out-port for deployment.

(d) SCORING DATA FOR FORCE STRUCTURE AND MAJOR BASING DECISIONS.—After making a force structure or major basing decision for the Army, the Secretary of the Army shall submit to the congressional defense committees a report setting forth the scoring data developed pursuant to the Military Value Analysis model of the Army with respect to each military installation considered for purposes of the decision.

SA 601. Mr. MORAN (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1088. DECLASSIFICATION BY DEPARTMENT OF DEFENSE OF CERTAIN INCIDENTS OF EXPOSURE OF MEMBERS OF THE ARMED FORCES TO TOXIC SUBSTANCES.

(a) IN GENERAL.—The Secretary of Defense shall declassify documents related to any known incident in which not fewer than 100 members of the Armed Forces were exposed to a toxic substance that resulted in at least one case of a disability that a member of the medical profession has determined to be associated with that toxic substance.

(b) LIMITATION.—The declassification required by subsection (a) shall be limited to information necessary for an individual who was potentially exposed to a toxic substance to determine the following:

(1) Whether that individual was exposed to that toxic substance.

(2) The potential severity of the exposure of that individual to that toxic substance.

(3) Any potential health conditions that may have resulted from exposure to that toxic substance.

(c) EXCEPTION.—The Secretary of Defense is not required to declassify documents under subsection (a) if the Secretary determines that declassification of those documents would materially and immediately threaten the security of the United States.

(d) DEFINITIONS.—In this section:

(1) ARMED FORCES.—The term ''Armed Forces'' has the meaning given that term in section 101 of title 10, United States Code.

(2) EXPOSED.—The term ''exposed'' means, with respect to a toxic substance, that an individual came into contact with that toxic substance in a manner that could be hazardous to the health of that individual, that may include if that toxic substance was inhaled, ingested, or touched the skin or eyes.

(3) EXPOSURE.—The term ''exposure'' means, with respect to a toxic substance, an event during which an individual was exposed to that toxic substance.

(4) TOXIC SUBSTANCE.—The term ''toxic substance'' means any substance determined by the Administrator of the Environmental Protection Agency to be harmful to the environment or hazardous to the health of an individual if inhaled or ingested by or absorbed through the skin of that individual.

SA 602. Mr. MCCAIN (for himself, Mr. FLAKE, Ms. MURKOWSKI, and Mr. DAINES) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TRANSFER OF NON-COMBAT MILITARY VEHICLES AND EQUIPMENT TO STATE AND LOCAL FIRE DEPARTMENTS UNDER FIREFIGHTER PROPERTY (FFP) PROGRAM.

The Secretary of Defense shall take steps to facilitate the transfer of non-combat military vehicles and equipment to State and local fire departments under the Firefighter Property (FFP) program carried out pursuant to section 2576b of title 10, United States Code, including by preventing the Defense Logistics Agency from implementing guidance categorizing such equipment as high security items subject to Trade Security Controls and other enhanced security requirements.

SA 603. Mr. KING (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 122, strike subsection (b).

SA 604. Mr. KING submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STUDY ON SCALING WATER PURIFIERS THAT USE MIXED-OXIDANT ELECTROLYTIC DISINFECTANT GENERATOR (MEDG) TECHNOLOGY FOR SMALL AND MEDIUM SHIPS.

The Secretary of the Navy shall conduct a study on the feasibility of scaling water purifiers that use Mixed-Oxidant Electrolytic Disinfectant Generator (MEDG) technology for small and medium ships.

SA 605. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. ____. PROHIBITION ON CONDUCT OF FIRST-USE NUCLEAR STRIKES.

(a) PROHIBITION.—Notwithstanding any other provision of law, the President may not use the Armed Forces of the United States to conduct a first-use nuclear strike unless such strike is conducted pursuant to a declaration of war by Congress that expressly authorizes such strike.

(b) FIRST-USE NUCLEAR STRIKE DEFINED.—In this section, the term ''first-use nuclear strike'' means an attack using nuclear weapons against an enemy that is conducted without the President determining that the enemy has first launched a nuclear strike against the United States or an ally of the United States.

SA 606. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON USE OF FUNDS FOR LONG-RANGE STANDOFF WEAPON OR W80 WARHEAD LIFE EXTENSION PROGRAM.

Notwithstanding any other provision of this Act or any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2018 for the Department of Defense or the Department of Energy may be obligated or expended for the research, development, test, and evaluation or procurement of the long-range standoff weapon or for the W80 warhead life extension program.

SA 607. Mr. MARKEY (for himself, Mr. GARDNER, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1262.

SA 608. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle ____ of title ____, add the following:

SEC. _____. ATOMIC VETERANS SERVICE MEDAL.

(a) SERVICE MEDAL REQUIRED.—The Secretary of Defense shall design and produce a military service medal, to be known as the ''Atomic Veterans Service Medal'', to honor retired and former members of the Armed Forces who are radiation-exposed veterans (as such term is defined in section 1112(c)(3) of title 38, United States Code).

(b) DISTRIBUTION OF MEDAL.—

(1) ISSUANCE TO RETIRED AND FORMER MEMBERS.—At the request of a radiation-exposed veteran, the Secretary of Defense shall issue the Atomic Veterans Service Medal to the veteran.

(2) ISSUANCE TO NEXT-OF-KIN.—In the case of a radiation-exposed veteran who is deceased, the Secretary may provide for issuance of the Atomic Veterans Service Medal to the next-of-kin of the person.

(3) APPLICATION.—The Secretary shall prepare and disseminate as appropriate an application by which radiation-exposed veterans and their next-of-kin may apply to receive the Atomic Veterans Service Medal.

SA 609. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. _____. SENSE OF CONGRESS ON THE UNITED STATES STRATEGY FOR AFGHANISTAN AND SOUTH ASIA.

It is the sense of Congress that—

(1) it is in the national security interest of the United States that Afghanistan never again serve as a sanctuary for international terrorists to conduct attacks against the United States, its allies, or its core interests;

(2) to secure the national security interest of the United States in Afghanistan, the United States should pursue an integrated civil-military strategy with strategic objectives to—

(A) deny, disrupt, degrade, and destroy the ability of terrorist groups to conduct attacks against the United States, its allies, and its core interests;

(B) prevent the Taliban from using military force to overthrow the Government of the Islamic Republic of Afghanistan and reduce the Taliban's control of the Afghan population;

(C) improve the capability and capacity of the Government of the Islamic Republic of Afghanistan, to the extent feasible and practicable, to defeat terrorist and insurgent groups as well as to sustainably and independently provide security throughout Afghanistan;

(D) establish security conditions in Afghanistan necessary to encourage and facilitate a negotiated peace process that supports political reconciliation in Afghanistan and an eventual diplomatic resolution to the conflict in Afghanistan; and

(E) forge a regional diplomatic consensus in support of the long-term stabilization of Afghanistan through integration into regional patterns of political, security, and economic cooperation;

(3) the United States should pursue an integrated civil-military strategy that would achieve United States strategic objectives by—

(A) bolstering the United States counterterrorism effort in Afghanistan by—

(i) increasing the number of United States counterterrorism forces in Afghanistan;

(ii) providing the United States military with status-based targeting authorities against the Taliban, the Haqqani Network, al-Qaeda, the Islamic State of Iraq and Syria, and other terrorist groups that threaten the United States, its allies, and its core interests; and

(iii) pursuing a joint agreement to secure a long-term, open-ended counterterrorism partnership between the United States and the Government of the Islamic Republic of Afghanistan, which would include an enduring United States counterterrorism presence in Afghanistan;

(B) improving the military capability and capacity of the Afghan National Security and Defense Forces (ANSDF) against the Taliban and other terrorists groups by—

(i) in the short term, establishing United States military training and advisory teams at the *kandak*-level of each Afghan corps, and significantly increasing the availability of United States airpower and other critical combat enablers to support Afghan National Security and Defense Forces operations; and

(ii) in the long term, providing sustained support to the Afghan National Security and Defense Forces as it develops and expands its own key enabling capabilities, including intelligence, logistics, special forces, air lift, and close air support;

(C) strictly conditioning further United States military, economic, and governance assistance programs for the Government of the Islamic Republic of Afghanistan upon measurable progress in achieving joint United States-Afghanistan benchmarks for implementing necessary institutional reforms, especially those related to anti-corruption, financial transparency, and the rule of law;

(D) imposing graduated diplomatic, military, and economic costs on Pakistan as long as it continues to provide support and sanctuary to terrorist and insurgent groups, including the Taliban and the Haqqani Network, while simultaneously outlining the potential benefits of a long-term United States-Pakistan strategic partnership that could result from the cessation by Pakistan of support for all terrorist and insurgent groups and constructive role in bringing about a peaceful resolution of the conflict in Afghanistan; and

(E) intensifying United States regional diplomatic efforts working through flexible frameworks for regional dialogue together with Afghanistan, Pakistan, China, India, Tajikistan, Uzbekistan, Turkmenistan, and other nations to promote political reconciliation in Afghanistan as well as to advance regional cooperation on issues such as border security, intelligence sharing, counternarcotics, transportation, and trade to reduce mistrust and build confidence among regional states; and

(4) the President should ensure that the Secretary of Defense, the Secretary of State, and United States military commanders have all the necessary means, based on political and security conditions on the ground in Afghanistan and unconstrained by arbitrary timelines, to carry out an integrated civil-military strategy as described in paragraphs (2) and (3), including financial resources, civilian personnel, military forces and capabilities, and authorities.

SA 610. Ms. HIRONO (for herself and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. AUTHORITY TO USE ENERGY SAVINGS INVESTMENT FUND FOR ENERGY MANAGEMENT INITIATIVES.

Section 2919(b)(2) of title 10, United States Code, is amended by striking '', to the extent provided for in an appropriations Act,''.

SA 611. Ms. HIRONO (for herself and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REPORT ON USE OF AREAWIDE CONTRACTS FOR ENERGY RESILIENCE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the General Services Administration and the Secretary of Energy, shall submit to the congressional defense committees a report identifying projects to increase energy resiliency on military installations that could be executed under an existing areawide contract (as defined in section 41.101 of the Federal Acquisition Regulation). The report shall also identify recommendations to support installation commanders and contracting officers in contracting with utility service suppliers under areawide contracts.

SA 612. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. _____. LIEUTENANT HENRY OSSIAN FLIPPER LEADER SHIP SCHOLARSHIP PROGRAM.

(a) AUTHORITY.—The Secretary of the Army shall carry out a program to be known as the ''Lieutenant Henry Ossian Flipper Leadership Scholarship Program'' under which the Secretary may provide financial assistance, in accordance with this section, to a person—

(1) who is pursuing a recognized postsecondary credential at a minority-serving institution; and

(2) who enters into an agreement with the Secretary as described in subsection (b).

(b) SERVICE AGREEMENT FOR SCHOLARSHIP RECIPIENTS.—

(1) IN GENERAL.—To receive financial assistance under this section—

(A) a member of the Army shall enter into an agreement to serve on active duty in the Army for the period of obligated service determined under paragraph (2); and

(B) a person who is not a member of the Army shall enter into an agreement to enlist or accept a commission in the Army and to serve on active duty in Army for the period of obligated service determined under paragraph (2).

(2) PERIOD OF OBLIGATED SERVICE.—The period of obligated service for a recipient of financial assistance under this section shall be the period determined by the Secretary of Army as being appropriate to obtain adequate service in exchange for the financial assistance. The period of service required of a recipient shall be not less than the period equal to three-fourths of the total period of pursuit of a credential for which the Secretary agrees to provide the recipient with financial assistance under this section. The period of obligated service is in addition to any other period for which the recipient is obligated to serve on active duty.

(3) TERMS OF AGREEMENT.—An agreement entered into under this section by a person pursuing a recognized postsecondary credential shall include the following terms:

(A) SERVICE START DATE.—The period of obligated service will begin on a date after the award of the credential, as determined by the Secretary of the Army.

(B) ACADEMIC PROGRESS.—The person will maintain satisfactory academic progress, as determined by the Secretary, and that failure to maintain such progress constitutes grounds for termination of the financial assistance for the person under this section.

(C) OTHER TERMS.—Any other terms and conditions that the Secretary determines to be appropriate for carrying out this section.

(c) AMOUNT OF ASSISTANCE.—The amount of the financial assistance provided for a person under this section shall be the amount determined by the Secretary of the Army as being necessary to pay the person's cost of attendance at the minority-serving institution.

(d) USE OF ASSISTANCE FOR SUPPORT OF INTERNSHIPS.—The financial assistance for a person under this section may also be provided to support internship activities of the person at the Department of Defense in periods between the academic years leading to the credential for which assistance is provided the person under this section.

(e) REPAYMENT FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—A member of the Army who does not complete the period of active duty specified in the service agreement under subsection (b) shall be subject to the repayment provisions of section 303a(e) of title 37, United States Code.

(f) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report that includes—

(1) an assessment of the progress of the Secretary in carrying out the scholarship program under this section;

(2) the number of scholarships that the Secretary intends to award in the academic year beginning after the date of the submission of the report; and

(3) a description of the Secretary's efforts to promote the scholarship program at minority-serving institutions.

(g) DEFINITIONS.—In this section:

(1) COST OF ATTENDANCE.—The term ''cost of attendance'' has the meaning given the term in section 472 of the Higher Education Act of 1965 (20 19 U.S.C. 10871l).

(2) MINORITY-SERVING INSTITUTION.—The term ''minority-serving institution'' means an institution of higher education described in section 371(a) of the Higher Education Act of 1965 (20 24 U.S.C. 1067q(a)).

(3) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term ''recognized postsecondary credential'' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 5 U.S.C. 3102).

SA 613. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle C of title XVI, insert the following:

SEC. ____. DEPARTMENT OF DEFENSE CYBER WORKFORCE DEVELOPMENT PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense may carry out a pilot program to be known as the ''Cyber Workforce Development Pilot Program'' (in this section referred to as the ''Pilot Program'') under which the Secretary shall provide funds, in addition to other funds that may be available, for the recruitment, training, professionalization, and retention of personnel in the cyber workforce of the Department of Defense.

(b) PURPOSE.—The purpose of the Pilot Program shall be to assess the effectiveness of carrying out a full-scale talent management program to ensure that the cyber workforce of the Department of Defense has the capacity, in both personnel and skills, needed to effectively perform its cyber missions and the kinetic missions impacted by cyber activities.

(c) MANAGEMENT.—The Pilot Program shall be managed by the Chief Information Officer of the Department of Defense, in consultation with the Principal Cyber Advisor to the Secretary of Defense.

(d) GUIDANCE.—The Chief Information Officer of the Department of Defense, in consultation with the Principal Cyber Advisor to the Secretary of Defense, shall issue guidance for the administration of the Pilot Program. Such guidance shall include provisions that—

(1) identify areas of need in the cyber workforce that funds under the Pilot Program may be used to address, including—

(A) changes to the types of skills needed in the cyber workforce;

(B) capabilities to develop the cyber workforce and assist members of the cyber workforce in achieving qualifications and professionalization through activities such as training, education, and exchange programs;

(C) incentives to retain qualified, experienced cyber workforce personnel; and

(D) incentives for attracting new, high-quality personnel to the cyber workforce;

(2) describe the process under which entities may submit an application to receive funds under the Pilot Program;

(3) describe the evaluation criteria to be used for approving or prioritizing applications for funds under the Pilot Program in any fiscal year; and

(4) describe measurable objectives of performance for determining whether funds under the Pilot Program are being used in compliance with this section.

(e) CONSIDERATIONS.—When selecting entities to provide training and education services under the Pilot Program, consideration shall be given to whether the entity providing such services is a Center of Academic Excellence in Information Assurance Education (as that term is defined in section 2200e of title 10, United States Code).

(f) ANNUAL REPORT.—Not later than 120 days after the end of each of fiscal year for which funds are appropriated for the Pilot Program, the Secretary of Defense shall submit to the congressional defense committees a report on the operation of the Pilot Program during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(1) A description of the expenditures made under the Pilot Program (including expenditures following a transfer of funds under the Pilot Program to a military department or Defense Agency) in such fiscal year, including the purpose of such expenditures.

(2) A description and assessment of improvements in the Department of Defense cyber workforce resulting from such expenditures.

(3) Recommendations for additional authorities to fulfill the purpose of the Pilot Program.

(4) A statement of the funds that remain available under the Pilot Program at the end of such fiscal year.

(g) TERMINATION.—The Pilot Program and the annual reporting requirement under subsection (f) shall each terminate on the date that is five years after the date on which funds are first appropriated for the Pilot Program and any funds not obligated or expended under the Pilot Program on that date shall be deposited in the general fund of the Treasury of the United States.

(h) CYBER WORKFORCE DEFINED.—In this section, the term ''cyber workforce'' means the following:

(1) Personnel in positions that require the performance of cybersecurity or other cyber-related functions as so identified pursuant to the Federal Cybersecurity Workforce Assessment Act of 2015 (Public Law 114–113; 5 U.S.C. 301 note) .

(2) Military personnel or civilian employees of the Department of Defense who are not described in paragraph (1) but who—

(A) are assigned functions that contribute significantly to cyber operations; and

(B) are designated as temporary members of the cyber workforce by the Chief Information Officer of the Department of Defense, or by the head of a military department or Defense Agency, for the limited purpose of receiving training for the performance of cyber-related functions.

SA 614. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle C of title XVI, insert the following:

SEC. _____. REPORT ON PROGRESS IN CARRYING OUT ASSESSMENT OF MILITARY AND INTELLIGENCE NECESSITY AND BENEFIT OF DUAL-HAT ARRANGEMENT FOR COMMANDER OF THE UNITED STATES CYBER COMMAND.

The Secretary of Defense shall submit to the congressional defense committees a report on the progress of the Secretary and the Chairman of the Joint Chiefs of Staff in carrying out the assessment required by section 1642(b)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328).

SA 615. Ms. CORTEZ MASTO submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. _____. REPORT ON PLAN TO STABILIZE THE AREAS IN IRAQ AND SYRIA LIBERATED FROM THE ISLAMIC STATE OF IRAQ AND THE LEVANT.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act the Secretary of State and Secretary of Defense shall jointly submit to the appropriate committees of Congress a report that sets forth the plan of the United States to stabilize areas in Iraq and Syria that are liberated from the Islamic State of Iraq and the Levant (ISIL).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) For areas in Iraq described in subsection (a), the following:

(A) An assessment of security in such areas, and an identification of the forces that will provide post-conflict stabilization and security in the areas described in subsection (a).

(B) An assessment of the extent to which security forces trained and equipped using United States assistance are prepared—

(i) to provide post-conflict stabilization and security in such areas;

(ii) to support inclusive governance structures in such areas;

(iii) to support the return of displaced persons to such areas; and

(iv) to defer to legitimate local authorities for governance decisions in such areas.

(C) An assessment of the capacity of such security forces to operate effectively in post-conflict environments, including in the performance of counterterrorism operations and stabilization operations independent of United States forces.

(D) An assessment of the interest and support from such security forces and legitimate local authorities for the participation of the United States Government in post-conflict stabilization efforts, as well as the ability of the United States Government to influence stabilization outcomes in such areas.

(E) A description of—

(i) the responsibilities and plans of the Department of State in working with the Government of Iraq and legitimate local authorities to re-establish essential services, promote inclusive governance structures, and support reconstitution of local economies in such areas;

(ii) plans for improving any gaps identified in the assessments described in subparagraphs (A) through (D); and

(iii) the resources required to execute the plans described in clause (ii), and the metrics to be used in evaluating the execution of such plans.

(F) A description of the roles, responsibilities, and anticipated contributions of resources of partner nations in securing and stabilizing such areas.

(2) For areas in Syria described in subsection (a), the following:

(A) An assessment of security in such areas, and an identification of the forces that will provide post-conflict stabilization and security in the areas described in subsection (a).

(B) An assessment of the extent to which security forces trained and equipped using United States assistance are prepared—

(i) to provide post-conflict stabilization and security in such areas;

(ii) to support inclusive governance structures in such areas;

(iii) to support the return of displaced persons to such areas; and

(iv) to defer to legitimate local authorities for governance decisions in such areas.

(C) An assessment of the capacity of such security forces to operate effectively in post-conflict environments, including in the performance of counterterrorism operations and stabilization operations independent of United States forces.

(D) An assessment of the interest and support from such security forces and legitimate local authorities for the participation of the United States Government in post-conflict stabilization efforts, as well as the ability of the United States Government to influence stabilization outcomes in such areas.

(E) A description of—

(i) the responsibilities and plans of the Department of State in working with legitimate local authorities to re-establish essential services, promote inclusive governance structures, and support reconstitution of local economies in such areas;

(ii) plans for improving any gaps identified in the assessments described in subparagraphs (A) through (D); and

(iii) the resources required to execute the plans described in clause (ii), and the metrics to be used in evaluating the execution of such plans.

(F) A description of the roles, responsibilities, and anticipated contributions of resources of partner nations in securing and stabilizing such areas.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

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

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

SA 616. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REASONABLE PRICE AGREEMENT.

(a) IN GENERAL.—If any Federal agency or any non-profit entity undertakes Federally funded health care research and development and is to convey or provide a patent for a drug, biologic, or other health care technology developed through such research, such agency or entity shall not make such conveyance or provide such patent until the entity (including a non-profit entity) that will receive such patent first agrees to a reasonable pricing agreement with the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') or the Secretary makes a determination that the public interest is served by a waiver of the reasonable pricing agreement provided in accordance with subsection (c).

(b) PROHIBITION OF DISCRIMINATION.—

(1) IN GENERAL.—For purposes of subsection (a), any reasonable pricing formula that is utilized shall not result in discriminatory pricing for the drug, biologic, or other health care technology involved regardless of the number of bidders involved. In carrying out this subparagraph, the Secretary shall ensure that the Federal Government, with respect to the drug, biologic, or other health care technology involved, is charged an amount that is not more than the lowest amount charged to countries in the Organization for Economic Co-Operation and Development for the same drug, biologic, or technology, that have the largest gross domestic product with a per capita income that is not less than half the per capita income of the United States.

(2) DISCRIMINATORY PRICING.—For the purposes of paragraph (1), a cost based reasonable pricing formula that is utilized shall be considered to result in discriminatory pricing if the contract for sale of the drug, biologic, or other health care technology places a limit on supply, or employs any other measure, that has the effect of—

(A) providing access to such drug, biologic, or technology on terms or conditions that are less favorable than the terms or conditions provided to a foreign purchaser (other than a charitable or humanitarian organization) of the drug, biologic, or technology; or

(B) restricting access to the drug, biologic, or technology under this section.

(c) WAIVER.—No waiver shall take effect under subsection (a) before the public is given notice of the proposed waiver and provided a reasonable opportunity to comment on the proposed waiver. A decision to grant a waiver shall set out the Secretary's finding that such a waiver is in the public interest.

SA 617. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—COMMUNITY HEALTH CENTERS

SEC. __01. SHORT TITLE.

This title may be cited as the ''Community Health Center and Primary Care Workforce Expansion Act of 2017''.

SEC. __02. COMMUNITY HEALTH CENTER PROGRAM.

(a) IN GENERAL.—Section 10503(b)(1) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b- 2(b)(1)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period; and

(3) by adding at the end the following:

''(F) $5,110,000,000 for fiscal year 2018;

''(G) $5,410,000,000 for fiscal year 2019;

''(H) $5,790,000,000 for fiscal year 2020;

''(I) $6,620,000,000 for fiscal year 2021;

''(J) $7,510,000,000 for fiscal year 2022;

''(K) $8,460,000,000 for fiscal year 2023;

''(L) $9,490,000,000 for fiscal year 2024;

''(M) $10,590,000,000 for fiscal year 2025;
''(N) $11,780,000,000 for fiscal year 2026;
''(O) $12,500,000,000 for fiscal year 2027; and
''(P) for fiscal year 2028, and each subsequent fiscal year, the amount appropriated for the preceding fiscal year adjusted by the product of—
''(i) one plus the average percentage increase in costs incurred per patient served; and
''(ii) one plus the average percentage increase in the total number of patients served.''.

(b) CAPITAL PROJECTS.—In addition to amounts otherwise appropriated under section 10503(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b- 2(b)(1)), there is authorized to be appropriated, and there is appropriated, for the community health centers program under section 330 of the Public Health Service Act (42 U.S.C. 254b) for capital projects, $18,600,000,000 for fiscal year 2017.

(c) LIMITATION.—Amounts otherwise appropriated for community health centers may not be reduced as a result of the appropriations made under this section.

(d) AVAILABILITY OF FUNDS.—Amounts appropriated under this section shall remain available until expended.

SEC. __03. NATIONAL HEALTH SERVICE CORPS.

(a) IN GENERAL.—Section 10503(b)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b- 2(b)(2)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period; and

(3) by adding at the end the following:
''(F) $850,000,000 for fiscal year 2018;
''(G) $893,000,000 for fiscal year 2019;
''(H) $938,000,000 for fiscal year 2020;
''(I) $985,000,000 for fiscal year 2021;
''(J) $1,030,000,000 for fiscal year 2022;
''(K) $1,090,000,000 for fiscal year 2023;
''(L) $1,100,000,000 for fiscal year 2024;
''(M) $1,200,000,000 for fiscal year 2025;
''(N) $1,300,000,000 for fiscal year 2026;
''(O) $1,500,000,000 for fiscal year 2027; and
''(P) for fiscal year 2028, and each subsequent fiscal year, the amount appropriated for the preceding fiscal year adjusted by the product of—
''(i) one plus the average percentage increase in the costs of health professions education during the prior fiscal year; and
''(ii) one plus the average percentage change in the number of individuals residing in health professions shortage areas designated under section 333 of the Public Health Service Act during the prior fiscal year, relative to the number of individuals residing in such areas during the previous fiscal year.''.

(b) LIMITATION.—Amounts otherwise appropriated for National Health Service Corps may not be reduced as a result of the appropriations made under this section.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated under this section shall remain available until expended.

SEC. __04. TEACHING HEALTH CENTERS.

(a) IN GENERAL.—Section 340H(g) of the Public Health Service Act (42 U.S.C. 256h(g)) is amended—

(1) by striking ''2015 and'' and inserting ''2015,''; and

(2) by striking the period and inserting '', $176,000,000 for fiscal years 2018 and 2019, $184,000,000 for fiscal year 2020, $194,000,000 for fiscal year 2021, $203,000,000 for fiscal year 2022, $214,000,000 for fiscal year 2023, $224,000,000 for fiscal year 2024, $235,000,000 for fiscal year 2025, $247,000,000 for fiscal year 2026, $260,000,000 for fiscal year 2027, and for fiscal year 2028, and each subsequent fiscal year, the amount appropriated for the preceding fiscal year adjusted by the greater of the annual percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average) as rounded up in an appropriate manner, or the percentage increase for the fiscal year involved under section 2(a)(11).''.

(b) LIMITATION.—Amounts otherwise appropriated for Teaching Health Centers may not be reduced as a result of the appropriations made under this section.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated under this section shall remain available until expended.

SEC. __05. NURSE PRACTITIONER RESIDENCY TRAINING PROGRAMS.

(a) IN GENERAL.—Section 5316 of the Patient Protection and Affordable Care Act is amended by striking subsection (i) and inserting the following:

''(i) APPROPRIATIONS.—In addition to amounts otherwise appropriated, there is authorized to be appropriated, and there is appropriated to carry out this section—
''(1) $35,000,000 for fiscal year 2018;
''(2) $40,000,000 for fiscal year 2019;
''(3) $45,000,000 for fiscal year 2020;
''(4) $50,000,000 for fiscal year 2021;
''(5) $55,000,000 for fiscal year 2022;
''(6) $60,000,000 for fiscal year 2023;
''(7) $65,000,000 for fiscal year 2024;
''(8) $70,000,000 for fiscal year 2025;
''(9) $75,000,000 for fiscal year 2026;
''(10) $80,000,000 for fiscal year 2027; and
''(11) for fiscal year 2028, and each subsequent fiscal year, the amount appropriated for the preceding fiscal year adjusted by the greater of the annual percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average) as rounded up in an appropriate manner, or the percentage increase for the fiscal year involved under section 10503(b)(1)(P) of the Patient Protection and Affordable Care Act.''.

(b) LIMITATION.—Amounts otherwise appropriated for Nurse Practitioner Residency Training Programs may not be reduced as a result of the appropriations made under this section.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated under this section shall remain available until expended.

SA 618. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CONDITIONS ON AWARD OF DRUG EXCLUSIVITY.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

''SEC. 569D. CONDITIONS ON AWARD OF DRUG EXCLUSIVITY.

''(a) TERMINATION OF EXCLUSIVITY.—Notwithstanding any other provision of this Act, any period of exclusivity described in subsection (b) granted to a person or assigned to a person on or after the date of enactment of this section with respect to a drug shall be terminated if the person to which such exclusivity was granted or any person to which such exclusivity is assigned commits a violation described in subsection (c)(1) with respect to such drug.

''(b) EXCLUSIVITIES AFFECTED.—The periods of exclusivity described in this subsection are those periods of exclusivity granted under any of the following sections:

''(1) Clause (ii), (iii), or (iv) of section 505(c)(3)(E).
''(2) Clause (iv) of section 505(j)(5)(B).
''(3) Clause (ii), (iii), or (iv) of section 505(j)(5)(F).
''(4) Section 505A.
''(5) Section 505E.
''(6) Section 527.
''(7) Section 351(k)(7) of the Public Health Service Act.
''(8) Any other provision of this Act that provides for market exclusivity (or extension of market exclusivity) with respect to a drug.

''(c) VIOLATIONS.—
''(1) IN GENERAL.—A violation described in this subsection is a violation of a law described in paragraph (2) that results in—
''(A) a criminal conviction of a person described in subsection (a);
''(B) a civil judgment against a person described in subsection (a); or
''(C) a settlement agreement in which a person described in subsection (a) admits to fault.
''(2) LAWS DESCRIBED.—The laws described in this paragraph are the following:
''(A) The provisions of this Act that prohibit—
''(i) the adulteration or misbranding of a drug;
''(ii) the making of false statements to the Secretary or committing fraud; or
''(iii) the illegal marketing of a drug.
''(B) The provisions of subchapter III of chapter 37 of title 31, United States Code (commonly known as the 'False Claims Act').
''(C) Section 287 of title 18, United States Code.
''(D) The Medicare and Medicaid Patient Protection and Program Act of 1987 (commonly known as the 'Antikickback Statute').
''(E) Section 1927 of the Social Security Act.
''(F) A State law against fraud comparable to a law described in subparagraphs (A) through (E).

''(d) DATE OF EXCLUSIVITY TERMINATION.—The date on which the exclusivity shall be terminated as described in subsection (a) is the date on which, as applicable—
''(1) a final judgment is entered relating to a violation described in subparagraph (A) or (B) of subsection (c)(1); or
''(2)(A) a settlement agreement described in subsection (c)(1)(C) is approved by a court order that is or becomes final and nonappealable; or
''(B) if there is no court order approving a settlement agreement described in subsection (c)(1)(C), a court order dismissing the applicable case, issued after the settlement agreement, is or becomes final and nonappealable.

''(e) REPORTING OF INFORMATION.—A person described in subsection (a) that commits a violation described in subsection (c)(1) shall report such violation to the Secretary no later than 30 days after the date that—
''(1) a final judgment is entered relating to a violation described in subparagraph (A) or (B) of subsection (c)(1); or
''(2)(A) a settlement agreement described in subsection (c)(1)(C) is approved by a court order that is or becomes final and nonappealable; or
''(B) if there is no court order approving a settlement agreement described in subsection (c)(1)(C), a court order dismissing the applicable case, issued after the settlement agreement, is or becomes final and nonappealable.''.

SA 619. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for

reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DENTAL CLINICS IN SCHOOLS.

Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.) is amended by adding at the end the following:

''SEC. 399Z–3. DENTAL CLINICS IN SCHOOLS.

''(a) IN GENERAL.—The Secretary shall award grants to qualified entities for the purpose of funding the building, operation, or expansion of dental clinics in schools.

''(b) QUALIFIED ENTITIES.—To receive a grant under this section, a qualified entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(c) REQUIREMENTS.—An entity receiving a grant under this section shall—

''(1) provide comprehensive oral health services at a dental clinic based at a school, including oral health education, oral screening, fluoride application, prophylaxis, sealants, and basic restorative services;

''(2) develop a coordinated system of care by referring patients to an available qualified oral health provider in the community for any required oral health services not provided in the dental clinic in the school, including restorative services, to ensure that all the oral health needs of students are met; and

''(3) maintain clinic hours that extend beyond school hours.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there is authorized to be appropriated such sums as may be necessary for fiscal years 2018 through 2021.''.

SA 620. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 112 and insert the following:

SEC. 112. REPEAL OF MEDICAID EXPANSION.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) in section 1902 (42 U.S.C. 1396a)—

(A) in subsection (a)(10)(A)—

(i) in clause (i)(VIII), by inserting ''and ending December 31, 2017,'' after ''2014,'';

(ii) in clause (ii)(XX), by inserting ''and ending December 31, 2017,'' after ''2014,''; and

(iii) in clause (ii), by adding at the end the following new subclause:

''(XXIII) beginning January 1, 2018, who are grandfathered expansion enrollees (as defined in subsection (nn)(1));''; and

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

''(nn) GRANDFATHERED EXPANSION ENROLLEES.—

''(1) IN GENERAL.—In this title, the term 'grandfathered expansion enrollee' means an individual—

''(A) who is under 65 years of age;

''(B) who is not pregnant;

''(C) who is not entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of title XVIII;

''(D) who is not described in any of subclauses (I) through (VII) of subsection (a)(10)(A)(i);

''(E) whose income (as determined under subsection (e)(14)) does not exceed 133 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved; and

''(F) was enrolled under the State plan under this title (or a waiver of such plan) as of December 31, 2017.

''(2) STATE OPTION TO LIMIT ELIGIBILITY.—A State may deem an individual who is a grandfathered expansion enrollee to no longer be a grandfathered expansion enrollee if, after December 31, 2017, such individual has a break in eligibility for medical assistance under the State plan under this title for such a period of time as the State may specify (but which shall in no case be less than 6 months).

''(3) APPLICATION OF RELATED PROVISIONS.—Any reference in subsection (a)(10)(G), (k), or (gg) of this section or in section 1903, 1905(a), 1920(e), or 1937(a)(1)(B) to individuals described in subclause (VIII) of subsection (a)(10)(A)(i) shall be deemed to include a reference to grandfathered expansion enrollees.''; and

(2) in section 1905 (42 U.S.C. 1396d)—

(A) in subsection (y)(1)—

(i) in the matter preceding subparagraph (A)—

(I) by inserting ''and that has elected to cover newly eligible individuals before March 1, 2017'' after ''that is one of the 50 States or the District of Columbia''; and

(II) by striking ''shall be equal to'' and inserting ''who, for periods after December 31, 2019, are grandfathered expansion enrollees (as defined in section 1902(nn)(1)), shall be equal to the higher of the percentage otherwise determined for the State and year under subsection (b) (without regard to this subsection) and''; and

(ii) in subparagraph (D), by striking ''and'' after the semicolon; and

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

''(E) 90 percent for calendar quarters in 2020;

''(F) 85 percent for calendar quarters in 2021;

''(G) 80 percent for calendar quarters in 2022; and

''(H) 75 percent for calendar quarters in 2023.''; and

(B) in subsection (z)(2)—

(i) in subparagraph (A)—

(I) by inserting ''through 2023'' after ''each year thereafter''; and

(II) by striking ''shall be equal to'' and inserting ''and for periods after December 31, 2019 and before January 1, 2024, who are grandfathered expansion enrollees (as defined in section 1902(nn)(1)) shall be equal to the higher of the percentage otherwise determined for the State and year under subsection (b) (without regard to this subsection) and''; and

(ii) in subparagraph (B)(ii)—

(I) in subclause (III), by adding ''and'' at the end; and

(II) by striking subclauses (IV), (V), and (VI) and inserting the following new subclause:

''(IV) 2017 and each subsequent year through 2023 is 80 percent.''.

(b) TEMPORARY INCREASE TO PER CAPITA CAPS.—Section 1903A(c) of the Social Security Act, as added by this Act, is amended by adding at the end the following new paragraph:

''(6) INCREASE TO STATE EXPENDITURES TARGETS.—

''(A) IN GENERAL.—For each of fiscal years 2020 through 2026, in determining the target total medical assistance expenditures for a State and fiscal year under paragraph (1), the Secretary shall increase, by the amount determined for the State and year under subparagraph (B), the sum of the products, for each of the 1903A enrollee categories (as defined in subsection (e)(2)) except for the category described in subsection (e)(2)(D), of the target per capita medical assistance expenditures (as defined in paragraph (2)) for the enrollee category, State, and fiscal year, and the number of 1903A enrollees for such enrollee category, State, and fiscal year, as determined under subsection (e)(4).

''(B) ADJUSTMENT.—The amount determined under this subparagraph for a State and year shall be equal to the annual increase amount for the year (as defined in subparagraph (C)) multiplied by the ratio of—

''(i) the average monthly number of individuals enrolled in the State plan under this title (including, if applicable, individuals enrolled in a Medicaid Flexibility Program conducted by the State under section 1903B but excluding any individual enrolled under section 1902(a)(10)(A)(ii)(XXIII)) for the previous fiscal year; to

''(ii) the sum of the average monthly numbers of individuals enrolled in a State plan under this title (including, if applicable, individuals enrolled in a Medicaid Flexibility Program conducted by a State under section 1903B but excluding any individual enrolled under section 1902(a)(10)(A)(ii)(XXIII)) for the previous fiscal year for all States.

''(C) ANNUAL INCREASE AMOUNT.—In this paragraph, the term 'annual increase amount' means, with respect to a fiscal year during the period described in subparagraph (A), an amount equal to the total amount of additional Federal payments which would have been made for medical assistance provided to individuals under subclause (XXIII) of section 1902(a)(10)(A)(ii) for such fiscal year if the requirement described in section 1902(nn)(1)(F) (relating to enrollment as of December 31, 2017) did not apply (as determined by the Director of the Office of Management and Budget).

''(D) DISREGARD OF INCREASE.—Any adjustment under this paragraph to target total medical assistance expenditures for a State and fiscal year shall be disregarded when determining the target total medical assistance expenditures for such State for a succeeding year under paragraph (1).''.

(c) EXPANSION REPEAL SAVINGS PAYMENTS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this section, the Secretary of Health and Human Services shall make a payment to each State in the amount determined for the State under paragraph (3).

(2) USE OF FUNDS.—

(A) IN GENERAL.—A State shall use any payment received under this section to finance the non-Federal share of expenditures under the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which are not attributable to medical assistance provided to individuals under subclause (XXIII) of section 1902(a)(10)(A)(ii) of such Act for the year in which such payment is received.

(B) NONAPPLICATION OF RESTRICTIONS.—Any provision of law restricting the use of Federal funds for the purpose described in subparagraph (A) shall not apply to payments made to States under this subsection.

(3) PAYMENT AMOUNTS.—The amount of a payment determined under this paragraph for a State shall be equal to the product of—

(A) the amount appropriated under paragraph (4); and

(B) the ratio of—

(i) the average monthly number of individuals enrolled in the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for calendar year 2016, excluding any individuals enrolled under clause (i)(VIII) or (ii)(XX) of section 1902(a)(10)(A) of such Act; to

(ii) the sum of the average monthly numbers of individuals enrolled in State plans under such title XIX for calendar year 2016 for all States, excluding any individuals enrolled under clause (i)(VIII) or (ii)(XX) of section 1902(a)(10)(A) of such Act.

(4) APPROPRIATION.—For the purpose of carrying out this subsection, there is appropriated to the Secretary of Health and Human Services for fiscal year 2018 to remain available until expended, an amount equal to the total amount of additional Federal payments which would have been made for medical assistance provided to individuals under subclause (XXIII) of section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) for the period beginning on January 1, 2018 and ending on September 30, 2019, if the requirement described in section 1902(nn)(1)(F) of such Act (relating to enrollment as of December 31, 2017) did not apply (as determined by the Director of the Office of Management and Budget).

(d) SUNSET OF ESSENTIAL HEALTH BENEFITS REQUIREMENT.—Section 1937(b)(5) of the Social Security Act (42 U.S.C. 1396u–7(b)(5)) is amended by adding at the end the following: ''This paragraph shall not apply after December 31, 2019.''.

SA 621. Mr. TILLIS submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. _____. AUTHORIZATION OF PHYSICAL THERAPIST ASSISTANTS AND OCCUPATIONAL THERAPY ASSISTANTS TO PROVIDE SERVICES UNDER THE TRICARE PROGRAM.

(a) ADDITION TO LIST OF AUTHORIZED PROFESSIONAL PROVIDERS OF CARE.—The Secretary of Defense shall revise section 199.6(c) of title 32, Code of Federal Regulations, as in effect on the date of the enactment of this Act, to add to the list of individual professional providers of care who are authorized to provide services to beneficiaries under the TRICARE program, as defined in section 1072 of title 10, United States Code, the following types of health care practitioners:

(1) Licensed or certified physical therapist assistants who meet the qualifications for physical therapist assistants specified in section 484.4 of title 42, Code of Federal Regulations, or any successor regulation, to furnish services under the supervision of a physical therapist.

(2) Licensed or certified occupational therapy assistants who meet the qualifications for occupational therapy assistants specified in such section 484.4, or any successor regulation, to furnish services under the supervision of an occupational therapist.

(b) SUPERVISION.—The Secretary of Defense shall establish in regulations requirements for the supervision of physical therapist assistants and occupational therapy assistants, respectively, by physical therapists and occupational therapists, respectively.

(c) MANUALS AND OTHER GUIDANCE.—The Secretary of Defense shall update the CHAMPVA Policy Manual and other relevant manuals and subregulatory guidance of the Department of Defense to carry out the revisions and requirements of this section.

SA 622. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XIV, add the following:

SEC. 1433. AUTHORITY OF CHIEF OPERATING OFFICER OF THE ARMED FORCES RETIREMENT HOME TO ACQUIRE AND LEASE PROPERTY.

(a) ACQUISITION OF PROPERTY.—Subsection (e) of section 1511 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411) is amended—

(1) in paragraph (2)—

(A) by striking ''Secretary of Defense may acquire,'' and inserting ''Chief Operating Officer may acquire,''; and

(B) by striking ''Secretary may acquire'' and inserting ''Chief Operating Officer may acquire''; and

(2) in paragraph (3)—

(A) by striking ''Secretary of Defense determines'' and inserting ''Chief Operating Officer determines''; and

(B) by striking ''Secretary shall dispose'' and inserting ''Chief Operating Officer shall dispose''.

(b) LEASING OF NONEXCESS PROPERTY.—Subsection (i) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''Secretary of Defense (acting on behalf of the Chief Operating Officer)'' and inserting ''Chief Operating Officer''; and

(B) by striking ''as the Secretary considers'' and inserting ''(subject to paragraph (7)) as the Chief Operating Officer considers'';

(2) in paragraph (5), by striking ''the Secretary of Defense may not enter into the lease on behalf of the Chief Operating Officer'' and inserting ''the Chief Operating Officer may not enter into the lease'';

(3) in paragraph (6)(A), by striking ''Secretary of Defense'' and inserting ''Chief Operating Officer'';

(4) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(5) by inserting after paragraph (6) the following new paragraph (7):

''(7) A lease under this subsection may not be entered into until the terms of the lease are approved by the Secretary of Defense.''.

SA 623. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle ____ of title ____, add the following new section:

SEC. _____. DEPARTMENT OF DEFENSE CYBER WORKFORCE DEVELOPMENT PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense may carry out a pilot program to be known as the ''Cyber Workforce Development Pilot Program'' (in this section referred to as the ''Pilot Program'') under which the Secretary shall provide funds, in addition to other funds that may be available, for the recruitment, training, professionalization, and retention of personnel in the cyber workforce of the Department of Defense.

(b) PURPOSE.—The purpose of the Pilot Program shall be to assess the effectiveness of carrying out a full-scale talent management program to ensure that the cyber workforce of the Department of Defense has the capacity, in both personnel and skills, needed to effectively perform its cyber missions and the kinetic missions affected by cyber activities.

(c) MANAGEMENT.—The Pilot Program shall be managed by the Chief Information Officer of the Department of Defense, in consultation with the Principal Cyber Advisor to the Secretary of Defense.

(d) GUIDANCE.—The Chief Information Officer, in consultation with the Principal Cyber Advisor to the Secretary of Defense, shall issue guidance for the administration of the Pilot Program. Such guidance shall include provisions that—

(1) identify areas of need in the cyber workforce that funds under the Pilot Program may be used to address, including—

(A) changes to the types of skills needed in the cyber workforce;

(B) capabilities to develop the cyber workforce and assist members of the cyber workforce in achieving qualifications and professionalization through activities such as training, education, and exchange programs;

(C) incentives to retain qualified, experienced cyber workforce personnel; and

(D) incentives for attracting new, high-quality personnel to the cyber workforce;

(2) describe the process under which entities may submit an application to receive funds under the Pilot Program;

(3) describe the evaluation criteria to be used for approving or prioritizing applications for funds under the Pilot Program in any fiscal year; and

(4) describe measurable objectives of performance for determining whether funds under the Pilot Program are being used in compliance with this section.

(e) CONSIDERATIONS.—When selecting entities to provide training and education services under the Pilot Program, consideration shall be given to whether the entity providing such services is a Center of Academic Excellence in Information Assurance Education (as that term is defined in section 2200e of title 10, United States Code).

(f) ANNUAL REPORT.—Not later than 120 days after the end of each fiscal year for which funds are appropriated for the Pilot Program, the Secretary shall submit to the congressional defense committees a report on the operation of the Pilot Program during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(1) A description of the expenditures made under the Pilot Program (including expenditures following a transfer of funds under the Pilot Program to a military department or Defense Agency) in such fiscal year, including the purpose of such expenditures.

(2) A description and assessment of improvements in the Department of Defense cyber workforce resulting from such expenditures.

(3) Recommendations for additional authorities to fulfill the purpose of the Pilot Program.

(4) A statement of the funds that remain available under the Pilot Program at the end of such fiscal year.

(g) TERMINATION.—The Pilot Program and the annual reporting requirement under subsection (f) shall each terminate on the date that is five years after the date on which funds are first appropriated for the Pilot Program and any funds not obligated or expended under the Pilot Program on that date

shall be deposited in the general fund of the Treasury of the United States.

(h) CYBER WORKFORCE DEFINED.—In this section, the term ''cyber workforce'' means the following:

(1) Personnel in positions that require the performance of cybersecurity or other cyber-related functions as so identified pursuant to the Federal Cybersecurity Workforce Assessment Act of 2015 (Public Law 114–113; 5 U.S.C. 301 note).

(2) Military personnel or civilian employees of the Department of Defense who are not described in paragraph (1) but who—

(A) are assigned functions that contribute significantly to cyber operations; and

(B) are designated as temporary members of the cyber workforce by the Chief Information Officer of the Department of Defense, or by the head of a military department or Defense Agency, for the limited purpose of receiving training for the performance of cyber-related functions.

SA 624. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page ____, between lines ____ and ____, insert the following:

(3) affect the integrity or outcome of United States elections at any level, including at the Federal, State, and local levels;

SA 625. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Outsourcing Prevention

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Defending American Jobs Act''.

SEC. 1092. WORKFORCE DISCLOSURE REQUIREMENTS FOR DEFENSE CONTRACTS.

(a) INFORMATION REQUIRED.—The Secretary of Defense shall require each contractor that enters into a contract with the Department of Defense for the procurement of property or services to provide to the Department, on an annual basis for the duration of the contract, the following information:

(1) The number of individuals employed by the contractor in the United States.

(2) The number of individuals employed by the contractor outside the United States.

(3) A description of the wages and employee benefits being provided to the employees of the contractor in the United States.

(4) A description of the wages and employee benefits being provided to the employees of the contractor outside the United States.

(b) CERTIFICATION REGARDING LAYOFFS.—Beginning on the date that is one year after a contractor enters into a contract described under subsection (a), and annually thereafter for the duration of the contract, the contractor shall provide, in addition to the information required under subsection (a), a written certification that contains the following information:

(1) The percentage of the workforce of the contractor employed in the United States that has been laid off or induced to resign from the contractor during the 12-month period preceding the submission of the certification.

(2) The percentage of the total workforce of the contractor that has been laid off or induced to resign from the contractor during the 12-month period preceding the submission of the certification.

(c) PROHIBITION ON AWARDING CONTRACTS TO DEFENSE CONTRACTORS THAT LAY OFF A GREATER PERCENTAGE OF WORKERS IN THE UNITED STATES THAN IN OTHER COUNTRIES.—Notwithstanding any other provision of law, if, in the written certification provided to the Department of Defense by a contractor under subsection (b), the percentage described in paragraph (1) of such subsection is greater than the percentage described in paragraph (2) of such subsection, the contractor shall be ineligible for further contracts with the Department of Defense until the contractor provides to the Department a written certification that the number of employees of the contractor in the United States is in the same proportion as, or has increased in proportion to, the number of the employees of the contractor worldwide as of the later of—

(1) the date the contractor last made a certification under subsection (b) concerning the contract that did not cause the contractor to become ineligible under this subsection for a Department of Defense contract; or

(2) the date on which the contractor entered into the contract for which the certification is being made.

SA 626. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPORT ON DEFENSE CONTRACTING FRAUD.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on defense contracting fraud.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) A summary of fraud-related criminal convictions and civil judgements or settlements over the previous five fiscal years.

(2) A listing of contractors that within the previous five fiscal years performed contracts for the Department of Defense and were debarred or suspended from Federal contracting based on a criminal conviction for fraud.

(3) An assessment of the total value of Department of Defense contracts entered into during the previous five fiscal years with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government.

(4) Recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government, including an update on implementation by the Department of any previous such recommendations.

SA 627. Mr. CARDIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STRIKING PROVISIONS THAT NEGATIVELY IMPACT THE ACCESSIBILITY AND AFFORDABILITY OF PEDIATRIC DENTAL SERVICES.

Any provision of this Act shall be null and void and of no effect if such provision would—

(1) eliminate, limit access to, or reduce the affordability of pediatric dental services by repealing all or parts of the Affordable Care Act, block granting or imposing per capita caps on the Medicaid program; or

(2) otherwise negatively impact children's access to coverage for such services.

SA 628. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TO STRIKE PROVISIONS THAT WOULD ELIMINATE OR REDUCE CONSUMER PROTECTIONS PROVIDED BY THE PATIENT'S BILL OF RIGHTS UNDER PPACA.

Any provision of this Act shall be null and void and of no effect if such provision would eliminate or reduce the consumer protections provided by the Patient's Bill of Rights under the Patient Protection and Affordable Care Act, including—

(1) the ban on health plans discriminating against adults and children with pre-existing conditions, dropping coverage, limiting coverage under a health plan, limiting choice of doctors, or restricting emergency room care;

(2) the guarantee of a health plan enrollee's right to appeal;

(3) coverage of young adults under their parent's health plans; and

(4) coverage under a health plan of preventive care with no cost-sharing.

SA 629. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. POINT OF ORDER AGAINST LEGISLATION THAT WOULD DESTABILIZE THE INDIVIDUAL HEALTH INSURANCE MARKET IN 2018.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would destabilize the individual health insurance market in 2018.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate

only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 630. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. POINT OF ORDER AGAINST LEGISLATION THAT WOULD INCREASE MEDICAL BANKRUPTCIES.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would increase the number of medical bankruptcies in the United States.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 631. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. POINT OF ORDER AGAINST LEGISLATION THAT WOULD DECREASE ACCESS TO MEDICATION ASSISTED TREATMENT.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that would decrease access to medication assisted treatment.

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

SA 632. Mr. CARPER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 820, line 14, insert ‘‘, cost of backup power,’’ after ‘‘energy security’’.

SA 633. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. ____. LIMITATION ON MODIFICATION OF STATUS OF TRANSGENDER MEMBERS OF THE ARMED FORCES.

(a) LIMITATION.—No action described in subsection (b) may be taken with respect to transgender members of the Armed Forces until 60 days after the date of the submittal to Congress of a report on the six-month review being conducted by the Secretary of Defense in order to evaluate the impact of accessions of transgender individuals into the Armed Forces on readiness and lethality that will include all relevant considerations.

(b) ACTIONS.—An action described in this subsection with respect to transgender members of the Armed Forces is any of the following in connection with the nature of such members as transgender individuals:

(1) A modification of service status in the Armed Forces (other than through the normal expiration of service commitment or pursuant to a sentence of court-martial or administrative board action).

(2) A modification of current entitlement or eligibility for health care benefits as a member of the Armed Forces, or of the scope or nature of benefits to which entitled or eligible.

(3) Any change of responsibility or position (other than through promotion or routine reassignment or deployment).

SA 634. Mr. BENNET (for himself and Mr. GARDNER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. RECOGNITION OF THE NATIONAL MUSEUM OF WORLD WAR II AVIATION.

(a) FINDINGS.—Congress finds the following:

(1) World War II was one of the most consequential events in the history of the United States, and it represents a time of moral clarity and common purpose that continues to inspire people in the United States.

(2) The courage, bravery, and heroism of United States aviators played a critical role in the success of the United States during World War II.

(3) The National Museum of World War II Aviation in Colorado Springs, Colorado, is the only museum in the United States that exists exclusively to preserve and advance education on the role of aviation in winning World War II.

(4) The National Museum of World War II Aviation celebrates the spirit of the United States, recognizing the teamwork, collaboration, patriotism, and courage of the men and women who fought in the war abroad, as well as those who mobilized and supported the national aviation effort on the homefront.

(b) RECOGNITION.—The National Museum of World War II Aviation in Colorado Springs, Colorado, is recognized as America’s National World War II Aviation Museum.

(c) EFFECT OF RECOGNITION.—The National Museum recognized by this section is not a unit of the National Park System, and the recognition of the National Museum shall not be construed to require or permit Federal funds to be expended for any purpose related to the National Museum.

SA 635. Mr. KAINE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1606 and insert the following:

SEC. 1606. LAUNCH SUPPORT AND INFRASTRUCTURE MODERNIZATION.

(a) IN GENERAL.—In support of the policy outlined in section 2273 of title 10, United States Code, the Secretary of Defense shall carry out a program to modernize infrastructure and improve support activities for processing and launch of United States national security space missions from Federal ranges.

(b) ELEMENTS.—The program required by this section shall include—

(1) investments in infrastructure to improve operations at ranges in the United States that launch national security space missions that may benefit all users, to enhance the overall capabilities of those ranges, to improve safety, and to reduce the long-term cost of operations and maintenance;

(2) measures to normalize processes, systems, and products across the ranges described in paragraph (1) to minimize the burden on launch providers; and

(3) improvements in transparency, flexibility, and responsiveness for launch scheduling.

(c) CONSULTATION.—In carrying out the program required by this section, the Secretary should consult with current and anticipated users of ranges in the United States that launch national security space missions.

(d) COOPERATION.—In carrying out this section, the Secretary should consider partnerships authorized under section 2276 of title 10, United States Code.

(e) REPORT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the plan for the implementation of the launch support and infrastructure modernization program at ranges in the United States that launch national security space missions.

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

(A) a description of plans and the resources needed to improve launch support infrastructure, utilities, support equipment, and range operations;

(B) a description of plans to streamline and normalize processes, systems, and products at ranges described in paragraph (1) to ensure consistency for range users; and

(C) recommendations for improving transparency, flexibility, and responsiveness in launch scheduling.

SA 636. Mr. PERDUE (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military

activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1003 and insert the following:

SEC. _____. CERTIFICATIONS ON RELIABILITY OF THE FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE AND THE MILITARY DEPARTMENTS, DEFENSE AGENCIES, AND OTHER ORGANIZATIONS AND ELEMENTS OF THE DEPARTMENT OF DEFENSE.

(a) DEPARTMENT OF DEFENSE.—Not later than September 30, 2017, and each year thereafter, the Secretary of Defense shall certify to the congressional defense committees whether or not the full financial statements of the Department of Defense are reliable as of the date of such certification.

(b) MILITARY DEPARTMENTS, DEFENSE AGENCIES, AND OTHER ORGANIZATIONS AND ELEMENTS.—

(1) IN GENERAL.—Not later than September 30, 2017, and each year thereafter, each Secretary of a military department, each head of a Defense Agency, and each head of any other organization or element of the Department of Defense designated by the Secretary of Defense for purposes of this subsection shall certify to the congressional defense committees whether or not the full financial statements of the military department, the Defense Agency, or the organization or element concerned became reliable during the fiscal year in which such certification is to be submitted.

(2) TRANSMITTAL THROUGH SECRETARY OF DEFENSE.—The individual certifications required by this subsection shall be transmitted to the congressional defense committees collectively by the Secretary under procedures established by the Secretary for purposes of this subsection.

(c) TERMINATION ON RECEIPT OF UNMODIFIED AUDIT OPINION ON FULL FINANCIAL STATEMENTS.—A certification is no longer required under subsection (a) or (b) with respect to the Department of Defense, or a military department, Defense Agency, or organization or element of the Department, as applicable, after the Department of Defense or such military department, Defense Agency, or organization or element receives an unmodified audit opinion on its full financial statements.

SEC. _____. STREAMLINING OF REQUIREMENTS IN CONNECTION WITH AUDITS AND THE RELIABILITY OF THE FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.

(a) REPEAL OF LIMITATION ON INSPECTOR GENERAL CONDUCT OF AUDIT OF UNRELIABLE FINANCIAL STATEMENTS.—Section 1008 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 113 note) is amended by striking subseciton (d).

(b) CESSATION OF APPLICABILITY OF FINANCIAL IMPROVEMENT AND AUDIT READINESS PLAN REQUIREMENTS.—Section 1003 of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2222 note) is amended by adding at the end the following new subsection:

''(d) CESSATION OF APPLICABILITY.—This section and the requirements of this section shall cease to be effective on the date on which the Secretary of Defense submits to the congressional defense committees a report setting forth a certification that the financial statements of each department, agency, activity, and other component of the Department of Defense are under audit.''.

SEC. _____. RANKINGS OF AUDITABILITY OF FINANCIAL STATEMENTS OF THE ORGANIZATIONS AND ELEMENTS OF THE DEPARTMENT OF DEFENSE.

Not later than 30 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall, in coordination with the Under Secretary of Defense (Comptroller), submit to the congressional defense committees a report setting forth a ranking of the auditability of the financial statements of the departments, agencies, organizations, and elements of the Department of Defense according to the progress made toward achieving auditability as required by law. The Under Secretary shall determine the criteria to be used for purposes of the rankings.

SA 637. Mr. HELLER (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TRANSPORTATION ON MILITARY AIRCRAFT ON A SPACE-AVAILABLE BASIS FOR DISABLED VETERANS WITH A SERVICE-CONNECTED, PERMANENT DISABILITY RATED AS TOTAL.

(a) AVAILABILITY OF TRANSPORTATION.—Section 2641b of title 10, United States Code, is amended—

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

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

''(f) SPECIAL PRIORITY FOR CERTAIN DISABLED VETERANS.—(1) The Secretary of Defense shall provide transportation on scheduled and unscheduled military flights within the continental United States and on scheduled overseas flights operated by the Air Mobility Command on a space-available basis for any veteran with a service-connected, permanent disability rated as total.

''(2) Notwithstanding subsection (d)(1), in establishing space-available transportation priorities under the travel program, the Secretary shall provide transportation under paragraph (1) on the same basis as such transportation is provided to members of the armed forces entitled to retired or retainer pay.

''(3) The requirement to provide transportation on Department of Defense aircraft on a space-available basis on the priority basis described in paragraph (2) to veterans covered by this subsection applies whether or not the travel program is established under this section.

''(4) In this subsection, the terms 'veteran' and 'service-connected' have the meanings given those terms in section 101 of title 38.''.

(b) EFFECTIVE DATE.—Subsection (f) of section 2641b of title 10, United States Code, as added by subsection (a)(2) of this section, shall take effect at the end of the 90-day period beginning on the date of the enactment of this Act.

SA 638. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. _____. DETERMINATION OF CERTAIN SERVICE IN PHILIPPINES DURING WORLD WAR II.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Veterans Affairs and such military historians as the Secretary of Defense considers appropriate, shall establish a process to determine whether a covered individual served as described in subsection (a) or (b) of section 107 of title 38, United States Code, for purposes of determining whether such covered individual is eligible for benefits described in such subsections.

(b) COVERED INDIVIDUALS.—For purposes of this section, a covered individual is any individual who—

(1) claims service described in subsection (a) or (b) of section 107 of title 38, United States Code; and

(2) is not included in the Approved Revised Reconstructed Guerilla Roster of 1948, known as the ''Missouri List''.

SA 639. Mr. HELLER (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle C of title VI, add the following:

SEC. _____. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES.

(a) EXTENSION OF CONCURRENT RECEIPT AUTHORITY TO RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED LESS THAN 50 PERCENT.—Section 1414 of title 10, United States Code, is amended by striking paragraph (2) of subsection (a).

(b) CLERICAL AMENDMENTS.—

(1) The heading of section 1414 of such title is amended to read as follows:

''§ 1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation''.

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows:

''1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: concurrent payment of retired pay and disability compensation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2018, and shall apply to payments for months beginning on or after that date.

SEC. _____. COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.

(a) AMENDMENTS TO STANDARDIZE SIMILAR PROVISIONS.—

(1) QUALIFIED RETIREES.—Subsection (a) of section 1414 of title 10, United States Code, as amended by section _____(a), is amended—

(A) by striking ''a member or'' and all that follows through ''retiree'')'' and inserting ''a qualified retiree''; and

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

''(2) QUALIFIED RETIREES.—For purposes of this section, a qualified retiree, with respect to any month, is a member or former member of the uniformed services who—

''(A) is entitled to retired pay (other than by reason of section 12731b of this title); and

''(B) is also entitled for that month to veterans' disability compensation.''.

(2) DISABILITY RETIREES.—Paragraph (2) of subsection (b) of section 1414 of such title is amended to read as follows:

''(2) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—The retired pay of a qualified retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service is subject to reduction by the lesser of—

''(A) the amount of the reduction under sections 5304 and 5305 of title 38; or

''(B) the amount (if any) by which the amount of the member's retired pay under such chapter exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2018, and shall apply to payments for months beginning on or after that date.

SA 640. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 583. STRATEGY ON TRANSITION OF MEMBERS OF THE ARMED FORCES WITH EXPERIENCE AND SKILLS IN UNMANNED AIRCRAFT SYSTEMS TO FEDERAL AGENCIES WITH POSITIONS REQUIRING SUCH SKILLS AND EXPERIENCE.

The Secretary of Defense shall, in consultation with the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration, submit to Congress a report setting forth a strategy for means to facilitate and encourage members of the Armed Forces with experience and skills in unmanned aircraft systems to obtain positions with Federal agencies requiring such skills and experience after their separation from military service.

SA 641. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 654. PROHIBITION ON THE PRIVATIZATION OF THE DEFENSE COMMISSARY SYSTEM.

The Secretary of Defense may not privatization the defense commissary system under chapter 147 of title 10, United States Code.

SA 642. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REVIEW OF TAP FOR WOMEN.

The Secretary of Defense shall conduct a comprehensive review of the Transition Assistance Program to ensure that it addresses the unique challenges and needs of women as they transfer from the Armed Forces to civilian life.

SA 643. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. _____. PROGRAM TO ENCOURAGE MILITARY MEDICAL PROFESSIONALS TRANSITIONING OUT OF THE ARMED FORCES TO SEEK EMPLOYMENT WITH THE VETERANS HEALTH ADMINISTRATION.

(a) IN GENERAL.—The Secretary of Defense shall establish a program to encourage individuals who are transitioning out of the Armed Forces and who served in the Armed Forces with a military occupational specialty relating to the provision of health care to seek employment with the Veterans Health Administration of the Department of Veterans Affairs.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

(1) to create any additional authority not otherwise provided in law to convert a former member of the Armed Services to an employee of the Veterans Health Administration; or

(2) to circumvent any existing requirement relating to a detail, reassignment, or other transfer of such a former member to the Veterans Health Administration.

SA 644. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. _____. REPORT ON THE IMPACT OF THE YUCCA MOUNTAIN NUCLEAR WASTE REPOSITORY ON NELLIS AIR FORCE BASE AND CREECH AIR FORCE BASE, NEVADA.

Not later than one year after the date of the enactment of this Act, the Secretary of the Air Force shall submit to Congress a report setting forth a study, conducted by the Secretary for purposes of the report, of proposed operations at the Yucca Mountain Nuclear Waste Repository, including transportation routes, on operations at each of the following:

(1) Nellis Air Force Base, Nevada.

(2) Creech Air Force Base, Nevada.

SA 645. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GAO ANALYSIS OF CO-OP PLANS.

Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct an analysis, and submit to Congress a report concerning the results of such analysis, of the health insurance issuers that participated in the Consumer Operated and Oriented Plan program under section 1322 of the Patient Protection and Affordable Care Act (42 U.S.C. 18042) and are no longer offering such a Plan under such program.

SA 646. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MAXIMUM CONTRIBUTION LIMIT TO HEALTH SAVINGS ACCOUNT INCREASED TO 150 PERCENT OF THE AMOUNT OF DEDUCTIBLE AND OUT-OF-POCKET LIMITATION.

(a) SELF-ONLY COVERAGE.—Section 223(b)(2)(A) of the Internal Revenue Code of 1986 is amended by striking ''$2,250'' and inserting ''150 percent of the amount in effect under subsection (c)(2)(A)(ii)(I)''.

(b) FAMILY COVERAGE.—Section 223(b)(2)(B) of such Code is amended by striking ''$4,500'' and inserting ''150 percent of the amount in effect under subsection (c)(2)(A)(ii)(II)''.

(c) COST-OF-LIVING ADJUSTMENT.—Section 223(g)(1) of such Code is amended—

(1) by striking ''subsections (b)(2) and'' both places it appears and inserting ''subsection'', and

(2) in subparagraph (B), by striking ''determined by'' and all that follows through '' 'calendar year 2003'.'' and inserting ''determined by substituting 'calendar year 2003' for 'calendar year 1992' in subparagraph (B) thereof.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

SA 647. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to

provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF ESSENTIAL HEALTH BENEFITS REQUIREMENT.

On January 1, 2018, section 1302 of the Patient Protection and Affordable Care Act (42 U.S.C. 18022) shall have no force or effect.

SA 648. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF AGE RATING RESTRICTIONS.

Section 2701(a)(1)(A)(ii) of the Public Health Service Act (42 U.S.C. 300gg(a)(1)(A)(ii)) is amended by striking '', except that'' and all that follows through ''2707(c))''.

SA 649. Mr. ALEXANDER (for himself, Mr. BARRASSO, Mr. GRASSLEY, and Mr. SASSE) submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. WAIVERS FOR STATE INNOVATION.

(a) IN GENERAL.—Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(I) by amending clause (i) to read as follows:

''(i) a description of how the State plan meeting the requirements of a waiver under this section would, with respect to health insurance coverage within the State—

''(I) take the place of the requirements described in paragraph (2) that are waived; and

''(II) provide for alternative means of, and requirements for, increasing access to comprehensive coverage, reducing average premiums, providing consumers the freedom to purchase the health insurance of their choice, and increasing enrollment in private health insurance; and''; and

(II) in clause (ii), by striking ''that is budget neutral for the Federal Government'' and inserting '', demonstrating that the State plan does not increase the Federal deficit''; and

(ii) in subparagraph (C), by striking ''the law'' and inserting ''a law or has in effect a certification''; and

(B) in paragraph (3)—

(i) in the first sentence, by inserting ''or would qualify for a reduction in'' after ''would not qualify for'';

(ii) by adding after the second sentence the following: ''A State may request that all of, or any portion of, such aggregate amount of such credits or reductions be paid to the State as described in the first sentence.'';

(iii) in the paragraph heading, by striking ''PASS THROUGH OF FUNDING'' and inserting ''FUNDING'';

(iv) by striking ''With respect'' and inserting the following:

''(A) PASS THROUGH OF FUNDING.—With respect''; and

(v) by adding at the end the following:

''(B) ADDITIONAL FUNDING.—There is authorized to be appropriated, and is appropriated, to the Secretary of Health and Human Services, out of monies in the Treasury not otherwise obligated, $2,000,000,000 for fiscal year 2017, to remain available until the end of fiscal year 2019, to provide grants to States for purposes of submitting an application for a waiver granted under this section and implementing the State plan under such waiver.

''(C) AUTHORITY TO USE LONG-TERM STATE INNOVATION AND STABILITY ALLOTMENT.—If the State has an application for an allotment under section 2105(i) of the Social Security Act for the plan year, the State may use the funds available under the State's allotment for the plan year to carry out the State plan under this section, so long as such use is consistent with the requirements of paragraphs (1) and (7) of section 2105(i) of such Act (other than paragraph (1)(B) of such section). Any funds used to carry out a State plan under this subparagraph shall not be considered in determining whether the State plan increases the Federal deficit.'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''may'' and inserting ''shall''; and

(II) by striking ''only if'' and inserting ''unless''; and

(ii) by striking ''plan—'' and all that follows through the period at the end of subparagraph (D) and inserting ''application is missing a required element under subsection (a)(1) or that the State plan will increase the Federal deficit, not taking into account any amounts received through a grant under subsection (a)(3)(B).'';

(B) in paragraph (2)—

(i) in the paragraph heading, by inserting ''OR CERTIFY'' after ''LAW'';

(ii) in subparagraph (A), by inserting before the period '', and a certification described in this paragraph is a document, signed by the Governor, and the State insurance commissioner, of the State, that provides authority for State actions under a waiver under this section, including the implementation of the State plan under subsection (a)(1)(B)''; and

(iii) in subparagraph (B)—

(I) in the subparagraph heading, by striking ''OF OPT OUT''; and

(II) by striking '' may repeal a law'' and all that follows through the period at the end and inserting the following: ''may terminate the authority provided under the waiver with respect to the State by—

''(i) repealing a law described in subparagraph (A); or

''(ii) terminating a certification described in subparagraph (A), through a certification for such termination signed by the Governor, and the State insurance commissioner, of the State.'';

(3) in subsection (d)—

(A) in paragraph (2)(B), by striking ''and the reasons therefore'' and inserting ''and the reasons therefore, and provide the data on which such determination was made''; and

(B) by adding at the end the following:

''(3) EXPEDITED DETERMINATION.—The Secretary shall establish an expedited determination process in which a State may request that a determination on an application under subsection (a)(1) be made not later than 45 days after the receipt of such application. A State may request an expedited determination by the Secretary under such process if the State determines the time for determination under paragraph (1) would prevent a State from responding in a timely manner to an urgent situation with respect to ensuring access to private health insurance coverage within such State or a portion of such State for the current or following plan year.''; and

(4) in subsection (e), by striking ''No waiver'' and all that follows through the period at the end and inserting the following: ''A waiver under this section—

''(1) shall be in effect for a period of 8 years unless the State requests a shorter duration;

''(2) may be renewed for unlimited additional 8-year periods upon application by the State; and

''(3) may not be cancelled by the Secretary before the expiration of the 8-year period (including any renewal period under paragraph (2)).''.

(b) APPLICABILITY.—Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) shall apply as follows:

(1) In the case of a State for which a waiver under such section was granted prior to the date of enactment of this Act, such section 1332, as in effect on the day before the date of enactment of this Act shall apply to the waiver and State plan.

(2) In the case of a State that submitted an application for a waiver under such section prior to the date of enactment of this Act, and which application the Secretary of Health and Human Services has not approved prior to such date, the State may elect to have such section 1332, as in effect on the day before the date of enactment of this Act, or such section 1332, as amended by subsection (a), apply to such application and State plan.

(3) In the case of a State that submits an application for a waiver under such section on or after the date of enactment of this Act, such section 1332, as amended by subsection (a), shall apply to such application and State plan.

SA 650. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. ____. REQUIREMENT TO USE HUMAN-BASED METHODS FOR CERTAIN MEDICAL TRAINING.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2017. Use of human-based methods for certain medical training

''(a) COMBAT TRAUMA INJURIES.—(1) Not later than October 1, 2020, the Secretary of Defense shall develop, test, and validate human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries with the goal of replacing live animal-based training methods.

''(2) Not later than October 1, 2022, the Secretary—

''(A) shall only use human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries; and

''(B) may not use animals for such purpose.

''(b) EXCEPTION FOR PARTICULAR COMMANDS AND TRAINING METHODS.—(1) The Secretary

may exempt a particular command, particular training method, or both, from the requirement for human-based training methods under subsection (a)(2) if the Secretary determines that human-based training methods will not provide an educationally equivalent or superior substitute for live animal-based training methods for such command or training method, as the case may be.

''(2) Any exemption under this subsection shall be for such period, not more than one year, as the Secretary shall specify in granting the exemption. Any exemption may be renewed (subject to the preceding sentence).

''(c) ANNUAL REPORTS.—(1) Not later than October 1, 2018, and each year thereafter, the Secretary shall submit to the congressional defense committees a report on the development and implementation of human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries under this section.

''(2) Each report under this subsection on or after October 1, 2022, shall include a description of any exemption under subsection (b) that is in force at the time of such report, and a current justification for such exemption.

''(d) DEFINITIONS.—In this section:

''(1) The term 'combat trauma injuries' means severe injuries likely to occur during combat, including—

''(A) hemorrhage;

''(B) tension pneumothorax;

''(C) amputation resulting from blast injury;

''(D) compromises to the airway; and

''(E) other injuries.

''(2) The term 'human-based training methods' means, with respect to training individuals in medical treatment, the use of systems and devices that do not use animals, including—

''(A) simulators;

''(B) partial task trainers;

''(C) moulage;

''(D) simulated combat environments;

''(E) human cadavers; and

''(F) rotations in civilian and military trauma centers.

''(3) The term 'partial task trainers' means training aids that allow individuals to learn or practice specific medical procedures.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by adding at the end the following new item:

''2017. Use of human-based methods for certain medical training.''.

SA 651. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MANAGEMENT OF CERTAIN LITIGATION ON BEHALF OF INDEMNIFIED PRIVATE CONTRACTORS.

(a) IN GENERAL.—In cases where litigation between an indemnified Department of Defense contractor and a member of the Armed Forces relating to the member's work for the contractor exceeds a period of two years without final judgement or settlement, the Department shall exercise its contractual right to manage the litigation on behalf of the contractor. In doing so, the Department shall ensure that the fiscal burden on taxpayers is minimized by avoiding unnecessarily long and expensive litigation, while simultaneously resolving the claim in a way that meets the Department's obligations to members of the Armed Forces and their families fairly and in a timely manner.

(b) INDEMNIFIED DEPARTMENT OF DEFENSE CONTRACTOR DEFINED.—In this section, the term ''indemnified Department of Defense contractor'' means a contractor that has been indemnified by the Department of Defense against civil judgments or liability for injuries, sickness, or death of members of the Armed Forces related to their work with the contractor.

SA 652. Mr. WYDEN (for himself and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REQUIREMENT TO ESTABLISH REPOSITORY FOR OPERATIONAL ENERGY-RELATED RESEARCH AND DEVELOPMENT EFFORTS OF DEPARTMENT OF DEFENSE.

(a) REPOSITORY REQUIRED.—Not later than December 31, 2018, the Secretary of Defense, acting through the Assistant Secretary of Defense for Research and Engineering and in collaboration with the Assistant Secretary of Defense for Operational Energy Plans and Programs and the Secretaries of the military departments, shall establish a centralized repository for all operational energy-related research and development efforts of the Department of Defense, including with respect to the inception, operational, and complete phases of such efforts.

(b) INTERNET ACCESS.—The Secretary of Defense shall ensure that the repository required by subsection (a) is accessible through an Internet website of the Department of Defense and by all employees of the Department and members of the Armed Forces whom the Secretary determines appropriate, including all program managers involved in such research and development efforts, to enable improved collaboration between military departments on research and development efforts described in subsection (a), enable sharing of best practices and lessons learned relating to such efforts, and reduce redundancy in such efforts.

SA 653. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 344, strike lines 1 though 7 and insert the following:

SEC. 864. MODIFICATION OF LIMITATIONS ON PROCUREMENT OF PHOTOVOLTAIC DEVICES BY THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT TO PROVIDE PHOTOVOLTAIC DEVICES FROM UNITED STATES SOURCES.—Section 858 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 2534 note; Public Law 113–291) is amended—

(1) in subsection (a)—

(A) by inserting '', excluding installation costs'' before '', unless''; and

(B) by inserting ''substantial and'' before ''unreasonable costs''; and

(2) in subsection (b)(1)(B)—

(A) by striking ''exclusive'' and inserting ''principal''; and

(B) by striking ''full''.

(b) PROCUREMENT OF PHOTOVOLTAIC DEVICES.—Section 846(b)(2) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2534 note; Public Law 111–383) is amended—

(1) by striking ''exclusive'' and inserting ''principal''; and

(2) by striking ''full''.

SA 654. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 344, strike lines 1 through 7.

SA 655. Ms. KLOBUCHAR (for herself, Mr. WHITEHOUSE, Mr. DURBIN, and Ms. WARREN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle C of title XVI, insert the following:

SEC. ____. PROHIBITION ON USE OF FEDERAL FUNDS FOR JOINT CYBERSECURITY INTIATIVE WITH RUSSIA.

(a) PROHIBITION.—No Federal funds may be used to establish, support, or otherwise promote, directly or indirectly, the formation of or any United States participation in a joint cybersecurity initiative involving the Government of the Russian Federation or any entity operation under the direction of such government.

(b) WAIVER.—Prohibition imposed under subsection (a) shall terminate on the date on which the President submits to the congressional defense committees a written certification that the Government of the Russian Federation has—

(1) ceased ordering, controlling, or otherwise directing, supporting, or financing, acts intended to undermine democracies around the world; and

(2) submitted a written statement acknowledging interference in the 2016 United States presidential election.

SA 656. Ms. KLOBUCHAR (for herself and Mr. GRAHAM) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military

personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ASSISTING STATES IN ADOPTING BEST PRACTICES FOR PROTECTING THE INTEGRITY OF FEDERAL ELECTIONS.

(a) DEVELOPMENT OF BEST PRACTICES.—

(1) IN GENERAL.—The Help America Vote Act of 2002 (52 U.S.C. 20901 et seq.) is amended by inserting after section 247 the following new section:

"SEC. 248. STUDY AND REPORT ON BEST PRACTICES FOR PROTECTING THE INTEGRITY OF FEDERAL ELECTIONS AND FOR STORING AND SECURING VOTER REGISTRATION DATA.

''(a) IN GENERAL.—The Commission, in consultation with the National Institute of Standards and Technology, the Secretary of the Department of Homeland Security, the Election Assistance Commission Standards Board, the Election Assistance Commission Board of Advisors, the Election Assistance Commission Technical Guidelines Development Committee, the National Association of Secretaries of State, the National Association of State Election Directors, the National Association of Election Officials, the International Association of Government Officials, the National Association of State Chief Information Officers, the Multi-State Information Sharing and Analysis Center, and other stakeholders the Commission determines necessary, shall conduct a study on each of the following:

''(1) Best practices for cybersecurity of Federal elections, including best practices for storing and securing voter registration data.

''(2) Best practices for election audits.

''(b) PUBLIC HEARINGS.—In conducting each of the studies under this section, the Commission shall hold public hearings.

''(c) ISSUES CONSIDERED.—

''(1) CYBERSECURITY OF FEDERAL ELECTIONS, INCLUDING BEST PRACTICES FOR STORING AND SECURING VOTER REGISTRATION DATA.—In conducting the study under subsection (a)(1), the Commission shall consider the following:

''(A) The interference by foreign actors in the 2016 Federal election.

''(B) The opinion of intelligence officials that foreign states are likely to attempt to interfere in future Federal elections.

''(C) Election administration profiles based on the cybersecurity framework of the National Institute of Standards and Technology.

''(D) Best practices for storing and securing voter registration data.

''(E) All components of election infrastructure, as designated by the Secretary of Homeland Security, on January 6, 2017, as a subsector of a critical infrastructure sector (as defined in section 2001 of the Homeland Security Act of 2002 (6 U.S.C. 601)).

''(F) The implications of the aging of voting equipment on cybersecurity.

''(G) Any existing Federal funding sources that may be used to assist State and local governments to improve election cybersecurity.

''(H) Any related issues the Commission identifies as necessary to complete a comprehensive study of best practices for cybersecurity of Federal elections.

''(2) ELECTION AUDITS.—In conducting the study under subsection (a)(2), the Commission shall consider the following:

''(A) Public confidence in the administration of Federal elections.

''(B) Verifying the integrity of the election process.

''(C) Confirming the accuracy of results reported by the voting system.

''(D) Ensuring that the voting system is accurately tabulating ballots.

''(E) Ensuring that the winners of each election for Federal office are called correctly.

''(F) Current State requirements related to election audits.

''(G) Durational requirements needed to facilitate an election audit prior to election certification, including variations in the acceptance of postal ballots and election certification deadlines.

''(H) Administrative requirements and challenges for various types of election audits.

''(I) The potential to identify areas of improvement in election administration using varying types of election audits.

''(J) The use of voting systems producing voter-verified paper ballots.

''(K) Any related issues the Commission identifies as necessary to complete a comprehensive study of best practices for election audits.

''(d) REPORT AND RECOMMENDATIONS.—Not later than the date that is 6 months after the date of the enactment of this section, the Commission shall submit a report to the Committee on Rules and Administration of the Senate and the Committee on Administration of the House of Representatives on each of the studies conducted under this section, together with recommendations with the matters described in paragraphs (1) and (2) of subsection (a).''.

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by inserting after the item relating to section 247 the following new item:

''Sec. 248. Study and report on best practices for protecting the integrity of Federal elections.''.

(b) ELECTION TECHNOLOGY IMPROVEMENT GRANTS.—

(1) IN GENERAL.—The Help America Vote Act of 2002 (52 U.S.C. 20901 et seq.) is amended by adding at the end the following new title:

"TITLE X—ELECTION TECHNOLOGY IMPROVEMENT GRANTS

"SEC. 1001. ELECTION TECHNOLOGY IMPROVEMENT GRANTS.

''(a) IN GENERAL.—The Commission shall make a payment in an amount determined under section 1002 to each State which meets the conditions described in section 1003.

''(b) USE OF FUNDS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a State receiving payment under this title shall use the payment—

''(A) in the case of a State that has undergone a Security Risk an Vulnerability Assessment from the Department of Homeland Security with respect to the State's election system, to address any recommendations or vulnerabilities resulting from such assessment, and

''(B) to implement the recommendations of the Commission under section 248(d) in accordance with the plan developed under section 1003.

In the case of a State described in subparagraph (A), no amount of the payment received under this title may be used for any purpose described in subparagraph (B) before the date the State submits a State plan that meets the requirements of section 1003(b)(1)(A).

''(2) OTHER ACTIVITIES.—A State may use a payment under this title to carry out other activities to improve the administration of elections for Federal office if the State certifies to the Commission that—

''(A) the State has implemented the recommendations of the Commission under section 248(d);

''(B) the State will use any remaining funds to improve, upgrade, or acquire new technological equipment related to election administration, which may include—

''(i) voting machines;

''(ii) election management systems;

''(iii) electronic poll books;

''(iv) online voter registration systems;

''(v) participation in the Electronic Registration Information Center;

''(vi) accessible voting equipment; and

''(vii) other technological upgrades identified by the Commission in the studies conducted under section 248(a); and

''(C) the State has appropriated funds for carrying out such activities in an amount equal to 10 percent of the total amount to be spent for such activities (taking into account the payment under this section and the amount spent by the State).

No amount of the payment received under this title may be used for any purpose described in this paragraph before the date the State submits the certification described in section 1003(b)(1)(C).

''(3) PROHIBITION ON USE FOR VOTING MACHINES NOT PRODUCING VOTER-VERIFIED PAPER BALLOTS.—

''(A) IN GENERAL.—None of the payments provided under this title may be used for any voting system that does not produce a voter-verified paper ballot.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to any payment used for the purposes described in paragraph (1)(A).

"SEC. 1002. ALLOCATION OF FUNDS.

''(a) IN GENERAL.—Subject to subsection (c), the amount of a payment made to a State under this title shall be equal to the product of—

''(1) the total amount appropriated for payments pursuant to the authorization under section 1007; and

''(2) the State allocation percentage for the State (as determined under subsection (b)).

''(b) STATE ALLOCATION PERCENTAGE DEFINED.—The 'State allocation percentage' for a State is the amount (expressed as a percentage) equal to the quotient of—

''(1) the voting age population of the State (as reported in the most recent decennial census); and

''(2) the total voting age population of all States (as reported in the most recent decennial census).

''(c) MINIMUM AMOUNT OF PAYMENT.—The amount of a payment made to a State under this section may not be less than—

''(1) in the case of any of the several States or the District of Columbia, one-half of 1 percent of the total amount appropriated for payments under this title under section 1007; or

''(2) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of Northern Mariana Islands, or the United States Virgin Islands, one-tenth of 1 percent of such total amount.

''(d) PRO RATA REDUCTIONS.—The Commission shall make such pro rata reductions to the allocations determined under subsection (a) as are necessary to comply with the requirements of subsection (c).

''(e) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—A payment to a State under this title shall be available to the State without fiscal year limitation.

"SEC. 1003. CONDITION FOR RECEIPT OF FUNDS.

''(a) IN GENERAL.—A State is eligible to receive a payment under this title if the chief executive officer of the State, or designee, in consultation and coordination with the chief State election official, has filed with the Commission a statement certifying that the State is in compliance with the requirements referred to in subsection (b). A State may meet the requirement of the previous sentence by filing with the Commission a statement which reads as follows:

'_____ hereby certifies that it is in compliance with the requirements referred to in section 1003(b) of the Help America Vote Act of 2002.' (with the blank to be filled in with the name of the State involved).

''(b) STATE PLAN REQUIREMENT; CERTIFICATION OF COMPLIANCE WITH APPLICABLE LAWS AND REQUIREMENTS.—

''(1) IN GENERAL.—The requirements referred to in this subsection are as follows:

''(A) The State has filed with the Commission a State plan which the State certifies—

''(i) contains each of the elements described in section 1004;

''(ii) is developed in accordance with section 1005; and

''(iii) meets the public notice and comment requirements of section 1006.

''(B) The State is in compliance with each of the laws described in section 906, as such laws apply with respect to this Act.

''(C) To the extent that any portion of the payment is used for activities other than implementing the recommendations of the Department of Homeland Security in connection with a Risk and Vulnerability Assessment described in section 1001(b)(1)(A) or the recommendations of the Commission under section 248(d)—

''(i) the State's proposed uses of the payment are not inconsistent with such recommendations; and

''(ii) the use of the funds under this subparagraph is consistent with the requirements of section 1001(b)(2)(B).

''(2) SPECIAL RULE FOR REQUIREMENTS WITH RESPECT TO RISK AND VULNERABILITY ASSESSMENTS.—In the case of a State that has undergone a Security Risk an Vulnerability Assessment from the Department of Homeland Security with respect to the State's election system, paragraph (1) shall not apply and the State shall be treated as having met the requirements of this subsection if the State has met the requirement of paragraph (1)(B) and has filed with the Commission a State plan which contains the elements described in section 1004 with respect to the recommendations of the Department of Homeland Security with respect to such assessment.

''(c) METHODS OF COMPLIANCE LEFT TO DISCRETION OF STATE.—The specific choices on the methods of complying with the elements of a State plan shall be left to the discretion of the State.

''(d) TIMING FOR FILING OF CERTIFICATION.—

''(1) IN GENERAL.—A State may not file a statement of certification under subsection (a) until the expiration of the 45-day period which begins on the date the State plan under this section has been published on both the website of the chief State election official and the website of the Election Assistance Commission pursuant to section 1005(b).

''(2) EXCEPTION FOR RISK AND VULNERABILITY ASSESSMENT MATTERS.—Paragraph (1) shall not apply to any part of plan which is developed in connection with addressing recommendations of the Department of Homeland Security in connection with a Risk and Vulnerability Assessment described in section 1001(b)(1)(A).

''(e) CHIEF STATE ELECTION OFFICIAL DEFINED.—In this title, the 'chief State election official' of a State is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–8) to be responsible for coordination of the State's responsibilities under such Act.

"SEC. 1004. STATE PLAN.

''(a) IN GENERAL.—The State plan shall contain a description of each of the following:

''(1) How the State will use the payment under this title—

''(A) to implement—

''(i) any recommendations of the Department of Homeland Security in connection with a Risk and Vulnerability Assessment described in section 1001(b)(1)(A), if applicable; and

''(ii) the recommendations of the Commission under section 248(d); and

''(B) if applicable under section 1001(b)(2), to carry out other activities to improve the administration of elections.

''(2) How the State will distribute and monitor the distribution of the payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of—

''(A) the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and

''(B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (3).

''(3) How the State will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met.

''(4) How the State will conduct ongoing management of the plan, except that the State may not make any material change in the administration of the plan unless the change—

''(A) is developed and published on the website of the chief State election official and the website of the Election Assistance Commission in accordance with section 1005 in the same manner as the State plan;

''(B) is subject to public notice and comment in accordance with section 1006 in the same manner as the State plan; and

''(C) takes effect only after the expiration of the 30-day period which begins on the date the change has been published on both the website of the chief State election official and the website of the Election Assistance Commission.

''(5) A description of the committee which participated in the development of the State plan in accordance with section 1005 and the procedures followed by the committee under such section and section 1006.

Paragraphs (5) and (6) shall not apply to any part of a plan which pertains to addressing recommendations of the Department of Homeland Security in connection with a Risk and Vulnerability Assessment described in section 1001(b)(1)(A).

''(b) PROTECTION AGAINST ACTIONS BASED ON INFORMATION IN PLAN.—

''(1) IN GENERAL.—No action may be brought under this Act against a State or other jurisdiction on the basis of any information contained in the State plan filed under this title.

''(2) EXCEPTION FOR CRIMINAL ACTS.—Paragraph (1) may not be construed to limit the liability of a State or other jurisdiction for criminal acts or omissions.

"SEC. 1005. PROCESS FOR DEVELOPMENT AND FILING OF PLAN; PUBLICATION BY COMMISSION.

''(a) DEVELOPMENT OF PLAN.—The chief State election official shall develop the State plan under this title through a committee of appropriate individuals, including the chief election officials of the two most populous jurisdictions within the State, other local election officials, stake holders, and other citizens, appointed for such purpose by the chief State election official.

''(b) PUBLICATION OF PLAN BY COMMISSION.—After receiving the State plan of a State under this title, the Commission shall cause to have the plan published on both the website of the chief State election official and the website of the Election Assistance Commission.

"SEC. 1006. REQUIREMENT FOR PUBLIC NOTICE AND COMMENT.

''For purposes of section 1003(b)(1)(C), a State plan meets the public notice and comment requirements of this section if—

''(1) not later than 30 days prior to the submission of the plan, the State made a preliminary version of the plan available for public inspection and comment;

''(2) the State publishes notice that the preliminary version of the plan is so available; and

''(3) the State took the public comments made regarding the preliminary version of the plan into account in preparing the plan which was filed with the Commission.

"SEC. 1007. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary for payments under this title for fiscal years 2018 and 2019.

''(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available without fiscal year limitation until expended.

"SEC. 1008. REPORTS.

''Not later than 6 months after the end of the fiscal year for which a State received a payment under this title, the State shall submit a report to the Commission on the activities conducted with the funds provided, and shall include in the report—

''(1) a list of expenditures made with respect to each category of activities described in section 1001(b); and

''(2) an analysis and description of the activities funded under this title to meet the requirements of this title and an analysis and description of how such activities conform to the State plan under section 1004.''.

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end the following:

''TITLE X—ELECTION TECHNOLOGY IMPROVEMENT GRANTS

''Sec. 1001. Election technology improvement grants.
''Sec. 1002. Allocation of funds.
''Sec. 1003. Condition for receipt of funds.
''Sec. 1004. State plan.
''Sec. 1005. Process for development and filing of plan; publication by commission.
''Sec. 1006. Requirement for public notice and comment.
''Sec. 1007. Authorization of appropriations.
''Sec. 1008. Reports.''.

(c) CONTRACTING ASSISTANCE.—The Administrator of the General Services Administration, in consultation with the Director of the National Institute of Standards and Technology, shall take such actions as may be necessary through competitive processes—

(1) to qualify a set of private sector organizations which are capable of providing cybersecurity services to States to secure their election systems and infrastructure from cyber attacks;

(2) to establish contract vehicles to enable States to access the services of one or more of such private sector organizations as soon as payment are made under title X of the Help America Vote Act of 2002;

(3) to ensure that the such contract vehicles permit individual States to augment Federal funds with funding otherwise available to the States; and

(4) to provide a list of qualified organizations to the Election Assistance Commission in order to ensure it is readily available to State election officials.

(d) INFORMATION SHARING WITH STATE ELECTION OFFICIALS.—

(1) SECURITY CLEARANCE.—Not later than 30 days after the date of enactment of this section, the Secretary of Homeland Security shall establish an expedited process for providing the appropriate security clearance for the Secretary of State or highest election administration official of each State and 1 designee selected by such Secretary of State or election administration official to ensure that information relating to cybersecurity incidents and threats is communicated to chief State election officials in a timely manner.

(2) INFORMATION SHARING.—Not later than 30 days after the date of enactment of this section, the Secretary of Homeland Security and the Director of National Intelligence shall establish a cybersecurity incident notification process and cybersecurity incident response protocols for the sharing of information among State and Federal officials relating to election cybersecurity threats, vulnerabilities, and breaches.

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than 30 days after the day of enactment of this section, and each year thereafter, the Secretary of Homeland Security and the Director of National Intelligence shall submit a joint report to appropriate congressional committees in both classified and unclassified form, on foreign threats to elections in the United States. The report shall address the current and probable threats to our election system and strategies to prevent foreign interference.

(B) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of subparagraph (A), the term ''appropriate congressional committees'' means—

(i) the Committee on Rules and Administration, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(ii) the Committee on House Administration, the Committee on Armed Services, the Committee on Homeland Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 657. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 104 and insert the following:

SEC. 104. INDIVIDUAL MANDATE.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by striking chapter 48 (and the item related to such chapter in the table of chapters).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2015.

SA 658. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. _____. PROHIBITION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR EXPENSES INCURRED AT PROPERTY OWNED OR OPERATED BY THE PRESIDENT OR THE IMMEDIATE FAMILY OF THE PRESIDENT.

No amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the Department of Defense may be obligated or expended to pay for expenses incurred at a property owned or operated by the individual serving as President or an immediate family member of the individual serving as President if the payments would result in a net financial benefit for the individual serving as President or an immediate family member of the individual serving as President.

SA 659. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

SEC. _____. ONE-YEAR PERIOD FOR ENROLLMENT IN THE SURVIVOR BENEFIT PLAN FOR ELIGIBLE PARTICIPANTS WHO HAVE A SAME-SEX SPOUSE UNDER AN EARLIER OR CURRENT MARRIAGE.

(a) IN GENERAL.—Notwithstanding any other provision of law, any individual eligible for participation, but not participating, in the Survivor Benefit Plan as of the date of the enactment of this Act who seeks to participate in the Plan for the benefit of the same-sex spouse of the individual under a marriage entered into or recognized as valid before that date may elect to participate in the plan at any time during the one-year period beginning on that date in accordance with section 1448(a)(5) of title 10, United States Code.

(b) OUTREACH ON ELECTION TO PARTICIPATE FOR SPOUSES UNDER MARRIAGE AFTER ELIGIBILITY.—The Secretary of Defense shall undertake an active campaign of outreach designed to inform individuals who are or may become eligible for participation in the Survivor Benefit Plan of the availability of the election to participate in the Plan under section 1448(a)(5) of title 10, United States Code, for individuals who marry, including individuals with same-sex spouses, after becoming eligible to participate in the Plan.

(c) SURVIVOR BENEFIT PLAN DEFINED.—In this section, the term ''Survivor Benefit Plan'' means the benefit plan established by subchapter II of chapter 73 of title 10, United States Code.

SA 660. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle B of title XVI, insert the following:

SEC. _____. CONSIDERATION OF SERVICE BY RECIPIENTS OF BOREN SCHOLARSHIPS AND FELLOWSHIPS IN EXCEPTED SERVICE POSITIONS AS SERVICE BY SUCH RECIPIENTS UNDER CAREER APPOINTMENTS FOR PURPOSES OF CAREER TENURE.

Section 802(k) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902(k)) is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) in paragraph (2), in the matter before subparagraph (A), by striking ''(3)(C)'' and inserting ''(4)(C)''; and

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

''(3) CAREER TENURE.—In the case of an individual whose appointment to a position in the excepted service is converted to a career or career- conditional appointment under paragraph (1)(B), the period of service described in such paragraph shall be treated, for purposes of the service requirements for career tenure under title 5, United States Code, as if it were service in a position under a career or career- conditional appointment.''.

SA 661. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XII, insert the following:

SEC. 12___. PROHIBITION ON TRANSFER OF CLUSTER MUNITIONS TO SAUDI ARABIA.

No amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the Department of Defense may be used to transfer or authorize the transfer of cluster munitions to Saudi Arabia.

SA 662. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate, insert the following:

SEC. ___. NATIONAL GUARD AND RESERVE ENTREPRENEURSHIP SUPPORTS.

(a) EXTENSION OF LOAN ASSISTANCE AND DEFERRAL ELIGIBILITY TO RESERVISTS BEYOND PERIODS OF MILITARY CONFLICT.—

(1) SMALL BUSINESS ACT AMENDMENTS.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(A) in subsection (b)(3)—

(i) in subparagraph (A)—

(I) by striking clause (ii);

(II) by redesignating clause (i) as clause (ii);

(III) by inserting before clause (ii), as so redesignated, the following:

''(i) the term 'active service' has the meaning given that term in section 101(d)(3) of title 10, United States Code;''; and

(IV) in clause (ii), as so redesignated, by adding ''and'' at the end;

(ii) in subparagraph (B), by striking ''being ordered to active military duty during a period of military conflict'' and inserting ''being ordered to perform active service for a period of more than 30 consecutive days'';

(iii) in subparagraph (C), by striking ''active duty'' each place it appears and inserting ''active service''; and

(iv) in subparagraph (G)(ii)(II), by striking ''active duty'' and inserting ''active service''; and

(B) in subsection (n)—

(i) in the subsection heading, by striking ''ACTIVE DUTY'' and inserting ''ACTIVE SERVICE'';

(ii) in paragraph (1)—

(I) by striking subparagraph (C);

(II) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(III) by inserting before subparagraph (B), as so redesignated, the following:

''(A) ACTIVE SERVICE.—The term 'active service' has the meaning given that term in section 101(d)(3) of title 10, United States Code.'';

(IV) in subparagraph (B), as so redesignated, by striking ''ordered to active duty during a period of military conflict'' and inserting ''ordered to perform active service for a period of more than 30 consecutive days''; and

(V) in subparagraph (D), by striking ''active duty'' each place it appears and inserting ''active service''; and

(iii) in paragraph (2)(B), by striking ''active duty'' each place it appears and inserting ''active service''.

(2) APPLICABILITY.—The amendments made by paragraph (1)(A) shall apply to an economic injury suffered or likely to be suffered as the result of an essential employee being ordered to perform active service (as defined in section 101(d)(3) of title 10, United States Code) for a period of more than 30 consecutive days who is discharged or released from such active service on or after the date of enactment of this Act.

(3) SEMIANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act, and semiannually thereafter, the President shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the number of loans made under the Military Reservist Economic Injury Disaster Loan program and the dollar volume of those loans. The report shall contain the subsidy rate of the disaster loan program as authorized under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) with the loans made under the Military Reservist Economic Injury Disaster Loan program and without those loans included.

(4) TECHNICAL AND CONFORMING AMENDMENT.—Section 8(l) of the Small Business Act (15 U.S.C. 637(l)) is amended—

(A) by striking ''The Administration'' and inserting the following:

''(1) IN GENERAL.—The Administration'';

(B) by striking ''(as defined in section 7(n)(1))''; and

(C) by adding at the end the following:

''(2) DEFINITION OF PERIOD OF MILITARY CONFLICT.—In this subsection, the term 'period of military conflict' means—

''(A) a period of war declared by the Congress;

''(B) a period of national emergency declared by the Congress or by the President; or

''(C) a period of a contingency operation, as defined in section 101(a) of title 10, United States Code.''.

(b) NATIONAL GUARD AND RESERVE DEPLOYMENT SUPPORT AND BUSINESS TRAINING PROGRAM.—

(1) EXPANSION OF SMALL BUSINESS ADMINISTRATION OUTREACH PROGRAMS.—Section 8(b)(17) of the Small Business Act (15 U.S.C. 637(b)(17)) is amended by striking ''and members of a reserve component of the Armed Forces'' and inserting ''members of a reserve component of the Armed Forces, and the spouses of veterans and members of a reserve component of the Armed Forces''.

(2) ESTABLISHMENT OF PROGRAM.—Section 32 of the Small Business Act (15 U.S.C. 657) is amended by adding at the end the following:

''(g) NATIONAL GUARD AND RESERVE DEPLOYMENT SUPPORT AND BUSINESS TRAINING.—

''(1) IN GENERAL.—In making grants carried out under section 8(b)(17), the Associate Administrator shall establish a program, to be known as the 'National Guard and Reserve Deployment Support and Business Training Program', to provide training, counseling and other assistance to support members of a reserve component of the Armed Forces and their spouses.

''(2) AUTHORITIES.—In carrying out this subsection, the Associate Administrator may—

''(A) modify programs and resources made available through section 8(b)(17) to provide pre-deployment and other information specific to members of a reserve component of the Armed Forces and their spouses;

''(B) collaborate with the Chief of the National Guard Bureau or the Chief's designee, State Adjunct Generals or their designees, and other public and private partners; and

''(C) provide training, information and other resources to the Chief of the National Guard Bureau or the Chief's designee and State Adjunct Generals or their designees for the purpose of supporting members of a reserve component of the Armed Forces and the spouses of veterans and members of a reserve component of the Armed Forces.''.

SA 663. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Amend section 1630B to read as follows:

SEC. 1630B. PROHIBITION ON USE OF SOFTWARE PLATFORMS DEVELOPED BY KASPERSKY LAB.

(a) PROHIBITION.—No department, agency, organization, or other element of the United States Government may use, whether directly or through work with or on behalf of another organization or element of the United States Government, any hardware, software, or services developed or provided, in whole or in part, by Kaspersky Lab or any entity of which Kaspersky Lab has a majority ownership.

(b) EFFECTIVE DATE.—This section shall take effect on October 1, 2018.

SA 664. Mrs. SHAHEEN (for herself and Mr. SASSE) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. _____. SYRIA STUDY GROUP.

(a) ESTABLISHMENT.—There is hereby established a working group to be known as the ''Syria Study Group'' (in this section referred to as the ''Group'').

(b) PURPOSE.—The purpose of the Group is to examine and make recommendations with respect to the military and diplomatic strategy of the United States with respect to the conflict in Syria.

(c) COMPOSITION.—

(1) MEMBERSHIP.—The Group shall be composed of 8 members appointed as follows:

(A) Two members appointed by the chair of the Committee on Armed Services of the Senate.

(B) Two members appointed by the ranking minority member of the Committee on Armed Services of the Senate.

(C) Two members appointed by the chair of the Committee on Armed Services of the House of Representatives.

(D) Two members appointed by the ranking minority member of the Committee on Armed Services of the House of Representatives.

(2) CO-CHAIRS.—

(A) The chair of the Committee on Armed Services of the Senate and the chair of the Committee on Armed Services of the House of Representatives shall jointly designate one member of the Group to serve as co-chair of the Group.

(B) The ranking minority member of the Committee on Armed Services of the Senate and the ranking minority member of the Committee on Armed Services of the House of Representatives shall jointly designate one member of the Group to serve as co-chair of the Group.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Group. Any vacancy in the Group shall be filled in the same manner as the original appointment.

(d) DUTIES.—

(1) REVIEW.—The Group shall review the current situation with respect to the United States military and diplomatic strategy in Syria, including a review of current United States objectives in Syria and the desired end state in Syria.

(2) ASSESSMENT AND RECOMMENDATIONS.—The Group shall—

(A) conduct a comprehensive assessment of the current situation in Syria, its impact on neighboring countries, resulting regional and geopolitical threats to the United States, and current military, diplomatic, and political efforts to achieve a stable Syria; and

(B) develop recommendations on a military and diplomatic strategy for the United States with respect to the conflict in Syria.

(e) COOPERATION FROM UNITED STATES GOVERNMENT.—

(1) IN GENERAL.—The Group shall receive the full and timely cooperation of the Secretary of Defense and the Director of National Intelligence in providing the Group with analyses, briefings, and other information necessary for the discharge of the duties of the Group.

(2) LIAISON.—The Secretary of Defense and the Director of National Intelligence shall each designate at least one officer or employee of their respective organizations to serve as a liaison officer to the Group.

(f) REPORT.—

(1) FINAL REPORT.—Not later than September 30, 2018, the Group shall submit to the President, the Secretary of Defense, and the Committees on Armed Services of the

Senate and the House of Representatives a report on the findings, conclusions, and recommendations of the Group under this section. The report shall do each of the following:

(A) Assess the current security, political, humanitarian, and economic situation in Syria.

(B) Assess the current participation and objectives of various external actors in Syria.

(C) Assess the consequences of continued conflict in Syria.

(D) Provide recommendations for a diplomatic resolution of the conflict in Syria, including options for a gradual political transition to a post-Assad Syria and actions necessary for reconciliation.

(E) Provide a roadmap for a United States and coalition strategy to reestablish security and governance in Syria, including recommendations for the synchronization of stabilization, development, counterterrorism, and reconstruction efforts.

(F) Address any other matters with respect to the conflict in Syria that the Group considers appropriate.

(2) INTERIM BRIEFING.—Not later than June 30, 2018, the Group shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on the status of its review and assessment under subsection (d), together with a discussion of any interim recommendations developed by the Group as of the date of the briefing.

(3) FORM OF REPORT.—The report submitted to Congress under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(g) FACILITATION.—The United States Institute of Peace shall take appropriate actions to facilitate the Group in the discharge of its duties under this section.

(h) TERMINATION.—The Group shall terminate six months after the date on which it submits the report required by subsection (f)(1).

(i) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 2018 for the Department of Defense by this Act, $1,500,000 is available to fund the activities of the Group.

SA 665. Mr. BROWN (for himself, Mr. BOOKER, and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

SEC. 583. EXTENSION OF REPORTS ON DIVERSITY IN MILITARY LEADERSHIP UNDER ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.

Section 115a(g) of title 10, United States Code, is amended by striking ''2017'' and inserting ''2022''.

SA 666. Mr. BROWN (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

SEC. ____. SENSE OF CONGRESS ON CYBERSECURITY COOPERATION WITH UKRAINE.

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

(1) There is a strong history of cyber attacks in Ukraine, including a significant attack on its power grid in December 2015 by Russia.

(2) The United States supports Ukraine and the Ukrainian Security Assistance Initiative.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States reaffirms support for the sovereignty and territorial integrity of Ukraine, especially as a result of Russia's invasion of Ukraine and in the face of increased Russian aggression in the region; and

(2) the United States should assist Ukraine in improving its cybersecurity capabilities.

SA 667. Mr. MCCONNELL proposed an amendment to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; as follows:

Strike all after the first word and insert the following:

SHORT TITLE.

This Act may be cited as the ''Health Care Freedom Act of 2017''.

TITLE I

SEC. 101. INDIVIDUAL MANDATE.

(a) IN GENERAL.—Section 5000A(c) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(B)(iii), by striking ''2.5 percent'' and inserting ''Zero percent'', and

(2) in paragraph (3)—

(A) by striking ''$695'' in subparagraph (A) and inserting ''$0'', and

(B) by striking subparagraph (D).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2015.

SEC. 102. EMPLOYER MANDATE.

(a) IN GENERAL.—

(1) Paragraph (1) of section 4980H(c) of the Internal Revenue Code of 1986 is amended by inserting ''($0 in the case of months beginning after December 31, 2015, and before January 1, 2025)'' after ''$2,000''.

(2) Paragraph (1) of section 4980H(b) of the Internal Revenue Code of 1986 is amended by inserting ''($0 in the case of months beginning after December 31, 2015, and before January 1, 2025)'' after ''$3,000''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2015.

SEC. 103. EXTENSION OF MORATORIUM ON MEDICAL DEVICE EXCISE TAX.

(a) IN GENERAL.—Section 4191(c) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2017'' and inserting ''December 31, 2020''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales after December 31, 2017.

SEC. 104. MAXIMUM CONTRIBUTION LIMIT TO HEALTH SAVINGS ACCOUNT INCREASED TO AMOUNT OF DEDUCTIBLE AND OUT-OF-POCKET LIMITATION.

(a) IN GENERAL.—Subsection (b) of section 223 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(9) INCREASED LIMITATION.—In the case of any month beginning after December 31, 2017, and before January 1, 2021—

''(A) paragraph (2)(A) shall be applied by substituting 'the amount in effect under subsection (c)(2)(A)(ii)(I)' for '$2,250', and

''(B) paragraph (2)(B) shall be applied by substituting 'the amount in effect under subsection (c)(2)(A)(ii)(II)' for '$4,500'.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

SEC. 105. FEDERAL PAYMENTS TO STATES.

(a) IN GENERAL.—Notwithstanding section 504(a), 1902(a)(23), 1903(a), 2002, 2005(a)(4), 2102(a)(7), or 2105(a)(1) of the Social Security Act (42 U.S.C. 704(a), 1396a(a)(23), 1396b(a), 1397a, 1397d(a)(4), 1397bb(a)(7), 1397ee(a)(1)), or the terms of any Medicaid waiver in effect on the date of enactment of this Act that is approved under section 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1396n), for the 1-year period beginning on the date of enactment of this Act, no Federal funds provided from a program referred to in this subsection that is considered direct spending for any year may be made available to a State for payments to a prohibited entity, whether made directly to the prohibited entity or through a managed care organization under contract with the State.

(b) DEFINITIONS.—In this section:

(1) PROHIBITED ENTITY.—The term ''prohibited entity'' means an entity, including its affiliates, subsidiaries, successors, and clinics—

(A) that, as of the date of enactment of this Act—

(i) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(ii) is an essential community provider described in section 156.235 of title 45, Code of Federal Regulations (as in effect on the date of enactment of this Act), that is primarily engaged in family planning services, reproductive health, and related medical care; and

(iii) provides for abortions, other than an abortion—

(I) if the pregnancy is the result of an act of rape or incest; or

(II) in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself; and

(B) for which the total amount of Federal and State expenditures under the Medicaid program under title XIX of the Social Security Act in fiscal year 2014 made directly to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity, or made to the entity and to any affiliates, subsidiaries, successors, or clinics of the entity as part of a nationwide health care provider network, exceeded $1,000,000.

(2) DIRECT SPENDING.—The term ''direct spending'' has the meaning given that term under section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)).

TITLE II

SEC. 201. THE PREVENTION AND PUBLIC HEALTH FUND.

Subsection (b) of section 4002 of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11) is amended—

(1) in paragraph (3), by striking ''each of fiscal years 2018 and 2019'' and inserting ''fiscal year 2018''; and

(2) by striking paragraphs (4) through (8).

SEC. 202. COMMUNITY HEALTH CENTER PROGRAM.

Effective as if included in the enactment of the Medicare Access and CHIP Reauthorization Act of 2015 (Public Law 114–10, 129 Stat. 87), paragraph (1) of section 221(a) of such Act is amended by inserting '', and an additional $422,000,000 for fiscal year 2017'' after ''2017''.

SEC. 203. WAIVERS FOR STATE INNOVATION.

Section 1332 of the Patient Protection and Affordable Care Act (42 U.S.C. 18052) is amended—

(1) in subsection (a)(3)—

(A) in the first sentence, by inserting ''or would qualify for a reduction in'' after ''would not qualify for'';

(B) by adding after the second sentence the following: ''A State may request that all of, or any portion of, such aggregate amount of such credits or reductions be paid to the State as described in the first sentence.'';

(C) in the paragraph heading, by striking ''PASS THROUGH OF FUNDING'' and inserting ''FUNDING'';

(D) by striking ''With respect'' and inserting the following:

''(A) PASS THROUGH OF FUNDING.—With respect''; and

(E) by adding at the end the following:

''(B) ADDITIONAL FUNDING.—There is authorized to be appropriated, and is appropriated, to the Secretary of Health and Human Services, out of monies in the Treasury not otherwise obligated, $2,000,000,000, to remain available until the end of fiscal year 2019. Such amounts shall be used to provide grants to States that request financial assistance for the purpose of—

''(i) submitting an application for a waiver granted under this section; or

''(ii) implementing the State plan under such waiver.'';

(2) in subsection (b)(1), in the matter preceding subparagraph (A)—

(A) by striking ''may'' and inserting ''shall''; and

(B) by striking ''only'';

(3) in subsection (d)(1), by striking ''180'' and inserting ''45''; and

(4) in subsection (e), by striking ''No waiver'' and all that follows through the period at the end and inserting the following: ''A waiver under this section—

''(1) shall be in effect for a period of 8 years unless the State requests a shorter duration;

''(2) may be renewed for unlimited additional 8-year periods upon application by the State; and

''(3) may not be cancelled by the Secretary before the expiration of the 8-year period (including any renewal period under paragraph (2)).''.

SA 668. Mr. FLAKE submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INDIVIDUAL MANDATE.

(a) IN GENERAL.—Section 5000A(c) of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(B)(iii), by striking ''2.5 percent'' and inserting ''Zero percent'', and

(2) in paragraph (3)—

(A) by striking ''$695'' in subparagraph (A) and inserting ''$0'', and

(B) by striking subparagraph (D).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2015.

SA 669. Ms. DUCKWORTH submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. _____. IMPLEMENTATION OF GAO RECOMMENDATIONS TO IMPROVE MEDICAL FACILITIES OF THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall develop and submit to Congress a comprehensive and detailed strategic implementation plan to fully implement all 14 open recommendations, as of such date of enactment, produced by the Government Accountability Office in relation to its report entitled ''VA and DOD Need to Address Ongoing Difficulties and Better Prepare for Future Integrations'' that was published on February 29, 2016.

(b) PUBLIC AVAILABILITY.—The Secretary of Defense and the Secretary of Veterans Affairs shall each publish the strategic implementation plan developed under subsection (a) on the public Internet website of the Department of Defense and the Department of Veterans Affairs, respectively.

(c) UPDATE.—Not later than 180 days after publication of the strategic implementation plan under subsection (b), the Secretary of Defense and the Secretary of Veterans Affairs shall develop and submit to Congress a comprehensive and detailed status update report on the progress made in fully implementing all open recommendations described in subsection (a).

SA 670. Mr. TESTER (for himself and Mr. DONNELLY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

SEC. _____. EXPANSION OF AVAILABILITY FROM THE DEPARTMENT OF VETERANS AFFAIRS OF COUNSELING AND TREATMENT FOR SEXUAL TRAUMA FOR MEMBERS OF THE ARMED FORCES.

Section 1720D(a)(2)(A) of title 38, United States Code is amended—

(1) by striking ''on active duty''; and

(2) by inserting ''that was suffered by the member while serving on active duty, active duty for training, or inactive duty training'' before the period at the end.

SA 671. Ms. DUCKWORTH (for herself and Mr. DURBIN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. _____. TRAINING REQUIREMENT FOR HEALTH CARE PROFESSIONALS OF THE DEPARTMENT OF DEFENSE PRESCRIBING OPIOIDS FOR TREATMENT OF PAIN.

(a) TRAINING.—

(1) IN GENERAL.—The Secretary of Defense shall ensure that health care professionals of the Department of Defense, other than pharmacists, who are authorized to prescribe or otherwise dispense opioids for the treatment of pain—

(A) complete the training described in paragraph (2) not less frequently than once every three years; or

(B) are licensed in a State that requires training that is equivalent to or greater than the training described in paragraph (2) with respect to the prescribing or dispensing of opioids for the treatment of pain.

(2) TRAINING DESCRIBED.—

(A) IN GENERAL.—The training described in this paragraph is not fewer than 12 hours of training (through classroom situations, seminars at professional society meetings, electronic communications, or otherwise) that is provided by organizations specified in subparagraph (B) with respect to—

(i) pain management treatment guidelines and best practices;

(ii) early detection of opioid addiction; and

(iii) the treatment and management of opioid-dependent patients.

(B) ORGANIZATIONS SPECIFIED.—The organizations specified in this subparagraph are the following:

(i) The American Society of Addiction Medicine.

(ii) The American Academy of Addiction Psychiatry.

(iii) The American Medical Association.

(iv) The American Osteopathic Association.

(v) The American Psychiatric Association.

(vi) The American Academy of Pain Management.

(vii) The American Pain Society.

(viii) The American Academy of Pain Medicine.

(ix) The American Board of Pain Medicine.

(x) The American Society of Interventional Pain Physicians.

(xi) Such other organizations as the Secretary of Defense determines appropriate for purposes of this subsection.

(b) ESTABLISHMENT OF TRAINING MODULES.—

(1) IN GENERAL.—The Secretary of Defense shall establish or support the establishment of one or more training modules to be used to provide the training required under subsection (a).

(2) SUPPORT FOR ORGANIZATIONS.—The Secretary may support the establishment of a training module under paragraph (1) by—

(A) an organization specified in paragraph (2)(B) of subsection (a); or

(B) any other organization that the Secretary determines is appropriate to provide the training required under such subsection.

SA 672. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe

military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

PART II—DISPOSITION OF CHARGES AND CONVENING OF COURTS-MARTIAL FOR CERTAIN OFFENSE UNDER THE UNIFORM CODE OF MILITARY JUSTICE

SEC. _____. SHORT TITLE.

This part may be cited as the ''Military Justice Improvement Act of 2017''.

SEC. _____. IMPROVEMENT OF DETERMINATIONS ON DISPOSITION OF CHARGES FOR CERTAIN OFFENSES UNDER UCMJ WITH AUTHORIZED MAXIMUM SENTENCE OF CONFINEMENT OF MORE THAN ONE YEAR.

(a) IMPROVEMENT OF DETERMINATIONS.—

(1) MILITARY DEPARTMENTS.—With respect to charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense specified in subsection (b) and not excluded under subsection (c), the Secretary of Defense shall require the Secretaries of the military departments to provide as described in subsection (d) for the determinations as follows:

(A) Determinations under section 830 of such chapter (article 30 of the Uniform Code of Military Justice) on the preferral of charges.

(B) Determinations under section 830 of such chapter (article 30 of the Uniform Code of Military Justice) on the disposition of charges.

(C) Determination under section 834 such chapter (article 34 of the Uniform Code of Military Justice) on the referral of charges.

(2) HOMELAND SECURITY.—With respect to charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense specified in subsection (b) and not excluded under subsection(c) against a member of the Coast Guard (when it is not operating as a service in the Navy), the Secretary of Homeland Security shall provide as described in subsection (d) for the determinations as follows:

(A) Determinations under section 830 of such chapter (article 30(a) of the Uniform Code of Military Justice) on the preferral of charges.

(B) Determinations under section 830 of such chapter (article 30 of the Uniform Code of Military Justice) on the disposition of charges.

(C) Determination under section 834 such chapter (article 34 of the Uniform Code of Military Justice) on the referral of charges.

(b) COVERED OFFENSES.—An offense specified in this subsection is an offense as follows:

(1) An offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), for which the maximum punishment authorized under that chapter includes confinement for more than one year.

(2) The offense of obstructing justice under section 931b of title 10, United States Code (article 131b of the Uniform Code of Military Justice), regardless of the maximum punishment authorized under that chapter for such offense.

(3) The offense of retaliation for reporting a crime under section 932 of title 10, United States Code (article 132 of the Uniform Code of Military Justice), regardless of the maximum punishment authorized under that chapter for such offense.

(4) A conspiracy to commit an offense specified in paragraphs (1) through (3) as punishable under section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice).

(5) A solicitation to commit an offense specified in paragraphs (1) through (3) as punishable under section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice).

(6) An attempt to commit an offense specified in paragraphs (1) through (3) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(c) EXCLUDED OFFENSES.—Subsection (a) does not apply to an offense as follows:

(1) An offense under sections 883 through 917 of title 10, United States Code (articles 83 through 117 of the Uniform Code of Military Justice).

(2) An offense under section 933 or 934 of title 10, United States Code (articles 133 and 134 of the Uniform Code of Military Justice).

(3) A conspiracy to commit an offense specified in paragraph (1) or (2) as punishable under section 881 of title 10, United States Code (article 81 of the Uniform Code of Military Justice).

(4) A solicitation to commit an offense specified in paragraph (1) or (2) as punishable under section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice).

(5) An attempt to commit an offense specified in paragraph (1) or (2) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(d) REQUIREMENTS AND LIMITATIONS.—The disposition of charges covered by subsection (a) shall be subject to the following:

(1) The determination whether to prefer such charges or refer such charges to a court-martial for trial, as applicable, shall be made by a commissioned officer of the Armed Forces designated in accordance with regulations prescribed for purposes of this subsection from among commissioned officers of the Armed Forces in grade O–6 or higher who—

(A) are available for detail as trial counsel under section 827 of title 10, United States Code (article 27 of the Uniform Code of Military Justice);

(B) have significant experience in trials by general or special court-martial; and

(C) are outside the chain of command of the member subject to such charges.

(2) Upon a determination under paragraph (1) to refer charges to a court-martial for trial, the officer making that determination shall determine whether to refer such charges for trial by a general court-martial convened under section 822 of title 10, United States Code (article 22 of the Uniform Code of Military Justice), or a special court-martial convened under section 823 of title 10, United States Code (article 23 of the Uniform Code of Military Justice).

(3) A determination under paragraph (1) to prefer charges or refer charges to a court-martial for trial, as applicable, shall cover all known offenses, including lesser included offenses.

(4) The determination to prefer charges or refer charges to a court-martial for trial, as applicable, under paragraph (1), and the type of court-martial to which to refer under subparagraph (B), shall be binding on any applicable convening authority for the referral of such charges.

(5) The actions of an officer described in paragraph (1) in determining under that subparagraph whether or not to prefer charges or refer charges to a court-martial for trial, as applicable, shall be free of unlawful or unauthorized influence or coercion.

(6) The determination under paragraph (1) not to refer charges to a general or special court-martial for trial shall not operate to terminate or otherwise alter the authority of commanding officers to refer charges for trial by summary court-martial convened under section 824 of title 10, United States Code (article 24 of the Uniform Code of Military Justice), or to impose non-judicial punishment in connection with the conduct covered by such charges as authorized by section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice).

(e) CONSTRUCTION WITH CHARGES ON OTHER OFFENSES.—Nothing in this section shall be construed to alter or affect the preferral, disposition, or referral authority of charges under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that allege an offense for which the maximum punishment authorized under that chapter includes confinement for one year or less.

(f) POLICIES AND PROCEDURES.—

(1) IN GENERAL.—The Secretaries of the military departments and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall revise policies and procedures as necessary to comply with this section.

(2) UNIFORMITY.—The General Counsel of the Department of Defense and the General Counsel of the Department of Homeland Security shall jointly review the policies and procedures revised under this subsection in order to ensure that any lack of uniformity in policies and procedures, as so revised, among the military departments and the Department of Homeland Security does not render unconstitutional any policy or procedure, as so revised.

(g) MANUAL FOR COURTS-MARTIAL.—The Secretary of Defense shall recommend such changes to the Manual for Courts-Martial as are necessary to ensure compliance with this section.

SEC. _____. MODIFICATION OF OFFICERS AUTHORIZED TO CONVENE GENERAL AND SPECIAL COURTS-MARTIAL FOR CERTAIN OFFENSES UNDER UCMJ WITH AUTHORIZED MAXIMUM SENTENCE OF CONFINEMENT OF MORE THAN ONE YEAR.

(a) IN GENERAL.—Subsection (a) of section 822 of title 10, United States Code (article 22 of the Uniform Code of Military Justice), is amended—

(1) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(2) by inserting after paragraph (7) the following new paragraph (8):

''(8) with respect to offenses to which section _____(a) of the National Defense Authorization Act for Fiscal Year 2018 applies, the officers in the offices established pursuant to section _____(c) of that Act or officers in the grade of O–6 or higher who are assigned such responsibility by the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, or the Commandant of the Coast Guard;''.

(b) NO EXERCISE BY OFFICERS IN CHAIN OF COMMAND OF ACCUSED OR VICTIM.—Such section (article) is further amended by adding at the end the following new subsection:

''(c) An officer specified in subsection (a)(8) may not convene a court-martial under this section if the officer is in the chain of command of the accused or the victim.''.

(c) OFFICES OF CHIEFS OF STAFF ON COURTS-MARTIAL.—

(1) OFFICES REQUIRED.—Each Chief of Staff of the Armed Forces or Commandant specified in paragraph (8) of section 822(a) of title 10, United States Code (article 22(a) of the Uniform Code of Military Justice), as amended by subsection (a), shall establish an office to do the following:

(A) To convene general and special courts-martial under sections 822 and 823 of title 10,

United States Code (articles 22 and 23 of the Uniform Code of Military Justice), pursuant to paragraph (8) of section 822(a) of title 10, United States Code (article 22(a) of the Uniform Code of Military Justice), as so amended, with respect to offenses to which section _____(a) applies.

(B) To detail under section 825 of title 10, United States Code (article 25 of the Uniform Code of Military Justice), members of courts-martial convened as described in subparagraph (A).

(2) PERSONNEL.—The personnel of each office established under paragraph (1) shall consist of such members of the Armed Forces and civilian personnel of the Department of Defense, or such members of the Coast Guard or civilian personnel of the Department of Homeland Security, as may be detailed or assigned to the office by the Chief of Staff or Commandant concerned. The members and personnel so detailed or assigned, as the case may be, shall be detailed or assigned from personnel billets in existence as of the effective date for this part specified in section _____.

SEC. _____. DISCHARGE USING OTHERWISE AUTHORIZED PERSONNEL AND RESOURCES.

(a) IN GENERAL.—The Secretaries of the military departments and the Secretary of Homeland Security (with respect to the Coast Guard when it is not operating as a service in the Navy) shall carry out sections _____ and _____ using personnel, funds, and resources otherwise authorized by law.

(b) NO AUTHORIZATION OF ADDITIONAL PERSONNEL OR RESOURCES.—Sections _____ and _____ shall not be construed as authorizations for personnel, personnel billets, or funds for the discharge of the requirements in such sections.

SEC. _____. MONITORING AND ASSESSMENT OF MODIFICATION OF AUTHORITIES BY DEFENSE ADVISORY COMMITTEE ON INVESTIGATION, PROSECUTION, AND DEFENSE OF SEXUAL ASSAULT IN THE ARMED FORCES.

Section 546(c) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 1561 note) is amended—

(1) in paragraph (1)—

(A) by striking ''on the investigation'' and inserting ''on the following:

''(A) The investigation''; and

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

''(B) The implementation and efficacy of sections _____ through _____ of the National Defense Authorization Act for Fiscal Year 2018 and the amendments made by such sections.''; and

(2) in paragraph (2), by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)''.

SEC. _____. EFFECTIVE DATE AND APPLICABILITY.

(a) EFFECTIVE DATE AND APPLICABILITY.—This part and the amendments made by this part shall take effect 180 days after the date of the enactment of this Act, and shall apply with respect to any allegation of charges of an offense specified in subsection (a) of section _____, and not excluded under subsection (c) of section _____, which offense occurs on or after such effective date.

(b) REVISIONS OF POLICIES AND PROCEDURES.—Any revision of policies and procedures required of the military departments or the Department of Homeland Security as a result of this part and the amendments made by this part shall be completed so as to come into effect together with the coming into effect of this part and the amendments made by this part in accordance with subsection (a).

SA 673. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEPARTMENT OF DEFENSE DIVERSITY AND INCLUSION WORKFORCE.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) APPLICANT FLOW DATA.—The term ''applicant flow data'' means data that tracks the rate of applications for job positions among demographic categories.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(3) ARMED FORCE.—The term ''armed force'' has the meaning given that term in section 2101 of title 5, United States Code.

(4) CIVIL SERVICE.—The term ''civil service'' has the meaning given that term in section 2101 of title 5, United States Code.

(5) DEPARTMENT.—The term ''Department'' means the Department of Defense and the Coast Guard.

(6) DIVERSITY.—The term ''diversity'' means all the different characteristics and attributes of the workforce of the Department, which are consistent with the core values of the Department, integral to overall readiness and mission accomplishment, and reflective of the people of the United States.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Defense (and the Secretary of Homeland Security in the case of the Coast Guard when it is not operating as a service in the Department of the Navy).

(8) UNIFORMED SERVICE.—The term ''uniformed service'' has the meaning given that term in section 2101 of title 5, United States Code.

(9) WORKFORCE.—The term ''workforce'' means an individual serving in a position—

(A) in the civil service; or

(B) as a member of an armed force, including a member of a reserve component of an armed force described in section 10101 of title 10, United States Code.

(b) DIVERSITY AND INCLUSION STRATEGIC PLAN.—It is the sense of Congress that the Department—

(1) should employ an aligned strategic outreach effort to identify, attract, and recruit from a broad talent pool reflective of the best of the Nation;

(2) should be an employer of choice that is competitive in attracting and recruiting top talent;

(3) should develop, mentor, and retain top talents across the workforce;

(4) should establish the position of the Department as an employer of choice by creating a merit-based workforce life-cycle continuum that focuses on personal and professional development through training, education, and developing employment flexibility to retain a highly-skilled workforce;

(5) should ensure leadership commitment to an accountable and sustained diversity effort; and

(6) should develop structures and strategies to equip leadership with the ability to manage diversity, be accountable, and engender an inclusive work environment that cultivates innovation and optimization within the Department.

(c) INITIAL REPORTING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and every year after until the end of fiscal year 2023, the Secretary shall make available to the public and the appropriate congressional committees a report which includes aggregate demographic data and other information regarding the diversity and inclusion efforts of the workforce of the Department.

(2) DATA.—Each report made available under paragraph (1)—

(A) shall include a barrier analysis related to diversity and inclusion efforts;

(B) shall include aggregate demographic data—

(i) by segment of the workforce of the Department and grade or rank;

(ii) by uniformed service and civil service job code;

(iii) relating to attrition and promotion rates;

(iv) that addresses the compliance of the Department with validated inclusion metrics;

(v) that provides demographic comparisons to the relevant non-Governmental labor force and the relevant civilian labor force;

(vi) on the diversity of selection boards;

(vii) on the employment of minority and service-disabled veterans during the most recent 10-year period, including—

(I) the number hired through direct hires, internships, and fellowship programs; and

(II) attrition rates by grade, in the civil service and uniformed service, and in the senior positions; and

(viii) on mentorship and retention programs;

(C) shall include an analysis of applicant flow data, including the percentage, actual numbers and level of positions (including internship positions) for which data are collected and a discussion of any resulting policy changes or recommendations;

(D) shall include demographic data relating to participants in professional development programs of the Department and the rate of placement into senior positions for participants in such programs;

(E) shall include any voluntarily collected demographic data relating to the membership of any external advisory committee or board to which individuals in senior positions in the Department appoint members;

(F) shall be organized in terms of real numbers and percentages at all levels; and

(G) shall be made available in a searchable database format.

(3) RECOMMENDATIONS.—The Secretary may submit to the Office of Management and Budget and to the appropriate congressional committees a recommendation regarding whether the Department should voluntarily collect more detailed data on demographic categories in addition to the race and ethnicity categories specified in the statistical policy directive issued by the Office of Management and Budget entitled ''Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity''. In making a recommendation under this paragraph, the Secretary shall engage in close consultation with internal stakeholders, such as employee resource or affinity groups.

(4) OTHER CONTENTS.—Each report made available under paragraph (1) shall describe the efforts of the Department to—

(A) propagate fairness, impartiality, and inclusion in the work environment domestically and abroad;

(B) ensure that harassment, intolerance, and discrimination are not tolerated;

(C) refrain from engaging in unlawful discrimination in any phase of the employment process, including recruitment, hiring, evaluation, assignments, promotion, retention, and training;

(D) prevent illegal retaliation against employees for participating in a protected equal employment opportunity activity;

(E) provide reasonable accommodation for qualified employees and applicants with disabilities;

(F) resolve workplace conflicts, confrontations, and complaints in a prompt, impartial, constructive, and timely manner; and

(G) recruit a diverse workforce by—

(i) recruiting women, minorities, veterans, and undergraduate and graduate students;

(ii) recruiting at historically Black colleges and universities, Hispanic serving institutions, women's colleges, and colleges that typically serve majority minority populations;

(iii) sponsoring and recruiting at job fairs in urban communities;

(iv) placing job advertisements in newspapers, magazines, and job sites oriented toward women and people of color; and

(v) recruiting mid-level and senior-level professionals through programs designed to increase minority representation in national security.

(5) INTELLIGENCE COMMUNITY.—The elements of the intelligence community in the Department may make available a single report with respect to the diversity and inclusion efforts of the workforce of the elements of the intelligence community under this subsection.

(d) UPDATES.—The second report, and each subsequent report, under subsection (c) (which may be provided as part of an annual report required under another provision of law) shall include—

(1) demographic data and information on the status of diversity and inclusion efforts of the Department;

(2) an analysis of applicant flow data;

(3) demographic data relating to participants in professional development programs of the Department and the rate of placement into senior positions for participants in such programs; and

(4) the specified data in a searchable database format.

(e) CONDUCT STAY AND EXIT INTERVIEWS OR SURVEYS.—

(1) RETAINED MEMBERS.—The Director of the Office of Diversity Management and Equal Opportunity shall conduct periodic interviews or surveys of a representative and diverse cross-section of the members of the workforce of the Department to—

(A) understand the reasons of the members for remaining in a position in the Department; and

(B) receive feedback on workplace policies, professional development opportunities, and other issues affecting the decision of the members to remain.

(2) DEPARTING MEMBERS.—The Director of the Office of Diversity Management and Equal Opportunity shall provide an opportunity for an exit interview or survey to each member of the workforce of the Department who separates from service with the Department, to understand better the reasons of the member for leaving.

(3) USE OF ANALYSIS FROM INTERVIEWS AND SURVEYS.—The Director of the Office of Diversity Management and Equal Opportunity shall analyze and use information obtained through interviews and surveys under paragraphs (1) and (2), including to evaluate—

[(A) if and how the results of the interviews differ by gender, race, national origin, sexual orientation, gender identity, disability status, and other demographic categories; and]

(B) whether to implement any policy changes or recommend the Secretary include recommendations as part of a report required under subsection (c).

(4) TRACKING DATA.—The Department shall—

(A) track demographic data relating to participants in professional development programs and the rate of placement into senior positions for participants in such programs; and

(B) evaluate such data on an annual basis to look for ways to improve outreach and recruitment for such programs consistent with merit system principles.

[(C) understand how participation in such programs differs by gender, race, national origin, sexual orientation, gender identity, disability status, and other demographic categories; and]

(D) actively encourage participation from a range of demographic categories, especially from categories with consistently low participation.

(f) EXPAND PROVISION OF PROFESSIONAL DEVELOPMENT AND CAREER ADVANCEMENT OPPORTUNITIES.—

(1) IN GENERAL.—The Department is authorized to expand professional development opportunities that support the mission needs of the Department, such as—

(A) academic programs;

(B) private-public exchanges; and

(C) detail assignments to relevant positions in—

(i) private or international organizations;

(ii) State, local, and tribal governments;

(iii) other branches of the Federal Government; or

(iv) professional schools of international affairs.

(2) TRAINING FOR SENIOR POSITIONS.—

(A) IN GENERAL.—The Department may offer, or sponsor members of the workforce of the Department to participate in, a Senior Executive Service candidate development program or other program that trains members of the workforce of the Department on the skills required for appointment to senior positions in the Department.

(B) REQUIREMENTS.—In determining which members of the workforce of the Department are granted professional development or career advancement opportunities, the Department shall—

(i) ensure any program offered or sponsored by the Department under subparagraph (A) comports with the requirements of subpart C of part 412 of title 5, Code of Federal Regulations, or any successor thereto, including merit staffing and assessment requirements;

(ii) consider the number of expected vacancies in senior positions as a factor in determining the number of candidates to select for such programs;

[(iii) understand how participation in any program offered or sponsored by the Department under subparagraph (A) differs by gender, race, national origin, sexual orientation, gender identity, disability status, and other demographic categories; and]

(iv) actively encourage participation from a range of demographic categories, especially from categories with consistently low participation.

(3) TRACKING DATA.—The Department shall—

(A) track demographic data relating to participants in professional development programs and the rate of placement into senior positions for participants in such programs; and

(B) evaluate such data on an annual basis to look for ways to improve outreach and recruitment for such programs consistent with merit system principles.

(g) INITIATIVES.—

(1) IN GENERAL.—The Department should—

(A) continue to seek a diverse and talented pool of applicants;

(B) have diversity recruitment as a goal of the human resources department or equivalent entity, with outreach at appropriate colleges, universities, and diversity organizations and professional associations; and

(C) intensify, identify, and build relationships with qualified potential minority candidates.

(2) SCOPE.—The diversity recruitment initiatives described in paragraph (1) should include—

(A) recruiting at historically black colleges and universities, Hispanic-serving institutions, women's colleges, and colleges that typically serve majority minority populations;

(B) sponsoring and recruiting at job fairs in urban communities;

(C) placing job advertisements in newspapers, magazines, and job sites oriented toward diverse groups;

(D) providing opportunities through highly respected, international leadership programs, that focus on diversity recruitment and retention; and

(E) cultivating partnerships with organizations dedicated to the advancement of the profession of international affairs and national security to advance shared diversity goals.

SA 674. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 590, line 24, strike ''relevant Chief of Mission'' and insert ''Secretary of State''.

On page 594, line 9, insert ''and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives'' before ''a report''.

SA 675. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEPARTMENT OF DEFENSE FAMILY AND MEDICAL LEAVE BANKS.

(a) IN GENERAL.—Subchapter V of chapter 63 of title 5, United States Code, is amended—

(1) by redesignating section 6387 as section 6388; and

(2) by inserting after section 6386 the following:

''§ 6387. Department of Defense family and medical leave banks

''(a) DEFINITIONS.—In this section—

''(1) the term 'covered DOD employee' means an individual described in section 6381(1)(A) who is employed by the Department, without regard to whether the individual meets the requirements of section 6381(1)(B);

''(2) the term 'Department' means the Department of Defense

''(3) the term 'designated unit' means any agency, component, or other administrative unit of the Department designated by the Secretary under subsection (b)(1);

''(4) the term 'family and medical leave bank' means a family and medical leave bank established under subsection (b)(2);

''(5) the term 'leave recipient' means a covered DOD employee whose application under subsection (e)(1) to receive leave from a family and medical leave bank is approved; and

''(6) the term 'Secretary' means the Secretary of Defense.

''(b) ESTABLISHMENT OF FAMILY AND MEDICAL LEAVE BANKS.—The Secretary, in consultation with the Director of the Office of Personnel Management, shall—

''(1) designate the agencies, components, or other administrative units of the Department for which it is appropriate to have a separate family and medical leave bank; and

''(2) establish a family and medical leave bank for each designated unit.

''(c) ESTABLISHMENT OF FAMILY AND MEDICAL LEAVE BANK BOARDS.—

''(1) IN GENERAL.—For each family and medical leave bank established by the Secretary, the Secretary shall establish a Family and Medical Leave Bank Board consisting of 3 members, at least 1 of whom shall represent a labor organization or employee group, to administer the family and medical leave bank, in consultation with the Office of Personnel Management.

''(2) DUTIES.—Each Family and Medical Leave Bank Board shall—

''(A) review and determine whether to approve applications to the family and medical leave bank under subsection (e)(1);

''(B) monitor each case of a leave recipient;

''(C) monitor the amount of leave in the family and medical leave bank and the number of applications for use of leave from the family and medical leave bank; and

''(D) maintain an adequate amount of leave in the family and medical leave bank to the greatest extent practicable.

''(3) QUALIFYING FAMILY AND MEDICAL EVENTS.—To the greatest extent practicable, each Family and Medical Leave Bank Board shall use the certification forms and standards established for purposes of section 6382 in determining whether, for purposes of this section, a circumstance described in section 6382(a)(1) exists.

''(d) CREDITING OF LEAVE.—

''(1) FORFEITED LEAVE.—Any annual leave lost by a covered DOD employee by operation of section 6304 shall be credited to the family and medical leave bank of the designated unit employing the covered DOD employee.

''(2) CONTRIBUTIONS OF USE OR LOSE LEAVE.—

''(A) IN GENERAL.—A covered DOD employee who is projected to have annual leave that otherwise would be subject to forfeiture at the end of the leave year under section 6304 may submit an application in writing requesting that a specified number of hours (not to exceed the number of hours projected to be subject to forfeiture) be transferred from the annual leave account of the covered DOD employee to the family and medical leave bank for the designated unit employing the covered DOD employee.

''(B) APPROVAL.—If a Family and Medical Leave Bank Board approves an application by a covered DOD employee under subparagraph (A), the Secretary shall transfer to the family and medical leave bank of the designated unit employing the covered DOD employee the amount of leave requested to be transferred.

''(e) APPLICATION FOR LEAVE.—

''(1) IN GENERAL.—A covered DOD employee who is or anticipates being absent from regularly scheduled duty because of a circumstance described in section 6382(a)(1) (without regard to whether the covered DOD employee is entitled to leave under section 6382(a)(1)) may submit an application to receive leave from the family and medical leave bank of the designated unit employing the covered DOD employee, which shall contain such information as the Secretary, in consultation with the Director of the Office of Personnel Management, shall by regulation prescribe.

''(2) DETERMINATION.—A Family and Medical Leave Bank Board may—

''(A) approve an application submitted under paragraph (1); and

''(B) specify the amount of leave that shall be transferred to a covered DOD employee whose application is approved.

''(3) MAXIMUM AMOUNT OF LEAVE.—

''(A) IN GENERAL.—A Family and Medical Leave Bank Board may not specify an amount of leave to be transferred to a covered DOD employee that is more than the amount of leave described in subparagraph (B).

''(B) AMOUNT.—The amount described in this subparagraph is—

''(i) with respect to a full-time covered DOD employee, 12 weeks; and

''(ii) with respect to a part-time covered DOD employee, the amount equal to the product obtained by multiplying—

''(I) 12 weeks; by

''(II) the quotient obtained by dividing—

''(aa) the number of hours in the regularly scheduled workweek of the part-time covered DOD employee; by

''(bb) the number of hours in the regularly scheduled workweek of a covered DOD employee serving in a comparable position on a full-time basis.

''(4) TRANSFER.—The Secretary shall transfer to a covered DOD employee whose application is approved under paragraph (2)(A) the number of hours of leave specified under paragraph (2)(B) from the family and medical leave bank for the designated unit employing the covered DOD employee.

''(f) USE OF LEAVE.—

''(1) COORDINATION WITH EXISTING FML.—A leave recipient who is entitled to leave under section 6382(a)(1) shall use any leave transferred to the leave recipient from a family and medical leave bank in accordance with section 6382(d)(2).

''(2) FAILURE TO USE LEAVE.—

''(A) IN GENERAL.—Any leave transferred to a leave recipient from a family and medical leave bank that is not used before the end of the 12-month period beginning on the date described in subparagraph (B)—

''(i) shall be forfeited by the leave recipient; and

''(ii) shall be credited to the family and medical leave bank from which the leave was transferred.

''(B) START OF PERIOD FOR USE.—The date described in this subparagraph is the later of—

''(i) the date on which the circumstance described in section 6382(a)(1) arises; or

''(ii) the date on which leave is transferred to the covered DOD employee under subsection (e)(4).''.

(b) USE OF FAMILY AND MEDICAL LEAVE.—Section 6382(d) of title 5, United States Code, is amended—

(1) by inserting ''(1)'' before ''An employee may elect'' the first place it appears; and

(2) by adding at the end the following:

''(2)(A) In this paragraph, the term 'covered DOD employee' has the meaning given that term in section 6387.

''(B) A covered DOD employee entitled to leave under subsection (a)(1) to whom leave is transferred from a family and medical leave bank under section 6387—

''(i) shall substitute for any leave without pay under subsection (a)(1) the amount of leave transferred to the employee from the family and medical leave bank; and

''(ii) may substitute for any leave without pay under subsection (a)(1) any annual or sick leave accrued or accumulated by such employee under subchapter I.

''(C) A covered DOD employee to whom leave is transferred from a family and medical leave bank shall first use all of the transferred leave before using leave described in subparagraph (B)(ii).

''(D) The Director of the Office of Personnel Management shall prescribe any regulations necessary to carry out this paragraph.''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 63 of title 5, United States Code, is amended by striking the item relating to section 6387 and inserting the following:

''6387. Department of Defense family and medical leave banks.
''6388. Regulations.''.

SA 676. Mr. CASEY (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle F of title V, add the following:

SEC. ____. AUTHORITY FOR REIMBURSEMENT OF SPOUSES FOR COSTS OF PROFESSIONAL RE-LICENSURE AND RE-CERTIFICATION IN A NEW STATE IN CONNECTION WITH PERMANENT CHANGES OF STATION OF MEMBERS OF THE ARMED FORCES.

Section 1784a(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) If established under this subsection, the program under this subsection shall provide for the reimbursement of a spouse of a member of the armed forces described in subsection (b) (and without regard to the exception in subsection (c)) for costs incurred by the spouse in obtaining professional re-licensure or re-certification in a new State in association with the member's permanent change of station to a location in such State.

''(B) Reimbursement under this paragraph shall be available for any of the following:

''(i) Application fees to a State board, bar association, or other certifying or licensing body.

''(ii) Exam fees and registration fees paid to a licensing body.

''(iii) Costs of additional coursework required for eligibility for licensing or certification specific to State concerned (other than costs in connection with continuing education courses).

''(C)(i) The total amount of reimbursement of a spouse under this paragraph in connection with a particular change of station may not exceed $500.

''(ii) Eligibility for reimbursement may not be limited by the grade of the member concerned.

''(D) The total amount reimbursement under this paragraph in any fiscal year may not exceed $2,000,000.

''(E) Reimbursements under this paragraph shall be distributed on a quarterly basis.

''(F) This paragraph shall expire on the enactment of a credit against the tax imposed by subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 for the taxable year an amount equal to the qualified re-licensing costs of an individual who is married to a member of the

armed forces and who moves to another State with such member under a permanent change of station order.''.

SA 677. Mr. SCHATZ submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. _____. STUDY ON UNITED STATES INTERESTS IN THE FREELY ASSOCIATED STATES.

(a) STUDY REQUIRED.—The Secretary of Defense shall enter into an agreement with an appropriate independent entity to conduct a study and assessment of United States security and foreign policy interests in the Freely Associated States of the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia.

(b) ELEMENTS.—The study required pursuant to subsection (a) shall address the following:

(1) The role of the Compacts of Free Association in promoting United States defense and foreign policy interests, and the status of the obligations of the United States and the Freely Associated States under the Compacts of Free Association.

(2) The economic assistance practices of the People's Republic of China in the Freely Associated States, and the implications of such practices for United States defense and foreign policy interests in the Freely Associated States and the Pacific region.

(3) The economic assistance practices of other countries in the Freely Associated States, as determined by the Comptroller General, and the implications of such practices for United States defense and foreign policy interests in the Freely Associated States and the Pacific region.

(4) Any other matters the Secretary considers appropriate for purposes of the study.

(c) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary shall provide the entity conducting the study pursuant to subsection (a) with timely access to appropriate information, data, resources, and analysis so that the entity may conduct a thorough and independent assessment of the matters covered by the study, including the matters specified in subsection (b).

(d) REPORT.—

(1) IN GENERAL.—Not later than December 1, 2018, the Secretary shall submit to the congressional defense committees a report setting forth the results of the study conducted pursuant to subsection (a).

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified for, but may include a classified annex.

SA 678. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CONGRESSIONAL BUDGET OFFICE ESTIMATE OF MISSILE DEFENSE COSTS.

Not later than one year after the date of the enactment of this Act, the Director of the Congressional Budget Office shall submit to the congressional defense committees a report setting forth the following:

(1) An estimate of the costs over the 10-year period beginning on the date of the report associated with fielding and maintaining the current ballistic and cruise missile defenses of the United States.

(2) An estimate of the costs to acquire a national missile defense system sufficient to protect the United States against a ballistic or cruise missile attack from the Russian Federation or the People's Republic of China.

(3) An estimate of the costs to design, launch, maintain, operate, and replenish space-based interceptors and sensors of different constellation sizes ranging from limited to comprehensive.

SA 679. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REALLOCATION OF FUNDS AVAILABLE FOR GROUND-LAUNCHED INTERMEDIATE RANGE MISSILE TO MILITARY CAPABILITIES TO COUNTER RUSSIAN INF TREATY VIOLATIONS.

(a) AVAILABILITY OF AMOUNTS TO COUNTER RUSSIAN INF TREATY VIOLATIONS.—The amount authorized to be appropriated for fiscal year 2018 for the Department of Defense by this Act is hereby increased by $65,000,000, with the amount of the increase to be available for military capabilities to counter violations of the INF Treaty by the Russian Federation.

(b) REDUCTION OF AMOUNTS FOR GROUND-LAUNCHED INTERMEDIATE RANGE MISSILE.—The amount authorized to be appropriated for fiscal year 2018 by section 201 is hereby reduced by $65,000,000, with the amount of the reduction to be applied against amounts available for research, development, test, and evaluation of the ground-launched intermediate range missile.

(c) INF TREATY DEFINED.—In this section, the term ''INF Treaty'' means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-Range and Shorter-Range Missiles, signed at Washington December 8, 1987, and entered into force June 1, 1988.

SA 680. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORT ON THE NEED FOR A JOINT CHEMICAL-BIOLOGICAL DEFENSE LOGISTICS CENTER.

Not later than March 1, 2018, the Secretary of Defense shall submit to the congressional defense committees a report that includes the following:

(1) A description of the operational need and requirement for a consolidated Joint Chemical-Biological Defense Logistics Center.

(2) Identification of the specific operational requirements for rapid deployment of chemical and biological defense assets and the sustainment requirements for maintenance, storage, inspection, and distribution of specialized chemical, biological, radiological, and nuclear equipment at the Joint Chemical-Biological Defense Logistics Center.

(3) A definition of program objectives and milestones to achieve initial operating capability and full operating capability.

(4) Estimated facility and personnel resource requirements for use in planning, programming, and budgeting.

(5) An environmental assessment of proposed effects in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SA 681. Mr. JOHNSON (for himself, Mrs. ERNST, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. _____. REPORT ON THE AUDIT OF THE FULL FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the following:

(1) A description of the work under taken and planned to be undertaken by the Department of Defense, and the military departments, Defense Agencies, and other organizations and elements of the Department, to test and verify transaction data from feeder systems.

(2) A projected timeline of the Department in connection with the audit of the full financial statements of the Department, including the following:

(A) The date on which the Department projects the beginning of an audit of the full financial statements of the Department, and the military departments, Defense Agencies, and other organizations and elements of the Department, for a fiscal year.

(B) The date on which the Department projects the completions of audits of the full financial statements of the Department, and the military departments, Defense Agencies, and other organizations and elements of the Department, for a fiscal year.

(C) The dates on which the Department expects to obtain an unqualified audit opinion on the full financial statements of the Department, the military departments, the Defense Agencies, and other organizations and elements of the Department for a fiscal year.

(D) The anticipated total cost of future audits as described in subparagraphs (A) through (C).

(3) The anticipated annual costs of maintaining an unqualified audit opinion on the

full financial statements of the Department, the military departments, the Defense Agencies, and other organizations and elements of the Department for a fiscal year after an unqualified audit opinion on such full financial statements for a fiscal year is first obtained.

SA 682. Mr. PERDUE (for himself, Mr. WYDEN, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1008. FINANCIAL AUDIT FUND.

(a) IN GENERAL.—If the Department of Defense does not obtain a qualified audit opinion on its full financial statements for fiscal year 2020 by March 31, 2021, the Secretary of Defense shall establish a fund to be known as the ''Financial Audit Fund'' (in this section referred to as the ''Fund'') for the purpose of activities for the resolution of Notices of Findings and Recommendations received.

(b) ELEMENTS.—Amounts in the Fund shall include the following:

(1) Amounts appropriated to the Fund.

(2) Amounts transferred to the Fund under subsection (d).

(3) Any other amounts authorized for transfer or deposit into the Fund by law.

(c) AVAILABILITY.—

(1) IN GENERAL.—Amounts in the Fund shall be available for activities for the resolution of Notices of Findings and Recommendations received.

(2) TRANSFERS FROM FUND.—Amounts in the Fund may be transferred to any other account of the Department in order to fund activities described in paragraph (1). Any amounts transferred from the Fund to an account shall be merged with amounts in the account to which transferred and shall be available subject to the same terms and conditions as amounts in such account, except that amounts so transferred shall remain available until expended. The authority to transfer amounts under this paragraph is in addition to any other authority of the Secretary to transfer amounts by law.

(3) LIMITATIONS.—Amounts in the Fund may be transferred under this subsection in a fiscal year only to agencies and organizations of the Department that have an obtained an unmodified audit opinion on their financial statements for at least one of the two preceding fiscal years. Amounts so transferred shall be available only to permit the agency or organization to which transferred to carry out activities described in paragraph (1).

(d) TRANSFERS TO FUND IN CONNECTION WITH CERTAIN ORGANIZATIONS.—

(1) REDUCTION IN AMOUNT AVAILABLE.—Subject to paragraph (2), if during any fiscal year after fiscal year 2021 the Secretary determines that an agency or organization of the Department has not achieved a qualified opinion on its full financial statements, is being identified as not audit ready, is receiving a disclaimer of opinion on its financial statements, or is receiving an adverse opinion on its financial statements for the calendar year ending during such fiscal year—

(A) the amount available to such agency or organization for the fiscal year in which such determination is made shall be equal to—

(i) the amount otherwise authorized to be appropriated for such agency or organization for the fiscal year; minus

(ii) the lesser of—

(I) an amount equal to 0.5 percent of the amount described in clause (i); or

(II) $100,000,000; and

(B) the Secretary shall deposit in the Fund pursuant to subsection (b)(2) all amounts unavailable to agencies and organizations of the Department in the fiscal year pursuant to determinations made under subparagraph (A).

(2) INAPPLICABILITY TO AMOUNTS FOR MILITARY PERSONNEL.—Any reduction applicable to an agency or organization of the Department under paragraph (1) for a fiscal year shall not apply to amounts, if any, available to such agency or organization for the fiscal year for military personnel.

(3) LIMITATION ON FUNDS TRANSFERRABLE.—The authority to transfer amounts pursuant to this subsection applies only with respect to amounts that are appropriated after the date of the enactment of this Act.

(4) REPORTS ON TRANSFERS.—Not later than 15 days before the transfer of any amount pursuant to this subsection, the Secretary shall submit to the congressional defense committees a notice on the transfer, including the agency or organization whose funds will provide the source of the transfer, the amount of the transfer, and the specific plans for the use of the amount transferred for the resolution of Notices of Findings and Recommendations concerned.

(e) DEFINITIONS.—In this section:

(1) The term ''audit ready'', with respect to an agency or organization of the Department of Defense, means that the agency or organization has in place the critical audit capabilities and associated infrastructure necessary to successfully commence and support a financial audit of its relevant financial statements.

(2) The term''adverse opinion'', with respect to financial statements, means an opinion by the auditor of the financial statements that the financial statements are misleading and cannot be relied upon.

(3) The term ''disclaimer of opinion'', with respect to financial statements, means that the auditor of the financial statements was not able to complete the audit work, and cannot issue an opinion, on the financial statements.

(4) The term ''qualified opinion'', with respect to financial statements, means an opinion by the auditor of the financial statements that the financial statements are reliable with certain exceptions.

(f) COORDINATING REPEAL.—Section 1008 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 113 note) is amended by striking subsection (d).

SA 683. Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ENERGY SECURITY FOR MILITARY INSTALLATIONS IN EUROPE.

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

(1) United States military installations in Europe are potentially vulnerable to supply disruptions from foreign governments, especially the Government of the Russian Federation, which could use control of energy supplies in a hostile or weaponized manner.

(2) The Government of the Russian Federation has previously shown its willingness to aggressively use energy supplies as a weapon to pressure foreign nations, including Ukraine.

(b) AUTHORITY.—The Secretary of Defense shall take appropriate measures, to the extent practicable, to—

(1) reduce the dependency of all United States military installations in Europe on energy sourced inside Russia; and

(2) ensure that all United States military installations in Europe are able to sustain operations in the event of a supply disruption

(c) CERTIFICATION REQUIREMENT.—Not later than December 31, 2021, the Secretary of Defense shall certify to the congressional defense committees whether or not every United States military installation in Europe—

(1) is dependent to the minimum extent practicable on energy sourced inside the Russian Federation; and

(2) has the ability to sustain operations during an energy supply disruption.

(d) BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall brief the congressional defense committees on progress in achieving the goals described in subsection (b), including—

(1) an assessment of the operational risks of energy supply disruptions;

(2) a description of mitigation measures identified to address such operational risks;

(3) an assessment of the feasibility, estimated costs, and schedule of diversified energy solutions; and

(4) a determination of the minimum practicable usage of energy sourced inside Russia on United States military installations in Europe.

(e) INTERIM REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees and make publicly available an interim report on progress in achieving the goals described in subsection (b), including the assessments described in paragraphs (1) through (4) of subsection (d).

(f) DEFINITION OF ENERGY SOURCED INSIDE RUSSIA.—In this section, the term ''energy sourced inside Russia'' means energy that is produced, owned, or facilitated by companies that are located in the Russian Federation or owned or controlled by the Government of the Russian Federation.

SA 684. Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 103, between lines 2 and 3, insert the following:

(1) not later than 120 days after the date of enactment of this Act, begin an exposure assessment of no less than 8 current or former military installations known to have per- and polyfluoroalkyl substances (PFAS) contamination in drinking water, ground water, and any other sources of water and relevant

exposure vectors, and such assessment shall—

(A) include—

(i) a statistical sample at each installation, to be determined by the Secretary of Health and Human Services;

(ii) blood testing and bio-monitoring for assessing such contamination;

(B) conclude no later than 2 years after the date of enactment of this Act; and

(C) produce findings, which shall be—

(i) used to help design the study described in paragraph (2); and

(ii) released to the appropriate congressional committees not later than 1 year after the conclusion of such assessment;

SA 685. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1635, add the following:

(e) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 may be used for an action that is not permitted under the INF Treaty on the date of the enactment of this Act.

SA 686. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REPORT ON SIGNIFICANT SECURITY VULNERABILITIES OF THE NATIONAL ELECTRIC GRID.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of National Intelligence and the Secretary of Energy, submit to the congressional defense committees a report setting forth the following:

(1) Identification of the significant security vulnerabilities of the national electric grid that are susceptible to significant malicious cyber-enabled activities.

(2) An assessment of the effect of the security vulnerabilities identified in paragraph (1) on the readiness of the United States Armed Forces.

(3) An assessment of the strategic benefits derived from, and the challenges associated with, isolating military infrastructure from the national electric grid and the use of microgrids by the Armed Forces.

(4) Recommendations on actions to be taken—

(A) to eliminate or mitigate the security vulnerabilities identified pursuant to paragraph (1); and

(B) to address the effect of those security vulnerabilities on the readiness of the Armed Forces identified pursuant to paragraph (2).

(b) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) DEFINITIONS.—In this section:

(1) The term ''security vulnerability'' has the meaning given such term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).

(2) The term ''significant malicious cyber-enabled activities'' include—

(A) significant efforts—

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

(ii) to exfiltrate, degrade, corrupt, destroy, or release information from such a system or network without authorization for purposes of—

(I) conducting influence operations; or

(II) causing a significant misappropriation of funds, economic resources, trade secrets, personal identifications, or financial information for commercial or competitive advantage or private financial gain;

(B) significant destructive malware attacks; and

(C) significant denial of service activities.

SA 687. Ms. WARREN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle ____ of title ____, add the following:

SEC. ____. PROTECTION OF INDIVIDUALS ELIGIBLE FOR INCREASED PENSION UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS ON BASIS OF NEED FOR REGULAR AID AND ATTENDANCE.

(a) DEVELOPMENT AND IMPLEMENTATION OF STANDARDS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall work with the heads of Federal agencies, States, and such experts as the Secretary considers appropriate to develop and implement Federal and State standards that protect individuals from dishonest, predatory, or otherwise unlawful practices relating to increased pension available to such individuals under chapter 15 of title 38, United States Code, on the basis of need for regular aid and attendance.

(2) SUBMITTAL TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives the standards developed under paragraph (1).

(b) CONDITIONAL RECOMMENDATION BY COMPTROLLER GENERAL.—If the Secretary does not, on or before the date that is 180 days after the date of the enactment of this Act, submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives standards that are developed under subsection (a)(1), the Comptroller General of the United States shall, not later than the date that is one year after the date of the enactment of this Act, submit to such committees a report containing standards that the Comptroller General determines are standards that would be effective in protecting individuals as described in such subsection.

(c) STUDY BY COMPTROLLER GENERAL.—Not later than 540 days after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study on standards implemented under this section to protect individuals as described in subsection (a)(1) and submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing the findings of the Comptroller General with respect to such study.

SA 688. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. REGULAR ORDER.

Notwithstanding any other provision of law, nothing in this Act, including the amendments made by this Act, shall take effect until the both the Senate and the House of Representatives pass this Act through regular order.

SA 689. Mr. MARKEY submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REQUIREMENT TO HOLD CONFERENCE.

Notwithstanding any other provision of law, no provision of this Act, including any amendment made by this Act, shall take effect until a bipartisan conference has been convened and produced a conference report with respect to this Act, and such conference report has passed the Senate and the House of Representatives. The conference committee shall hold multiple public meetings and consider the input of stakeholders.

SA 690. Ms. MURKOWSKI (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 267 submitted by Mr. CARDIN (for himself and Ms. STABENOW) and intended to be proposed to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 105.

SA 691. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 202 and insert the following:

SEC. _____. WOMEN'S HEALTH CARE PROGRAM.

Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by adding at the end the following new section:

''SEC. 1947. WOMEN'S HEALTH CARE PROGRAM.

''(a) IN GENERAL.—Notwithstanding section 105 of the Health Care Freedom Act, the Secretary shall award funds on a competitive basis to any entity that is listed as a family planning essential community provider for the provision of family planning, reproductive health, and related services during the 1 year period that begins on the date of the enactment of such Act.

''(b) APPROPRIATION.—For the purpose of making awards under this section, there are

authorized to be appropriated, and are appropriated, out of monies in the Treasury not otherwise obligated, $422,000,000 for fiscal year 2017, to remain available until expended.''.

SA 692. Mr. BLUMENTHAL (for himself, Mr. MURPHY, Mrs. GILLIBRAND, Mr. PETERS, Mr. MARKEY, and Mr. COONS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In the funding table in section 4101, in the item relating to UH–60 Blackhawk M Model (MYP), strike the amount in the Senate Authorized column and insert ''1,265,308''.

In the funding table in section 4101, in the item relating to Total Aircraft Procurement, Army, strike the amount in the Senate Authorized column and insert ''5,364,068''.

In the funding table in section 4101, in the first item relating to O/A-X Light Attack Fighter, strike the amount in the Senate Authorized column and insert ''873,000''.

In the funding table in section 4101, in the second item relating to O/A-X Light Attack Fighter, strike the amount in the Senate Authorized column and insert ''[873,000]''.

In the funding table in section 4101, in the item relating to Total Aircraft Procurement, Air Force, strike the amount in the Senate Authorized column and insert ''20,243,286''.

SA 693. Mr. BOOKER (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. ___. PAY FOR CERTAIN EMPLOYEES AND CONTRACTORS WORKING IN SENSITIVE SECURITY ENVIRONMENTS.

(a) FEDERAL EMPLOYEES.—

(1) IN GENERAL.—Subchapter IV of chapter 53 of title 5, United States Code, is amended by adding at the end the following:

''§ 5349A. Pay for prevailing rate employees working in sensitive security environments

''(a) DEFINITIONS.—In this section—

''(1) the term 'local wage area' means a local wage established under section 5343; and

''(2) the term 'position in a sensitive security environment' means a position in which individual—

''(A) is required to have a security clearance; or

''(B) performs not less than 50 percent of the official duties of the individual—

''(i) for an element of the intelligence community (as defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)));

''(ii) for a laboratory or research center overseen by the Office for National Laboratories of the Department of Homeland Security;

''(iii) at an airport; or

''(iv) at a military installation.

''(b) PAY LIMITATION.—The rate of basic pay for a prevailing wage employee in a position in a sensitive security environment shall be not less than the rate of basic pay for grade 2, level 1 of the WS wage schedule in effect for the local wage area of the duty station of the prevailing rate employee.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter VII of chapter 53 of title 5, United States Code, is amended by adding at the end the following:

''5349A. Pay for prevailing rate employees working in sensitive security environments.''.

(3) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the first day of the first pay period beginning after the date that is 1 year after the date of enactment of this Act.

(b) PRIVATE EMPLOYERS.—

(1) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by adding at the end the following:

''(h) MINIMUM WAGE FOR EMPLOYEES IN SENSITIVE SECURITY ENVIRONMENTS.—

''(1) DEFINITION OF COVERED EMPLOYEE.—In this subsection, the term 'covered employee' means an employee who—

''(A) in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce;

''(B) performs duties described in section 5342(a)(2) of section 5, United States Code; and

''(C) is employed in a position in a sensitive security environment, as defined in section 5349A(a) of title 5, United States Code.

''(2) WAGE REQUIRED IN SENSITIVE SECURITY ENVIRONMENTS.—In lieu of any rate prescribed under subsection (a), (b), or (e), any employer shall pay a covered employee a wage rate that is not less than the rate of basic pay for grade 2, level 1 of the WS wage schedule in effect for the local wage area of the duty station of the employee.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect beginning on the date that is 1 year after the date of enactment of this Act.

(c) FEDERAL CONTRACTOR REQUIREMENT.—By not later than 1 year after the date of enactment of this Act, the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to require that all Federal contracts for the provision of property or services include a requirement that the contractor comply with the requirements of section 6(h) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(h)).

SA 694. Mr. BOOKER (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. ____. SHARK FIN TRADE ELIMINATION.

(a) FINDINGS.—Congress finds the following:

(1) Sharks are critically important species for their economic, cultural, and ecosystem value.

(2) Many shark populations are in peril worldwide and are on the decline.

(3) One of the greatest threats to sharks is the global trade in shark fins. It is estimated that fins from as many as 73,000,000 sharks end up in the global shark fin trade every year.

(4) Shark fins have no medicinal or nutritional value.

(5) The trade in shark fins is primarily focused on large coastal and pelagic species that grow slowly, mature late, and have low reproduction rates.

(6) Shark fins are often removed and retained while the remainder of a shark is discarded due to the high market value of shark fins relative to other parts of a shark.

(7) Shark fins are removed primarily to be commercialized as a fungible commodity.

(8) Shark finning is the cruel practice in which the fins of a shark are cut off on board a fishing vessel at sea. The remainder of the animal is then thrown back into the water to drown, starve, or die a slow death.

(9) Although the United States has banned the practice of shark finning aboard vessels in waters controlled by the United States, there is no Federal ban on the removal and sale of shark fins once the fin is brought ashore.

(10) Once a shark fin is detached from the body, it becomes impossible to determine whether the shark was legally caught or the fin lawfully removed.

(11) It is difficult to determine which species of shark a fin was removed from, which is problematic because some species are threatened with extinction.

(12) The States of Texas, Delaware, Hawaii, Illinois, Massachusetts, Maryland, New York, Oregon, Rhode Island, California, and Washington and American Samoa, Guam, and the North Mariana Islands have implemented bans on the sale of shark fins.

(13) Shark fins possessed, transported, offered for sale, sold, or purchased anywhere in the United States are part of a large international market, having a substantial and direct effect on interstate commerce.

(14) Abolition of the shark fin trade in the United States will remove the United States from the global shark fin market and will put the United States in a stronger position to advocate internationally for abolishing the shark fin trade in other countries.

(b) PROHIBITION ON SALE OF SHARK FINS.—

(1) PROHIBITION.—Except as provided in subsection (c), no person shall possess, transport, offer for sale, sell, or purchase shark fins or products containing shark fins.

(2) PENALTY.—A violation of paragraph (1) shall be treated as an act prohibited by section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) and shall be penalized pursuant to section 308(a) of that Act (16 U.S.C. 1858(a)), except that the maximum civil penalty for each violation shall be $100,000, or the fair market value of the shark fins involved, whichever is greater.

(c) EXCEPTIONS.—A person may possess a shark fin that was taken lawfully under a State, territorial, or Federal license or permit to take or land sharks, if the shark fin is separated from the shark in a manner consistent with the license or permit and is—

(1) destroyed or discarded upon separation;

(2) used for noncommercial subsistence purposes in accordance with State or territorial law;

(3) used solely for display or research purposes by a museum, college, or university, or other person under a State or Federal permit to conduct noncommercial scientific research; or

(4) retained by the license or permit holder for a noncommercial purpose.

(d) DOGFISH.—

(1) IN GENERAL.—It shall not be a violation of subsection (b) for any person to possess,

transport, offer for sale, sell, or purchase any fresh or frozen raw fin or tail from any stock of the species Mustelus canis (smooth dogfish) or Squalus acanthias (spiny dogfish).

(2) REPORT.—By not later than January 1, 2027, the Secretary of Commerce shall review the exemption contained in paragraph (1) and shall prepare and submit to Congress a report that includes a recommendation on whether the exemption contained in paragraph (1) should continue or be terminated. In preparing such report and making such recommendation, the Secretary shall analyze factors including—

(A) the economic viability of dogfish fisheries with and without the continuation of the exemption;

(B) the impact to ocean ecosystems of continuing or terminating the exemption;

(C) the impact on enforcement of the ban contained in subsection (b) caused by the exemption; and

(D) the impact of the exemption on shark conservation.

(e) DEFINITION OF SHARK FIN.—In this section, the term ''shark fin'' means—

(1) the raw or dried or otherwise processed detached fin of a shark; or

(2) the raw or dried or otherwise processed detached tail of a shark.

(f) STATE AUTHORITY.—Nothing in this section may be construed to preclude, deny, or limit any right of a State or territory to adopt or enforce any regulation or standard that is more stringent than a regulation or standard in effect under this section.

(g) SEVERABILITY.—If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

SA 695. Mr. BOOKER (for himself, Mrs. CAPITO, Mr. BLUMENTHAL, Mr. PORTMAN, and Mr. PETERS) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. _____. SHARK FIN TRADE ELIMINATION.

(a) FINDINGS.—Congress finds the following:

(1) Sharks are critically important species for their economic, cultural, and ecosystem value.

(2) Many shark populations are in peril worldwide and are on the decline.

(3) One of the greatest threats to sharks is the global trade in shark fins. It is estimated that fins from as many as 73,000,000 sharks end up in the global shark fin trade every year.

(4) Shark fins have no medicinal or nutritional value.

(5) The trade in shark fins is primarily focused on large coastal and pelagic species that grow slowly, mature late, and have low reproduction rates.

(6) Shark fins are often removed and retained while the remainder of a shark is discarded due to the high market value of shark fins relative to other parts of a shark.

(7) Shark fins are removed primarily to be commercialized as a fungible commodity.

(8) Shark finning is the cruel practice in which the fins of a shark are cut off on board a fishing vessel at sea. The remainder of the animal is then thrown back into the water to drown, starve, or die a slow death.

(9) Although the United States has banned the practice of shark finning aboard vessels in waters controlled by the United States, there is no Federal ban on the removal and sale of shark fins once the fin is brought ashore.

(10) Once a shark fin is detached from the body, it becomes impossible to determine whether the shark was legally caught or the fin lawfully removed.

(11) It is difficult to determine which species of shark a fin was removed from, which is problematic because some species are threatened with extinction.

(12) The States of Texas, Delaware, Hawaii, Illinois, Massachusetts, Maryland, New York, Oregon, Rhode Island, California, and Washington and American Samoa, Guam, and the North Mariana Islands have implemented bans on the sale of shark fins.

(13) Shark fins possessed, transported, offered for sale, sold, or purchased anywhere in the United States are part of a large international market, having a substantial and direct effect on interstate commerce.

(14) Abolition of the shark fin trade in the United States will remove the United States from the global shark fin market and will put the United States in a stronger position to advocate internationally for abolishing the shark fin trade in other countries.

(b) PROHIBITION ON SALE OF SHARK FINS.—

(1) PROHIBITION.—Except as provided in subsection (c), no person shall possess, transport, offer for sale, sell, or purchase shark fins or products containing shark fins.

(2) PENALTY.—A violation of paragraph (1) shall be treated as an act prohibited by section 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) and shall be penalized pursuant to section 308(a) of that Act (16 U.S.C. 1858(a)), except that the maximum civil penalty for each violation shall be $100,000, or the fair market value of the shark fins involved, whichever is greater.

(c) EXCEPTIONS.—A person may possess a shark fin that was taken lawfully under a State, territorial, or Federal license or permit to take or land sharks, if the shark fin is separated from the shark in a manner consistent with the license or permit and is—

(1) destroyed or discarded upon separation;

(2) used for noncommercial subsistence purposes in accordance with State or territorial law;

(3) used solely for display or research purposes by a museum, college, or university, or other person under a State or Federal permit to conduct noncommercial scientific research; or

(4) retained by the license or permit holder for a noncommercial purpose.

(d) DOGFISH.—

(1) IN GENERAL.—It shall not be a violation of subsection (b) for any person to possess, transport, offer for sale, sell, or purchase any fresh or frozen raw fin or tail from any stock of the species Mustelus canis (smooth dogfish) or Squalus acanthias (spiny dogfish).

(2) REPORT.—By not later than January 1, 2027, the Secretary of Commerce shall review the exemption contained in paragraph (1) and shall prepare and submit to Congress a report that includes a recommendation on whether the exemption contained in paragraph (1) should continue or be terminated. In preparing such report and making such recommendation, the Secretary shall analyze factors including—

(A) the economic viability of dogfish fisheries with and without the continuation of the exemption;

(B) the impact to ocean ecosystems of continuing or terminating the exemption;

(C) the impact on enforcement of the ban contained in subsection (b) caused by the exemption; and

(D) the impact of the exemption on shark conservation.

(e) DEFINITION OF SHARK FIN.—In this section, the term ''shark fin'' means—

(1) the raw or dried or otherwise processed detached fin of a shark; or

(2) the raw or dried or otherwise processed detached tail of a shark.

(f) STATE AUTHORITY.—Nothing in this section may be construed to preclude, deny, or limit any right of a State or territory to adopt or enforce any regulation or standard that is more stringent than a regulation or standard in effect under this section.

(g) SEVERABILITY.—If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

SA 696. Mr. BOOKER (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. _____. INCLUSION ON THE VIETNAM VETERANS MEMORIAL WALL OF THE NAMES OF THE 74 MEMBERS OF THE CREW OF THE U.S.S. FRANK E. EVANS WHO PERISHED ON JUNE 3, 1969.

(a) SENSE OF CONGRESS.—Congress acknowledge the courage, service, and sacrifice of the crew members of the U.S.S. Frank E. Evans, including the 74 crew members who perished on June, 3, 1969.

(b) APPROVAL OF INCLUSION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of the Interior, approve the inclusion on the Vietnam Veterans Memorial Wall of the names of the 74 sailors of the U.S.S. Frank E. Evans who perished on June 3, 1969.

SA 697. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following section:

SEC. _____. PROHIBITION ON AVAILABILITY OF FUNDS FOR TERMINATION OF VETS4WARRIORS CRISIS HOTLINE PROGRAM.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the Department of Defense may be obligated or expended to

terminate the Vets4Warriors crisis hotline program unless the Secretary of Defense has submitted to the congressional defense committees a report describing a sufficient replacement to such program.

SA 697. Mr. BOOKER submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following section:

SEC. ____. PROHIBITION ON AVAILABILITY OF FUNDS FOR TERMINATION OF VETS4WARRIORS CRISIS HOTLINE PROGRAM.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for the Department of Defense may be obligated or expended to terminate the Vets4Warriors crisis hotline program unless the Secretary of Defense has submitted to the congressional defense committees a report describing a sufficient replacement to such program.

SA 698. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ITEMIZED LIST OF ITEMS ACQUIRED FROM FOREIGN ENTITIES THROUGH BUY AMERICAN WAIVERS.

Section 8302(b)(2)(B) of title 41, United States Code, is amended by inserting '', including an itemized list of all articles, materials, and supplies acquired through such waivers,'' after ''this chapter''.

SA 699. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 812.

SA 700. Ms. HARRIS submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PILOT PROGRAM ON INTEGRATING INTO THE DEPARTMENT OF DEFENSE WORKFORCE INDIVIDUALS WITH CYBERSECURITY SKILLS WHOSE SERVICES ARE DONATED BY PRIVATE PERSONS.

(a) PILOT PROGRAM REQUIRED.—Not later than June 1, 2019, the Secretary of Defense shall commence carrying out a pilot program to assess the feasibility and advisability of integrating into the workforce of the Department of Defense individuals who have skills relating to cybersecurity and whose services are donated to the Department of Defense by private persons.

(b) DURATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall carry out the pilot program during the period beginning on the date of the commencement of the pilot program and ending on June 1, 2024.

(2) EXTENSION.—At the end of the period set forth in paragraph (1), the Secretary may, as the Secretary considers appropriate, extend the period of the pilot program for such period as the Secretary considers appropriate, except that such extension shall be less than two years.

(c) LOCATION.—

(1) IN GENERAL.—The Secretary shall carry out the pilot program at one or more facilities of the Federal Government or a nonprofit organization. Such facilities shall be selected by the Secretary to maximize the number of individuals participating in the pilot program consistent with subsection (d)(3).

(2) WORKSPACES FOR HANDLING CLASSIFIED MATERIAL.—The Secretary shall ensure that such facilities include, as the Secretary considers appropriate, workspaces for handling classified material.

(d) APPLICATION AND SELECTION.—

(1) APPLICATION.—An individual seeking to participate in the pilot program shall submit to the Secretary an application therefor at such time, in such manner, and containing such information as the Secretary may require.

(2) SELECTION.—The Secretary shall establish a competitive process for the selection of individuals to participate in the pilot program.

(3) PRIORITIES.—In selecting individuals to participate in the pilot program, the Secretary shall give priority to individuals who have not previously served as an employee or contractor of the Federal Government and who possess technical expertise relating to the defense of information systems. In selecting individuals to particupate in the pilot program and individuals to support the pilot program, the Secretary shall also give priority to individuals who will facilitate integration of skilled experts from the private sector into the Federal Government cybersecurity workforce.

(4) MAXIMUM NUMBER OF PARTICIPANTS.—No more than 250 individuals may concurrently participate in the pilot program.

(e) FEDERAL COLLABORATION.—The Secretary shall detail employees of the Department to the facilities selected under subsection (c) to maximize productivity, collaboration, and exchange of knowledge.

(f) APPOINTMENTS.—

(1) AUTHORITIES.—In carrying out the pilot program, the Secretary may use any appropriate appointment authority, including the authorities for—

(A) public-private talent exchanges under section 1599g of title 10, United States Code;

(B) an information technology exchange program under section 3702 of title 5, United States Code, notwithstanding the numerical limitation provided in that section; and

(C) appointment under subchapter VI of chapter 33 of such title, except that, for purposes of the pilot program, the term ''other organization'', as used in such subchapter, shall be deemed to include a for-profit organization.

(2) COMPENSATION.—Nothing in this section shall be construed as a modification of the compensation provisions or ethics requirements associated with the appointment authorities in paragraph (1).

(3) EXPENSES.—The Secretary may pay for travel and other work-related expenses associated with individuals participating in the pilot program.

(g) DETAILING OF PARTICIPANTS.—With the consent of an individual participating in the pilot program, the Secretary may, under the pilot program, detail the individual to another Federal department or agency.

(h) SECURITY CLEARANCES.—The Secretary shall establish an expedited process for providing appropriate security clearances to individuals who participate in the pilot program, consistent with counterintelligence best practices.

(i) AVOIDANCE OF DUPLICATION.—In carrying out the pilot program, the Secretary of Defense shall coordinate with the Defense Digital Service, the Defense Innovation Unit Experimental, and such other elements of the United States Government as the Secretary considers appropriate to minimize duplication of effort and facilities.

(j) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than June 1, 2022, the Secretary shall submit to the congressional defense committees a preliminary report describing the results of the pilot program, recommending how the pilot program could be improved, and providing a recommendation on whether the pilot program should be made permanent.

(2) FINAL REPORT.—Not later than January 1, 2025, the Secretary shall submit to the congressional defense committees a final report describing the results of the pilot program, recommending how the pilot program could be improved, and providing a recommendation on whether the pilot program should be made permanent.

SA 701. Ms. HARRIS (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 513. EXCLUSION OF MEMBERS OF THE NATIONAL GUARD PERFORMING FUNERAL HONORS FROM COUNTING FOR ACTIVE-DUTY END STRENGTH LEVELS.

(a) IN GENERAL.—Subsection (i) of section 115 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(14) Members of the National Guard on active duty or full-time National Guard duty for the purpose of carrying out funeral honors activities under section 115 of title 32.''.

(b) CONFORMING AMENDMENT.—Subsection (b)(3)(B) of such section is amended by striking ''through (8)'' and inserting ''through (14)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2017, and shall apply with respect to National Guard members ordered to active duty for the purpose of preparing and performing funeral honors before, on, or after that date.

SA 702. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XVII—ONLINE SAFETY

SEC. 1701. SHORT TITLE.

This title may be cited as the ''Online Safety Modernization Act of 2017''.

Subtitle A—Interstate Sextortion Prevention

SEC. 1711. COERCION OF SEXUAL ACTS, SEXUAL CONTACT, OR SEXUALLY INTIMATE VISUAL DEPICTIONS.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by adding at the end the following:

''CHAPTER 124—COERCION OF SEXUAL ACTS, SEXUAL CONTACT, OR SEXUALLY INTIMATE VISUAL DEPICTIONS

''§ 2751. Definitions

''In this chapter:

''(1) ACTUAL DEPICTION.—The term 'actual depiction' means a depiction that has not been fabricated or materially altered to change the appearance or physical characteristics of any individual, object, or activity depicted.

''(2) COERCION.—The term 'coercion' means—

''(A) a threat of serious harm to or physical restraint against any individual;

''(B) a scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any individual; or

''(C) the abuse or threatened abuse of law or the legal process.

''(3) COMPUTER-GENERATED SEXUALLY INTIMATE VISUAL DEPICTION.—The term 'computer-generated sexually intimate visual depiction' means a depiction that has been created, adapted, or modified through the use of any computer technology to appear to be a sexually intimate visual depiction.

''(4) CRIMINAL ACTION.—The term 'criminal action' includes an investigation and prosecution that is pending, until final adjudication in the trial court.

''(5) IMMEDIATE FAMILY MEMBER.—The term 'immediate family member', with respect to an addressee, means—

''(A) the spouse, parent, legal guardian, grandparent, sibling, child, or grandchild of the addressee, or an individual for whom the addressee serves as legal guardian; or

''(B) any other individual living in the household of the addressee and related to the addressee by blood or marriage.

''(6) INDISTINGUISHABLE.—The term 'indistinguishable', with respect to a computer-generated sexually intimate visual depiction—

''(A) means virtually indistinguishable, in that the computer-generated sexually intimate visual depiction is such that an ordinary person viewing the computer-generated depiction would conclude that the computer-generated depiction is an actual depiction of the addressee or of an immediate family member or intimate partner of the addressee; and

''(B) does not apply to a depiction that is a drawing, cartoon, sculpture, or painting depicting any individual.

''(7) INTIMATE PARTNER.—The term 'intimate partner', with respect to an addressee, means an individual who is or has been in a social relationship of a romantic or intimate nature with the addressee, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the individuals involved in the relationship.

''(8) MINOR.—The term 'minor' means any individual who has not attained the age of 18 years.

''(9) PRODUCE.—The term 'produce' means to create, make, manufacture, photograph, film, videotape, record, or transmit live a sexually intimate visual depiction.

''(10) PUBLISH.—The term 'publish'—

''(A) means to circulate, deliver, distribute, disseminate, transmit, or otherwise make available to another person; and

''(B) includes the hosting or display on the Internet.

''(11) SERIOUS BODILY INJURY.—The term 'serious bodily injury' means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

''(12) SEXUAL ACT.—The term 'sexual act' means—

''(A) any genital to genital, oral to genital, anal to genital, or oral to anal contact, not through the clothing;

''(B) the penetration, however slight, of the anal or genital opening of any individual by a hand or finger or by any object; or

''(C) the intentional touching, not through the clothing, of the genitalia of or by any individual.

''(13) SEXUAL CONTACT.—The term 'sexual contact' means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, or the intentional transmission or transfer of male or female ejaculate onto any part of another person's body.

''(14) SEXUALLY INTIMATE VISUAL DEPICTION.—The term 'sexually intimate visual depiction' means any photograph, film, video, or other recording or live transmission of an individual, whether produced by electronic, mechanical, or other means (including depictions stored on undeveloped film and videotape, data stored on computer disk or by any electronic means that is capable of conversion into a visual image, and data that is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format), that depicts—

''(A) the naked exhibition of the anus, the post-pubescent female nipple, the genitals, or the pubic area of any individual;

''(B) any actual or simulated sexual contact or sexual act;

''(C) bestiality; or

''(D) sadistic or masochistic conduct.

''(15) VICTIM.—The term 'victim' means the individual harmed as a result of a commission of a crime under this chapter.

''§ 2752. Coercion of sexual acts

''(a) IN GENERAL.—

''(1) OFFENSE.—It shall be unlawful, using the mail or any facility or means of interstate or foreign commerce, to knowingly cause any individual to engage in a sexual act with another individual through coercion, fraud, or a threat to injure the person, property, or reputation of any person.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for any term of years or for life, or both.

''(b) THREATS.—

''(1) OFFENSE.—It shall be unlawful, with the intent to cause any individual to engage in a sexual act with another individual, to knowingly transmit any communication containing a threat to injure the person, property, or reputation of any person, using the mail or any facility or means of interstate or foreign commerce.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 5 years, or both.

''§ 2753. Coercion of sexual contact

''(a) IN GENERAL.—

''(1) OFFENSE.—It shall be unlawful, using the mail or any facility or means of interstate or foreign commerce, to knowingly cause any individual to engage in sexual contact with another individual through coercion, fraud, or a threat to injure the person, property, or reputation of any person.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 10 years, or both.

''(b) THREATS.—

''(1) OFFENSE.—It shall be unlawful, with the intent to cause any individual to engage in sexual contact with another individual, to knowingly transmit any communication containing a threat to injure the person, property, or reputation of any person, using the mail or any facility or means of interstate or foreign commerce.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 5 years, or both.

''§ 2754. Coerced production of sexually intimate visual depictions

''(a) DEFINITION.—In this section, the term 'sexually intimate visual depiction' does not include any computer-generated sexually intimate visual depiction.

''(b) GENERAL PROHIBITION.—

''(1) OFFENSE.—It shall be unlawful, in a circumstance described in subsection (c), to knowingly cause any person to produce a sexually intimate visual depiction of any individual through coercion, fraud, or a threat to injure the person, property, or reputation of any person.

''(2) PENALTY.—Any person who violates paragraph (1) shall—

''(A) if a sexual act with another individual results, be fined under this title, imprisoned for any term of years or for life, or both; and

''(B) in any other case, be fined under this title, imprisoned for not more than 20 years, or both.

''(c) CIRCUMSTANCES DESCRIBED.—The circumstances described in this subsection are that—

''(1) the person uses the mail or any facility or means of interstate or foreign commerce to cause any person to produce the sexually intimate visual depiction described in subsection (a)(1);

''(2) the person knows or has reason to know that the sexually intimate visual depiction described in subsection (a)(1) will be—

''(A) transported or transmitted using any means or facility of interstate or foreign commerce, including by computer;

''(B) transported or transmitted in or affecting interstate or foreign commerce; or

''(C) mailed;

''(3) the sexually intimate visual depiction described in subsection (a)(1) is produced or transmitted using a material that has been—

''(A) transported or transmitted using any means or facility of interstate or foreign commerce, including by computer;

''(B) transported or transmitted in or affecting interstate or foreign commerce; or

''(C) mailed;

''(4) the sexually intimate visual depiction described in subsection (a)(1) is—

''(A) transported or transmitted using any means or facility of interstate or foreign commerce;

''(B) transported or transmitted in or affecting interstate or foreign commerce; or

''(C) mailed; or

''(5) any part of the offense occurs—

''(A) in a territory or possession of the United States; or

''(B) within the special maritime and territorial jurisdiction of the United States.

''(d) THREATS.—

''(1) OFFENSE.—It shall be unlawful, with the intent to cause a person to produce a sexually intimate visual depiction of any individual, to knowingly transmit any communication containing a threat to injure the person, property, or reputation of any person, using the mail or any facility or means of interstate or foreign commerce.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 5 years, or both.

''(e) OFFENSES INVOLVING MINORS.—Notwithstanding any other provision of law, in any case under this section involving a victim under the age of 18 in which the sexually intimate visual depiction constitutes child pornography, as defined in section 2256(8), the offender shall be punished as provided in section 2251(e).

''§ 2755. Coercion using sexually intimate visual depictions

''(a) DEFINITION.—In this section, the term 'sexually intimate visual depiction' includes any computer-generated sexually intimate visual depiction of an individual that is indistinguishable from an actual depiction of the individual.

''(b) GENERAL PROHIBITION.—

''(1) OFFENSE.—It shall be unlawful, using the mail or any facility or means of interstate or foreign commerce, to knowingly cause any person to engage or refrain from engaging in conduct by transmitting a communication containing a threat to publish any sexually intimate visual depiction of—

''(A) the addressee; or

''(B) an immediate family member or intimate partner of the addressee.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 7 years, or both.

''(c) THREATS.—

''(1) OFFENSE.—It shall be unlawful, with the intent to cause a person to engage or refrain from engaging in conduct, to knowingly transmit any communication containing a threat to publish any sexually intimate visual depiction of the addressee or of an immediate family member or intimate partner of the addressee, using the mail or any facility or means of interstate or foreign commerce.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 5 years, or both.

''§ 2756. Extortion using sexually intimate visual depictions

''(a) DEFINITION.—In this section, the term 'sexually intimate visual depiction' includes any computer-generated sexually intimate visual depiction of an individual that is indistinguishable from an actual depiction of the individual.

''(b) GENERAL PROHIBITION.—

''(1) OFFENSE.—It shall be unlawful, using the mail or any facility or means of interstate or foreign commerce, to knowingly extort any money, property, or other thing of value from another person by transmitting a communication containing a threat to publish any sexually intimate visual depiction of—

''(A) the addressee; or

''(B) an immediate family member or intimate partner of the addressee.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 7 years, or both.

''(c) THREATS.—

''(1) OFFENSE.—It shall be unlawful, with the intent to extort any money, property, or other thing of value from any person, to knowingly transmit any communication containing a threat to publish any sexually intimate visual depiction of the addressee or of an immediate family member or intimate partner of the addressee, using the mail or any facility or means of interstate or foreign commerce.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 5 years, or both.

''§ 2757. Offenses involving minors

''(a) OFFENSES INVOLVING MINORS UNDER 18.—If conduct that violates this chapter involves a victim or intended victim who has attained the age of 12 years and has not attained the age of 18 years, or who the defendant believes has attained the age of 12 years and has not attained the age of 18 years, the maximum term of imprisonment authorized for that offense shall be increased by 5 years.

''(b) OFFENSES INVOLVING MINORS UNDER 12.—If conduct that violates this chapter involves a victim or intended victim who has not attained the age of 12 years, or who the defendant believes has not attained the age of 12 years, the maximum term of imprisonment authorized for that offense shall be twice that otherwise provided under this chapter.

''§ 2758. Offenses resulting in death or serious bodily injury

''(a) OFFENSES RESULTING IN DEATH.—A person who commits a violation of this chapter that results in the death of any individual shall be fined under this title, imprisoned for any term of years or for life, or both.

''(b) OFFENSES RESULTING IN SERIOUS BODILY INJURY.—A person who commits a violation of this chapter that results in serious bodily injury to any individual shall be fined under this title, imprisoned for not more than 20 years, or both.

''§ 2759. Attempt

''(a) IN GENERAL.—An attempt to violate section 2752(a)(1), 2753(a)(1), 2754(b)(1), 2755(b)(1), or 2756(b)(1) shall be punishable in the same manner as a completed violation of that section.

''(b) LIMITATION.—For the purposes of sections 2752, 2753, 2754, 2755, and 2756, conduct consisting exclusively of a violation of 2752(b)(1), 2753(b)(1), 2754(d)(1), 2755(c)(1), or 2756(c)(1) shall not constitute an attempted violation of section 2752(a)(1), 2753(a)(1), 2754(b)(1), 2755(b)(1), or 2756(b)(1), respectively.

''§ 2760. Repeat offenders

''(a) DEFINITIONS.—In this section—

''(1) the term 'prior sex offense conviction' means a conviction for an offense—

''(A) under—

''(i) chapter 109A, 110, or 117; or

''(ii) section 1591, 2752(a), 2753(a), or 2754(b)(1) (if punishable under section 2754(b)(2)(A)); or

''(B) under State law or the Uniform Code of Military Justice involving an offense described in subparagraph (A) or would be such an offense if committed under circumstances supporting Federal jurisdiction; and

''(2) the term 'State' means any State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

''(b) MAXIMUM TERM OF IMPRISONMENT.—Except as provided in section 3559(e), the maximum term of imprisonment authorized for a violation of section 2752(a) or 2753(a), or a violation of paragraph (1) of section 2754(a) that is punishable under paragraph (2)(A) of that section, after a prior sex offense conviction shall be twice the term of imprisonment otherwise provided under this chapter.

''§ 2761. Forfeiture

''(a) CRIMINAL FORFEITURE.—The court, in imposing sentence on any person convicted of a violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that the person forfeit to the United States—

''(1) the person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of the violation; and

''(2) any property, real or personal, constituting or derived from any proceeds that the person obtained, directly or indirectly, as a result of the violation.

''(b) CIVIL FORFEITURE.—

''(1) IN GENERAL.—The following shall be subject to forfeiture to the United States and no property right shall exist in them:

''(A) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this chapter.

''(B) Any property, real or personal, that constitutes or is derived from proceeds traceable to any violation of this chapter.

''(C) Any visual depiction that was produced, used, or intended for use in violation of this chapter.

''(2) APPLICABILITY OF CHAPTER 46.—The provisions of chapter 46 relating to civil forfeitures shall apply to any seizure or forfeiture under this subsection.

''(c) TRANSFER OF FORFEITED ASSETS.—

''(1) IN GENERAL.—The Attorney General may transfer assets forfeited under this section, or the proceeds derived from the sale thereof, to satisfy a victim restitution order arising from a violation of this chapter.

''(2) USE OF NON-FORFEITED ASSETS.—A transfer under paragraph (1) shall not reduce or otherwise mitigate the obligation of a person convicted of a violation of this chapter to—

''(A) satisfy the full amount of a restitution order through the use of non-forfeited assets; or

''(B) reimburse the Attorney General for the value of assets or proceeds transferred under this subsection through the use of non-forfeited assets.

''§ 2762. Mandatory restitution

''(a) IN GENERAL.—Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

''(b) SCOPE AND NATURE OF ORDER.—

''(1) DEFINITION.—In this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

''(A) medical services relating to physical, psychiatric, or psychological care;

''(B) physical and occupational therapy or rehabilitation;

''(C) necessary transportation, temporary housing, and child care expenses;

''(D) lost income;

''(E) attorney's fees, in addition to any costs incurred in obtaining a civil protection order; and

''(F) any other losses suffered by the victim as a proximate result of the offense.

''(2) DIRECTIONS.—An order of restitution under this section shall direct the defendant to pay to the victim (through the appropriate court mechanism) the full amount of the victim's losses as determined by the court in accordance with paragraph (3).

''(3) ENFORCEMENT.—An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

''(4) ORDER MANDATORY.—

''(A) IN GENERAL.—The issuance of a restitution order under this section is mandatory.

''(B) CONSIDERATION OF OTHER CIRCUMSTANCES PROHIBITED.—A court may not decline to issue an order under this section because of—

''(i) the economic circumstances of the defendant; or

''(ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

''(c) TRANSFER OF CRIME VICTIM'S RIGHTS.—In the case of a victim who is a minor, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court, may assume the rights of the victim under this chapter, but the defendant may not assume those rights.

''§ 2763. Civil action

''(a) IN GENERAL.—An individual who is a victim of an offense under this chapter may—

''(1) bring a civil action against the person who committed the offense (or any person who knowingly benefits, financially or by receiving anything of value, from participation in a venture that the person knew or should have known has engaged in an act in violation of this chapter) in an appropriate district court of the United States; and

''(2) recover damages and any other appropriate relief, including reasonable attorney's fees.

''(b) JOINT AND SEVERAL LIABILITY.—A person who is found liable in an action under this section shall be jointly and severally liable with each other person, if any, who is found liable in an action under this section for damages arising from the same violation of this chapter.

''(c) STAY PENDING CRIMINAL ACTION.—Any action filed under this section shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.

''(d) STATUTE OF LIMITATIONS.—An action under this section may not be commenced later than 10 years after the later of—

''(1) the date on which a legal disability ends; or

''(2) the later of—

''(A) the date on which the plaintiff discovers the violation that forms the basis for the claim; or

''(B) the date on which the plaintiff discovers the injury that forms the basis for the claim.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by adding at the end the following:

''124. Coercion of sexual acts, sexual contact, or sexually intimate visual depictions ..... 2751''.

(c) DIRECTIVE TO UNITED STATES SENTENCING COMMISSION.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend its guidelines and policy statements applicable to persons convicted of an offense under chapter 124 of title 18, United States Code, as added by subsection (a), to ensure that the guidelines and policy statements are consistent with that amendment and reflect the intent of Congress that the guidelines reflect the seriousness and great harm caused by the offenses under that chapter.

(2) CONSIDERATIONS.—In carrying out paragraph (1), the United States Sentencing Commission shall consider—

(A) the mandate of the United States Sentencing Commission, pursuant to its authority under section 994(p) of title 28, United States Code—

(i) to promulgate guidelines that meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code; and

(ii) in particular, to—

(I) ensure that sentencing courts properly consider the seriousness of the offense;

(II) promote respect for the law;

(III) provide just punishment for the offense;

(IV) afford adequate deterrence to criminal conduct; and

(V) protect the public from further crimes of the defendant; and

(B) the intent of Congress that the penalties for defendants convicted of an offense under chapter 124 of title 18, United States Code, as added by subsection (a), are appropriately severe and account for—

(i) the nature of the visual depiction, the acts engaged in, and the potential harm resulting from the offense;

(ii) the number and age of the victims involved; and

(iii) the degree to which the victims have been harmed.

SEC. 1712. AMENDMENTS TO EXISTING STATUTORY OFFENSES.

(a) Section 843(b)(2)(C) of title 10, United States Code (article 43(b)(2)(C) of the Uniform Code of Military Justice), is amended by inserting '', 2752(a)(1), 2753(a)(1), or 2754(b)(1) (if punishable under section 2754(b)(2)(A))'' after ''section 1591''.

(b) Section 1001(a) of title 18, United States Code, is amended by inserting ''2752(a)(1), 2753(a)(1), or 2754(b)(1) (if punishable under section 2754(b)(2)(A)),'' after ''section 1591,''.

(c) Section 2251(e) of title 18, United States Code, is amended by inserting ''section 2752(a)(1), section 2753(a)(1), section 2754(b)(1) (if punishable under section 2754(b)(2)(A)),'' after ''section 1591,''.

(d) Section 2252(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting ''section 2752(a)(1), section 2753(a)(1), section 2754(b)(1) (if punishable under section 2754(b)(2)(A)),'' after ''section 1591,''; and

(2) in paragraph (2), by inserting ''section 2752(a)(1), section 2753(a)(1), section 2754(b)(1) (if punishable under section 2754(b)(2)(A)),'' after ''under this chapter,''.

(e) Section 2252A of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting ''section 2752(a)(1), section 2753(a)(1), section 2754(b)(1) (if punishable under section 2754(b)(2)(A)),'' after ''section 1591,''; and

(B) in paragraph (2), by inserting ''section 2752(a)(1), section 2753(a)(1), section 2754(b)(1) (if punishable under section 2754(b)(2)(A)),'' after ''under this chapter,''; and

(2) in subsection (g), by inserting ''section 2752(a)(1) (if the victim is a minor), section 2753(a)(1) (if the victim is a minor), section 2754(b)(1) (if punishable under section 2754(b)(2)(A)) and if the victim is a minor),'' after ''section 1591,''.

(f) Section 2255(a) of title 18, United States Code, is amended—

(1) by striking ''or'' after ''2422,''; and

(2) by inserting '', 2752(a)(1), 2753(a)(1), or 2754(b)(1) (if punishable under section 2754(b)(2)(A))'' after ''2423''.

(g) Section 2260A of title 18, United States Code, is amended—

(1) by striking ''or'' after ''2423,''; and

(2) by inserting ''2752(a)(1), 2753(a)(1), or 2754(b)(1) (if punishable under section 2754(b)(2)(A)),'' after ''2425,''.

(h) Section 2426(b)(1)(A) of title 18, United States Code, is amended—

(1) by striking ''or'' after ''chapter 110,''; and

(2) by inserting '', section 2752(a)(1), section 2753(a)(1), or section 2754(b)(1) (if punishable under section 2754(b)(2)(A))'' after ''section 1591''.

(i) Section 2516(1)(c) of title 18, United States Code, is amended by inserting ''sections 2752, 2753, 2754, 2755, and 2756 (relating to coercion of sexual acts and related crimes),'' after ''2425 (relating to transportation for illegal sexual activity and related crimes),''.

(j) Section 3014(a) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking ''or'' at the end;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

''(5) section 2752(a)(1), 2753(a)(1), or 2754(b)(1) (relating to coercion of sexual acts and related crimes); or''.

(k) Section 3142 of title 18, United States Code, is amended—

(1) in subsection (c), in the flush text following subparagraph (B)—

(A) by striking ''or'' after ''2423,''; and

(B) by inserting '', 2752(a)(1), 2753(a)(1), or 2754(b)(1) (if punishable under section 2754(b)(2)(A))'' after ''2425''; and

(2) in subsection (e)(3)(E)—

(A) by striking ''or'' after ''2423,''; and

(B) by inserting '', 2752(a)(1), 2753(a)(1), or 2754(b)(1) (if punishable under section 2754(b)(2)(A))'' after ''2425''.

(l) Section 3156(a)(4)(C) of title 18, United States Code, is amended by inserting ''section 2752(a)(1), 2753(a)(1), or 2754(b)(1) (if punishable under section 2754(b)(2)(A)), or'' after ''any felony under''.

(m) Section 3282(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting '', section 2752(a)(1), or section 2754(b)(1) (if punishable under section 2754(b)(2)(A))'' after ''chapter 109A''; and

(2) in paragraph (2), by inserting '', section 2752(a)(1), or section 2754(b)(1) (if punishable under section 2754(b)(2)(A))'' after ''chapter 109A''.

(n) Section 3299 of title 18, United States Code, is amended—

(1) by striking ''except for section'' and inserting ''except for sections''; and

(2) by inserting '', 2752(a)(1), 2753(a)(1), or 2754(b)(1) (if punishable under section 2754(b)(2)(A))'' after ''section 1591''.

(o) Section 3553(b)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by inserting ''2752(a)(1), 2753(a)(1), or 2754(b)(1),'' after ''section 1591,''; and

(2) by striking ''In determining'' and inserting the following:

''(B) CONSIDERATIONS.—In determining''.

(p) Section 3559 of title 18, United States Code, is amended—

(1) in subsection (c)(2)(F)(i), by inserting ''coerced sexual act (as described in sections 2752(a)(1) and 2754(b)(2)(A));'' after ''sexual abuse (as described in sections 2241 and 2242);''; and

(2) in subsection (e)(2)(A)—

(A) by striking ''or'' after ''2422(b) (relating to coercion and enticement of a minor into prostitution),''; and

(B) by inserting '', or 2752(a)(1) or 2754(b)(1) (if punishable under section 2754(b)(2)(A)) (relating to coercion of sexual acts)'' after ''2423(a) (relating to transportation of minors)''.

(q) Section 3583(k) of title 18, United States Code, is amended—

(1) by striking ''or'' after ''2423,'';

(2) by inserting '', 2752(a)(1), 2753(a)(1), or 2754(b)(1) (if punishable under section 2754(b)(2)(A))'' after ''2425'';

(3) by striking ''section 1201 or'' and inserting ''section 1201,''; and

(4) by inserting ''2752(a)(1), 2753(a)(1), or 2754(b)(1) (if punishable under section 2754(b)(2)(A)),'' after ''1591,'' the second place that term appears.

(r) Section 2(1) of the PROTECT our Children Act of 2008 (42 U.S.C. 17601(1)) is amended by striking ''and chapter 117'' and inserting ''chapter 117, or chapter 124''.

Subtitle B—Interstate Swatting Hoax

SEC. 1721. FALSE COMMUNICATIONS TO CAUSE AN EMERGENCY RESPONSE.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1041. False communications to cause an emergency response

''(a) DEFINITIONS.—In this section:

''(1) CRIMINAL ACTION.—The term 'criminal action' includes an investigation and prosecution that is pending, until final adjudication in the trial court.

''(2) EMERGENCY RESPONSE.—The term 'emergency response' means any deployment of personnel or equipment, order or advice to evacuate, or issuance of a warning to the public or a threatened person, organization, or establishment, by—

''(A) an agency of the United States, a State, or, or a local government, charged with public safety functions, including any agency charged with detecting, preventing, or investigating crimes or with fire or rescue functions; or

''(B) a private not-for-profit organization that provides fire or rescue service.

''(3) STATE.—The term 'State' means each of the several States, the District of Columbia, each commonwealth, territory, or possession of the United States, and each federally recognized Indian tribe.

''(b) CRIMINAL VIOLATION.—

''(1) OFFENSE.—It shall be unlawful, in the absence of circumstances reasonably requiring an emergency response, to use the mail or any facility or means of interstate or foreign commerce to knowingly transmit false or misleading information that would reasonably be expected to cause an emergency response.

''(2) PENALTY.—Any person who violates paragraph (1) shall—

''(A) if an emergency response results, be fined under this title, imprisoned for not more than 5 years, or both;

''(B) if serious bodily injury (as defined in section 1365) results, be fined under this title, imprisoned for not more than 20 years, or both;

''(C) if death results, be fined under this title, imprisoned for any term of years or for life, or both; and

''(D) in any other case, be fined under this title, imprisoned for not more than 1 year, or both.

''(c) CIVIL ACTION.—

''(1) IN GENERAL.—Any person aggrieved by a violation of subsection (b)(1) may—

''(A) bring a civil action against the person who committed the violation in an appropriate district court of the United States; and

''(B) recover damages and any other appropriate relief, including reasonable attorney's fees.

''(2) JOINT AND SEVERAL LIABILITY.—A person who is found liable under this subsection shall be jointly and severally liable with each other person, if any, who is found liable under this subsection for damages arising from the same violation of this section.

''(3) STAY PENDING CRIMINAL ACTION.—Any civil action filed under this subsection shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.

''(d) REIMBURSEMENT.—

''(1) IN GENERAL.—The court, in imposing a sentence on a defendant convicted of an offense under subsection (b), shall order the defendant to reimburse any agency or organization described in subsection (a)(2) that incurs expenses incident to any emergency response necessitated by the offense.

''(2) LIABILITY.—A person ordered to make reimbursement under this subsection shall be jointly and severally liable for the expenses with each other person, if any, who is ordered to make reimbursement under this subsection for the same expenses.

''(3) CIVIL JUDGMENT.—An order of reimbursement under this subsection shall, for the purposes of enforcement, be treated as a civil judgment.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''1041. False communications to cause an emergency response.''.

Subtitle C—Interstate Doxxing Prevention

SEC. 1731. DISCLOSURE OF PERSONAL INFORMATION WITH THE INTENT TO CAUSE HARM.

(a) IN GENERAL.—Chapter 41 of title 18, United State Code, is amended by adding at the end the following:

''§ 881. Publication of personally identifiable information with the intent to cause harm

''(a) DEFINITIONS.—In this section:

''(1) CRIME.—The term 'crime' means any Federal or State criminal offense.

''(2) CRIMINAL ACTION.—The term 'criminal action' includes an investigation and prosecution that is pending, until final adjudication in the trial court.

''(3) PERSONALLY IDENTIFIABLE INFORMATION.—The term 'personally identifiable information' means—

''(A) any information that can be used to distinguish or trace the identity of an individual, such as name, prior legal name, alias, mother's maiden name, social security number, date or place of birth, address, phone number, or biometric data;

''(B) any information that is linked or linkable to an individual, such as medical, financial, education, consumer, or employment information, data, or records; or

''(C) any other sensitive private information that is linked or linkable to an individual, such as gender identity, sexual orientation, or any sexually intimate visual depiction.

''(4) PUBLISH.—The term 'publish' means to circulate, deliver, distribute, disseminate, transmit, or otherwise make available to another person.

''(5) SEXUALLY INTIMATE VISUAL DEPICTION.—The term 'sexually intimate visual depiction' means any photograph, film, video, or other recording or live transmission of an individual, whether produced by electronic, mechanical, or other means (including depictions stored on undeveloped film and videotape, data stored on computer disk or by any electronic means that is capable of conversion into a visual image, and data that is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format), that depicts—

''(A) the naked exhibition of the anus, the post-pubescent female nipple, the genitals, or the pubic area of any individual;

''(B) any actual or simulated sexual contact or sexual act (as defined in section 2751);

''(C) bestiality; or

''(D) sadistic or masochistic conduct.

''(b) CRIMINAL VIOLATION.—

''(1) OFFENSE.—It shall be unlawful to use the mail or any facility or means of interstate or foreign commerce to knowingly publish the personally identifiable information of an individual—

''(A) with the intent to—

''(i) threaten, intimidate, or harass any individual;

''(ii) incite or facilitate the commission of a crime against any individual; or

''(iii) place any individual in reasonable fear of death or serious bodily injury; or

''(B) with the intent that the information will be used to—

''(i) threaten, intimidate, or harass any individual;

''(ii) incite or facilitate the commission of a crime against any individual; or

''(iii) place any individual in reasonable fear of death or serious bodily injury.

''(2) PENALTY.—Any person who violates paragraph (1) shall be fined under this title, imprisoned for not more than 5 years, or both.

''(c) CIVIL ACTION.—

''(1) IN GENERAL.—An individual who is a victim of an offense under this section may—

''(A) bring a civil action against the person who commits the offense in an appropriate district court of the United States; and

''(B) recover damages and any other appropriate relief, including reasonable attorney's fees.

''(2) JOINT AND SEVERAL LIABILITY.—A person who is found liable under this subsection shall be jointly and severally liable with each other person, if any, who is found liable under this subsection for damages arising from the same violation of this section.

''(3) STAY PENDING CRIMINAL ACTION.—Any civil action filed under this subsection shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.

''(d) ATTEMPT.—An attempt to violate subsection (b)(1) shall be punishable in the same manner as a completed violation of that subsection.

''(e) ACTIVITIES OF LAW ENFORCEMENT.—This section shall not be construed to prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 41 title 18, United States Code, is amended by adding at the end the following:

''881. Publication of personally identifiable information with the intent to cause harm.''.

SA 703. Ms. HIRONO submitted an amendment intended to be proposed by her to the bill H.R. 1628, to provide for

reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE THAT FEDERAL HEALTH PROGRAMS MUST PROTECT WOMEN'S ACCESS TO HEALTH CARE.

It is the sense of the Senate that Federal health care programs must protect women's access to quality, affordable health care at the provider of their choice and that Congress should not restrict or prohibit Federal funding to Planned Parenthood health centers or other high quality family planning providers. Further, it is the sense of the Senate that States should not take any action pursuant to any provision of this Act that would allow for discrimination against a provider based on the provision of constitutionally protected reproductive health care.

SA 704. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTING INDIVIDUALS FROM LOSING THEIR HEALTH COVERAGE.

Nothing in this Act (or an amendment made by this Act) shall be implemented in any manner that could result in the loss of health care coverage for people with Diabetes.

SA 705. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTING INDIVIDUALS FROM LOSING THEIR HEALTH COVERAGE.

Nothing in this Act (or an amendment made by this Act) shall be implemented in any manner that could result in the loss of health care coverage for pregnant women.

SA 706. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTING INDIVIDUALS FROM HIGHER HEALTH INSURANCE PREMIUMS.

Nothing in this Act (or the amendments made by this Act) shall take effect if any part of the Act (or amendments) has the effect of increasing health insurance premiums for people with Diabetes.

SA 707. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTING INDIVIDUALS FROM HIGHER HEALTH INSURANCE PREMIUMS.

Nothing in this Act (or the amendments made by this Act) shall take effect if any part of the Act (or amendments) has the effect of increasing health insurance premiums for pregnant women.

SA 708. Mr. COCHRAN (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. _____. EXPANDING THE DUTIES OF THE UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING.

Section 133a(b) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

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

''(4) providing the Secretary with recommendations relating to unfunded requirements on matters, activities, and programs described in paragraph (2), including military construction projects.''.

SA 709. Mr. STRANGE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS ON FIRE PROTECTION IN DEPARTMENT OF DEFENSE FACILITIES.

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

(1) A 2009 Consumer Product Safety Commission study found a full 370,000 residential fires are suppressed by portable fire extinguishers annually.

(2) Throughout the United States, of the 48,460 fires in buildings equipped with sprinklers from 2007 to 2011, 40,440, or 83 percent, never grew large enough to activate sprinklers, indicating many fires are successfully suppressed by portable fire extinguishers.

(3) Section 9-17.1 of the Unified Facilities Criteria 3-600-01 changes the Department of Defense building code by stating, ''General purpose portable fire extinguishers are not required when the Facility is provided with complete automatic sprinkler protection and a fire alarm system in accordance with this UFC.''

(4) This new language is a departure from national model fire codes, and is also a significant change from the last Unified Criteria governing portable extinguishers.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) portable fire extinguishers are essential to the safety of members of the Armed Forces and their families;

(2) the current United Facilities Criteria provides members of the Armed Forces, their families, and other Department of Defense personnel with less fire protection than that of civilian counterparts by deviating from fire safety codes used across the country and not requiring portable extinguishers on military installations;

(3) United Facilities Criteria 3-600-01, Section 4-9, dated September 26, 2006, clearly keeps Department of Defense Facilities in line with the national and international standards for fire safety; and

(4) the Secretary of Defense should amend current United Facilities Criteria Section 9-17.1 to reflect the standards established by United Facilities Criteria 3-600-01, Section 4-9, dated September 26, 2006.

SA 710. Mr. STRANGE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EVOLVED EXPENDABLE LAUNCH VEHICLE MODERNIZATION AND SUSTAINMENT OF ASSURED ACCESS TO SPACE.

(a) DEVELOPMENT.—

(1) EVOLVED EXPENDABLE LAUNCH VEHICLE.—Using funds described in paragraph (2), the Secretary of Defense may only obligate or expend funds to carry out the evolved expendable launch vehicle program to—

(A) develop a domestic rocket propulsion system to replace non-allied space launch engines;

(B) develop the necessary interfaces to, or integration of, such domestic rocket propulsion system with an existing or new launch vehicle;

(C) develop capabilities necessary to enable new or existing commercially available space launch vehicles or infrastructure to meet any requirements that are unique to national security space missions to meet the assured access to space requirements pursuant to section 2273 of title 10, United States Code, with respect to only—

(i) modifications to such vehicles required for national security space missions, including—

(I) certification and compliance of such vehicles for use in national security space missions;

(II) fairings necessary for the launch of national security space payloads to orbit; and

(III) other upgrades to meet performance, reliability, and orbital requirements that cannot otherwise be met through the use of new or existing commercially available launch vehicles; and

(ii) the development of infrastructure necessary for national security space missions, such as infrastructure for the use of heavy launch vehicles, including—

(I) facilities and equipment for the vertical integration of payloads;

(II) secure facilities for the processing of classified payloads; and

(III) other facilities and equipment, including ground systems and expanded capabilities, unique to national security space launches and the launch of national security payloads;

(D) conduct activities to modernize and improve existing certified launch vehicles, or existing launch vehicles previously contracted for use by the Air Force, including

restarting a dormant supply chain, and infrastructure to increase the cost effectiveness of the launch system;

(E) certify new, modified, or existing launch vehicle systems; or

(F) develop, design, and integrate parts for new launch vehicle systems necessary for national security use.

(2) FUNDS DESCRIBED.—The funds described in this paragraph are the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2018 for research, development, test, and evaluation, Air Force, for the evolved expendable launch vehicle program.

(b) OTHER AUTHORITIES.—Nothing in this section shall affect or prohibit the Secretary from procuring launch services of evolved expendable launch vehicle launch systems, including with respect to any associated operation and maintenance of capabilities and infrastructure relating to such systems.

(c) NOTIFICATION.—Not later than 30 days before any date on which the Secretary publishes a draft or final request for proposals, or obligates funds, for the development under subsection (a)(1), the Secretary shall notify the congressional defense committees of such proposed draft or final request for proposals or proposed obligation, as the case may be. If such proposed draft or final request for proposals or proposed obligation relates to intelligence requirements, the Secretary shall also notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(d) ASSESSMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary, in coordination with the Director of Cost Assessment and Program Evaluation, shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report containing an assessment of the most cost-effective method to meet the assured access to space requirements pursuant to section 2273 of title 10, United States Code, with respect to each of the following periods:

(1) The five-year period beginning on the date of the report.

(2) The 10-year period beginning on the date of the report.

(3) The period consisting of the full lifecycle of the evolved expendable launch vehicle program.

(e) ROCKET PROPULSION SYSTEM DEFINED.—In this section, the term ''rocket propulsion system'' means, with respect to the development authorized by subsection (a)(1), a main booster, first-stage rocket engine (including such an engine using kerosene or methane-based or other propellant) or motor. The term does not include a launch vehicle, an upper stage, a strap-on motor, or related infrastructure.

SA 711. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 1243 through 1250 and insert the following:

SEC. 1243. EXTENSION OF UKRAINE SECURITY ASSISTANCE INITIATIVE.

(a) EXTENSION.—Subsection (h) of section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1068), as amended by section 1237 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2494), is further amended by striking ''December 31, 2018'' and inserting ''December 31, 2020''.

(b) FUNDING FOR FISCAL YEAR 2018.—Subsection (f) of such section 1250, as added by subsection (a) of such section 1237, is further amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B) and by moving such subparagraphs, as so redesignated, two ems to the right;

(2) by striking ''From amounts'' and inserting the following:

''(1) IN GENERAL.—From amounts'';

(3) in paragraph (1), as redesignated by paragraph (2), by adding at the end the following new subparagraph:

''(C) For fiscal year 2018, $500,000,000.''; and

(4) by adding at the end the following:

''(2) AVAILABILITY OF AMOUNTS.—Amounts made available pursuant to paragraph (1) for the purposes of subsection (a) shall remain available until expended.''.

(c) AVAILABILITY OF FUNDS.—Subsection (c) of such section 1250, as amended by subsection (c) of such section 1237, is further amended—

(1) in paragraph (1), by inserting after ''pursuant to subsection (f)(2)'' the following: '', or more than $250,000,000 of the funds available for fiscal year 2018 pursuant to subsection (f)(3),'';

(2) in paragraph (2)—

(A) in the first sentence—

(i) by inserting ''with respect to the fiscal year concerned'' after ''is a certification''; and

(ii) by striking ''and improvement in transparency, accountability, and potential opportunities for privatization in the defense industrial sector'' and inserting ''sustainment, inventory management practices, progress in improving the security of proprietary or sensitive foreign defense technology''; and

(B) in the second sentence, by inserting after ''additional action is needed'' the following: ''and a description of the methodology used to evaluate whether Ukraine has made progress in defense institutional reforms relative to previously established goals and objectives''; and

(3) in paragraph (3)—

(A) by inserting ''or 2018'' after ''in fiscal year 2017''; and

(B) by striking ''in paragraph (2), such funds may be used in that fiscal year'' and inserting ''in paragraph (2) with respect to such fiscal year, such funds may be used in such fiscal year''.

SEC. 1244. EXTENSION OF AUTHORITY ON TRAINING FOR EASTERN EUROPEAN NATIONAL SECURITY FORCES IN THE COURSE OF MULTILATERAL EXERCISES.

(a) EXTENSION.—Subsection (h) of section 1251 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 2282 note) is amended—

(1) by striking ''September 30, 2018'' and inserting ''December 31, 2020''; and

(2) by striking ''fiscal years 2016 through 2018'' and inserting ''fiscal year 2016 through calendar year 2020''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking ''military'' each place it appears and inserting ''security'';

(2) in subsection (e), by striking ''that'' and inserting ''than''; and

(3) in subsection (f), by striking ''section 2282'' and inserting ''chapter 16''.

SEC. 1245. SECURITY ASSISTANCE FOR BALTIC NATIONS FOR JOINT PROGRAM FOR RESILIENCY AND DETERRENCE AGAINST AGGRESSION.

(a) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, conduct or support a joint program of the Baltic nations to improve their resilience against and build their capacity to deter aggression by the Russian Federation.

(b) JOINT PROGRAM.—For purposes of subsection (a), a joint program of the Baltic nations may be either of the following:

(1) A program jointly agreed by the Baltic nations that builds interoperability among those countries.

(2) An agreement for the joint procurement by the Baltic nations of defense articles or services using assistance provided pursuant to subsection (a).

(c) PARTICIPATION OF OTHER COUNTRIES.—Any country other than a Baltic nation may participate in the joint program described in subsection (a), but only using funds of such country.

(d) LIMITATION ON AMOUNT.—The total amount of assistance provided pursuant to subsection (a) in fiscal year 2018 may not exceed $100,000,000.

(e) FUNDING.—Amounts for assistance provided pursuant to subsection (a) shall be derived from amounts authorized to be appropriated by this Act and available for the European Deterrence Initiative (EDI).

(f) BALTIC NATIONS DEFINED.—In this section, the term ''Baltic nations'' means the following:

(1) Estonia.

(2) Latvia.

(3) Lithuania.

SEC. 1246. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE RUSSIAN FEDERATION.

Section 1245(b) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3566), as most recently amended by section 1235(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2490), is further amended—

(1) by redesignating paragraphs (14) through (20) as paragraphs (15) through (21), respectively; and

(2) by inserting after paragraph (13) the following new paragraph (14):

''(14) An assessment of Russia's hybrid warfare strategy and capabilities, including—

''(A) Russia's information warfare strategy and capabilities, including the use of misinformation, disinformation, and propaganda in social and traditional media;

''(B) Russia's financing of political parties, think tanks, media organizations, and academic institutions;

''(C) Russia's malicious cyber activities;

''(D) Russia's use of coercive economic tools, including sanctions, market access, and differential pricing, especially in energy exports; and

''(E) Russia's use of criminal networks and corruption to achieve political objectives.''.

SEC. 1247. ANNUAL REPORT ON ATTEMPTS OF THE RUSSIAN FEDERATION TO PROVIDE DISINFORMATION AND PROPAGANDA TO MEMBERS OF THE ARMED FORCES BY SOCIAL MEDIA.

(a) ANNUAL REPORT REQUIRED.—Not later than March 31 each year, the Secretary of Defense shall submit to the congressional defense committees a report on attempts by the Russian Federation, or any foreign person acting as an agent of or on behalf of the Russian Federation, during the preceding year to knowingly disseminate Russian Federation-supported disinformation or propaganda, through social media applications or related Internet-based means, to members of

the Armed Forces with probable intent to cause injury to the United States or advantage the Government of the Russian Federation.

(b) FORM.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 1248. SUPPORT OF EUROPEAN DETERRENCE INITIATIVE TO DETER RUSSIAN AGGRESSION.

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

(1) Military exercises, such as Exercise Nifty Nugget and Exercise Reforger during the Cold War, have historically made important contributions to testing operational concepts, technologies, and leadership approaches; identifying limiting factors in the execution of operational plans and appropriate corrective action; and bolstering deterrence against adversaries by demonstrating United States military capabilities.

(2) Military exercises with North Atlantic Treaty Organization (NATO) allies enhance the interoperability and strategic credibility of the alliance.

(3) The increase in conventional, nuclear, and hybrid threats by the Russian Federation against the security interests of the United States and allies in Europe requires substantial and sustained investment to improve United States combat capability in Europe.

(4) The decline of a permanent United States military presence in Europe in recent years increases the likelihood the United States will rely on being able to flow forces from the continental United States to the European theater in the event of a major contingency.

(5) Senior military leaders, including the Commander of United States Transportation Command, have warned that a variety of increasingly advanced capabilities, especially the proliferation of anti-access, area denial (A2/AD) capabilities, have given adversaries of the United States the ability to challenge the freedom of movement of the United States military in all domains from force deployment to employment to disrupt, delay, or deny operations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, to enhance the European Deterrence Initiative and bolster deterrence against Russian aggression, the United States, together with North Atlantic Treaty Organization allies and other European partners, should demonstrate its resolve and ability to meet its commitments under Article V of the North Atlantic Treaty through appropriate military exercises with an emphasis on participation of United States forces based in the continental United States and testing strategic and operational logistics and transportation capabilities.

(c) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2018, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the following:

(A) An analysis of the challenges to the ability of the United States to flow significant forces from the continental United States to the European theater in the event of a major contingency.

(B) The plans of the Department of Defense, including the conduct of military exercises, to address such challenges.

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

SEC. 1249. SENSE OF CONGRESS ON THE EUROPEAN DETERRENCE INITIATIVE.

It is the sense of Congress that—

(1) the European Deterrence Initiative will bolster efforts to deter further Russian aggression by providing resources to—

(A) train and equip the military forces of North Atlantic Treaty Organization (NATO) and non-North Atlantic Treaty Organization partners in order to improve responsiveness, expand expeditionary capability, and strengthen combat effectiveness across the spectrum of security environments;

(B) enhance the indications and warning, interoperability, and logistics capabilities of Allied and partner military forces to increase their ability to respond to external aggression, defend sovereignty and territorial integrity, and preserve regional stability;

(C) improve the agility and flexibility of military forces required to address threats across the full spectrum of domains and effectively operate in a wide array of coalition operations across diverse global environments from North Africa and the Middle East to Eastern Europe and the Arctic; and

(D) mitigate potential gaps forming in the areas of information warfare, Anti-Access Area Denial, and force projection;

(2) investments that support the security and stability of Europe, and that assist European nations in further developing their security capabilities, are in the long-term vital national security interests of the United States; and

(3) funds for such efforts should be authorized and appropriated in the base budget of the Department of Defense in order to ensure continued and planned funding to address long-term stability in Europe, reassure the European allies and partners of the United States, and deter further Russian aggression.

SEC. 1250. ENHANCEMENT OF UKRAINE SECURITY ASSISTANCE INITIATIVE.

Section 1250(b) of National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 126 Stat. 1068), as amended by section 1237(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2495), is further amended by adding at the end the following new paragraphs:

''(12) Treatment of wounded Ukraine soldiers in the United States in medical treatment facilities through the Secretarial Designee Program, and transportation, lodging, meals, and other appropriate non-medical support in connection with such treatment (including incidental expenses in connection with such support).

''(13) Air defense and coastal defense radars.

''(14) Naval mine and counter-mine capabilities.

''(15) Littoral-zone and coastal defense vessels.''.

SA 712. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. _____. PLAN TO MEET DEMAND FOR CYBERSPACE CAREER FIELDS IN THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) PLAN REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth a plan for meeting the increased demand for cyberspace career fields in the reserve components of the Armed Forces.

(b) ELEMENTS.—The plan shall take into account the following:

(1) The availability of qualified local workforces.

(2) Potential best practices of private sector companies involved in cyberspace and of educational institutions with established cyberspace-related academic programs.

(3) The potential for Total Force Integration throughout the defense cyber community.

(4) Recruitment strategies to attract individuals with critical cyber training and skills to join the reserve components.

(c) METRICS.—The plan shall include appropriate metrics for use in the evaluation of the implementation of the plan.

SA 713. Mr. PORTMAN (for himself and Mr. MURPHY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Section 1042 is amended to read as follows:

SEC. 1042. DEPARTMENT OF DEFENSE INTEGRATION OF INFORMATION OPERATIONS AND CYBER-ENABLED INFORMATION OPERATIONS.

(a) INTEGRATION OF DEPARTMENT OF DEFENSE INFORMATION OPERATIONS AND CYBER-ENABLED INFORMATION OPERATIONS.—

(1) ESTABLISHMENT OF CROSS-FUNCTIONAL TASK FORCE.—

(A) IN GENERAL.—The Secretary of Defense shall establish a cross-functional task force consistent with section 911(c)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 111 note) to integrate across the organizations of the Department of Defense responsible for information operations, military deception, public affairs, electronic warfare, and cyber operations to produce integrated strategy, planning, and budgeting to counter, deter, and conduct strategic information operations and cyber-enabled information operations.

(B) DUTIES.—The task force shall carry out the following:

(i) Development of a strategic framework for the conduct by the Department of Defense of information operations, including cyber-enabled information operations, coordinated across all relevant Department of Defense entities, including both near-term and long-term guidance for the conduct of such coordinated operations.

(ii) Development and dissemination of a common operating paradigm across the organizations specified in subparagraph (A) of the influence, deception, and propaganda activities of key malign actors, including in cyberspace.

(iii) Development of guidance for, and promotion of, the liaison capability of the Department to interact with the private sector, including social media, on matters related to the influence activities of malign actors.

(iv) Serve as the primary Department of Defense liaison with the Global Engagement Center and other relevant Federal entities in carrying out the purpose set forth in section 1287(a)(2) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 22 U.S.C. 2656 note).

(2) HEAD OF CROSS-FUNCTIONAL TASK FORCE.—

(A) IN GENERAL.—The Secretary of Defense shall appoint as the head of the task force such individual as the Secretary considers appropriate from among individuals serving

in the Department as an Under Secretary of Defense or in such other position within the Department of lesser order of precedence.

(B) RESPONSIBILITIES.—The responsibilities of the head of the task force are as follows:

(i) Oversight of strategic policy and guidance.

(ii) Overall resource allocation for the integration of information operations and cyber operations of the Department.

(iii) Ensuring the task force faithfully pursues the purpose set forth in subparagraph (A) of paragraph (1) and carries out its duties as set forth in subparagraph (B) of such paragraph.

(iv) Carrying out such activities as are required of the head of the task force under subsections (b) and (c).

(v) Coordination with the head of the Global Engagement Center in support of the execution of the purpose set forth in section 1287(a)(2) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 22 U.S.C. 2656 note).

(b) REQUIREMENTS AND PLANS FOR INFORMATION OPERATIONS.—

(1) COMBATANT COMMAND PLANNING AND REGIONAL STRATEGY.—(A) The Secretary shall require each commander of a combatant command to develop, in coordination with the relevant regional Assistant Secretary of State or Assistant Secretaries of State and with the assistance of the Coordinator of the Global Engagement Center and the head of the task force appointed under subsection (a)(2)(A), a regional information strategy and interagency coordination plan for carrying out the strategy, where applicable.

(B) The Secretary shall require each commander of a combatant command to develop such requirements and specific plans as may be necessary for the conduct of information operations in support of the strategy required in subparagraph (A), including plans for deterring information operations, particularly in the cyber domain, by malign actors against the United States, allies of the United States, and interests of the United States.

(2) IMPLEMENTATION PLAN FOR DEPARTMENT OF DEFENSE STRATEGY FOR OPERATIONS IN THE INFORMATION ENVIRONMENT.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the head of the task force shall—

(i) review the Department of Defense Strategy for Operations in the Information Environment, dated June 2016; and

(ii) submit to the congressional defense committees a plan for implementation of such strategy.

(B) ELEMENTS.—The implementation plan shall include, at a minimum, the following:

(i) An accounting of the efforts undertaken in support of the strategy described in subparagraph (A)(i) since it was issued in June 2016.

(ii) A description of any updates or changes to such strategy that have been made since it was first issued, as well as any expected updates or changes in light of the establishment of the task force.

(iii) A description of the role of the Department as part of a broader whole-of-government strategy for strategic communications, including assumptions about the roles and contributions of other Government departments and agencies to such a strategy.

(iv) Defined actions, performance metrics, and projected timelines to achieve the following specified tasks:

(I) Train, educate, and prepare commanders and their staffs, and the Joint Force as a whole, to lead, manage, and conduct operations in the information environment.

(II) Train, educate, and prepare information operations professionals and practitioners to enable effective operations in the information environment.

(III) Manage information operations professionals, practitioners, and organizations to meet emerging operational needs.

(IV) Establish a baseline assessment of current ability of the Department to conduct operations in the information environment, including an identification of the types of units and organizations currently responsible for building and employing information-related capabilities and an assignment of appropriate roles and missions for each type of unit or organization.

(V) Develop the ability of the Department and operating forces to engage, assess, characterize, forecast, and visualize the information environment.

(VI) Develop and maintain the proper capabilities and capacity to operate effectively in the information environment in coordination with implementation of related cyber and other strategies.

(VII) Develop and maintain the capability to assess accurately the effect of operations in the information environment.

(VIII) Adopt, adapt, and develop new science and technology for the Department to operate effectively in the information environment.

(IX) Develop and adapt information environment-related concepts, policies, and guidance.

(X) Ensure doctrine relevant to operations in the information environment remains current and responsive based on lessons learned and best practices.

(XI) Develop, update, and de-conflict authorities and permissions, as appropriate, to enable effective operations in the information environment.

(XII) Establish and maintain partnerships among Department and interagency partners, including the Global Engagement Center, to enable more effective whole-of-government operations in the information environment.

(XIII) Establish and maintain appropriate interaction with entities that are not part of the Federal Government, including entities in industry, entities in academia, federally funded research and development centers, and other organizations, to enable operations in the information environment.

(XIV) Establish and maintain collaboration between and among the Department and international partners, including partner countries and nongovernmental organizations, to enable more effective operations in the information environment.

(XV) Foster, enhance, and leverage partnership capabilities and capacities.

(v) An analysis of any personnel, resourcing, capability, authority, or other gaps that will need to be addressed to ensure effective implementation of the strategy described in subparagraph (A)(i) across all relevant elements of the Department.

(vi) An investment framework and projected timeline for addressing any gaps identified under clause (v).

(vii) Such other matters as the Secretary of Defense considers relevant.

(C) PERIODIC STATUS REPORTS.—Not later than 90 days after the date on which the implementation plan is submitted under subparagraph (A)(ii) and not less frequently than once every 90 days thereafter until the date that is three years after the date of such submittal, the head of the task force shall submit to the congressional defense committees a report describing the status of the efforts of the Department to accomplish the tasks specified under clauses (iv) and (vi) of subparagraph (B).

(c) TRAINING AND EDUCATION.—Consistent with the elements of the implementation plan required under clauses (i) and (ii) of subsection (b)(2)(B)(4), the head of the task force shall establish programs to provide training and education to such members of the Armed Forces and civilian employees of the Department of Defense as the Secretary considers appropriate to ensure understanding of the role of information in warfare, the central goal of all military operations to affect the perceptions, views, and decisionmaking of adversaries, and the effective management and conduct of operations in the information environment.

(d) ESTABLISHMENT OF DEFENSE INTELLIGENCE OFFICER FOR INFORMATION OPERATIONS AND CYBER OPERATIONS.—The Secretary shall establish a position within the Department of Defense known as the ''Defense Intelligence Officer for Information Operations and Cyber Operations''.

(e) DEFINITIONS.—In this section:

(1) The term ''head of the task force'' means the head appointed under subsection (a)(2)(A).

(2) The term ''implementation plan'' means the plan required by subsection (b)(2)(A)(ii).

(3) The term ''task force'' means the cross-functional task force established under subsection (a)(1)(A).

SA 714. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. ____. EXCEPTION FROM PUBLIC DISCLOSURE OF MANIFEST INFORMATION FOR THE SHIPMENT OF HOUSEHOLD GOODS OF MEMBERS OF THE UNIFORMED FORCES AND FEDERAL EMPLOYEES.

Section 431(c)(2) of the Tariff Act of 1930 (19 U.S.C. 1431(c)(2)) is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting a semicolon and ''or''; and

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

''(C) the shipment consists of used household goods and personal effects, including personally owned vehicles, which are items that are for residential or professional use, are not for commercial resale, and are owned by a private individual who is—

''(i) an employee, as that term is defined in section 2105 of title 5, United States Code, who is shipping the goods and effects as part of a transfer of the employee from one official station to another for permanent duty or the spouse or dependent, as that term is defined in section 8901 of such title, of such employee; or

''(ii) a member of a uniformed service, as that term is defined in section 101 of title 37, United States Code, who is shipping the goods and effects as part of a permanent change of station or a dependent, as that term is defined in section 401 of such title, of such member.''.

SA 715. Mr. MORAN (for himself and Mr. UDALL) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and

for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. ___. MODERNIZATION OF GOVERNMENT INFORMATION TECHNOLOGY.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term ''Board'' means the Technology Modernization Board established under subsection (c)(3)(A).

(2) CLOUD COMPUTING.—The term ''cloud computing'' has the meaning given the term by the National Institute of Standards and Technology in NIST Special Publication 800–145 and any amendatory or superseding document thereto.

(3) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of the Technology Transformation Service of the General Services Administration.

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

(5) FUND.—The term ''Fund'' means the Technology Modernization Fund established under subsection (c)(2)(A).

(6) INFORMATION TECHNOLOGY.—The term ''information technology'' has the meaning given the term in section 3502 of title 44, United States Code.

(7) IT WORKING CAPITAL FUND.—The term ''IT working capital fund'' means an information technology system modernization and working capital fund established under subsection (b)(2)(A).

(8) LEGACY INFORMATION TECHNOLOGY SYSTEM.—The term ''legacy information technology system'' means an outdated or obsolete system of information technology.

(b) ESTABLISHMENT OF AGENCY INFORMATION TECHNOLOGY SYSTEMS MODERNIZATION AND WORKING CAPITAL FUNDS.—

(1) DEFINITION.—In this subsection, the term ''covered agency'' means each agency listed in section 901(b) of title 31, United States Code.

(2) INFORMATION TECHNOLOGY SYSTEM MODERNIZATION AND WORKING CAPITAL FUNDS.—

(A) ESTABLISHMENT.—The head of a covered agency may establish within the covered agency an information technology system modernization and working capital fund for necessary expenses described in subparagraph (C).

(B) SOURCE OF FUNDS.—The following amounts may be deposited into an IT working capital fund:

(i) Reprogramming and transfer of funds made available in appropriations Acts enacted after the date of enactment of this Act, including the transfer of any funds for the operation and maintenance of legacy information technology systems, in compliance with any applicable statutory transfer authority or reprogramming law or guidelines of the Committees on Appropriations of the Senate and the House of Representatives as in effect on the day before the date of enactment of this Act.

(ii) Amounts made available to the IT working capital fund through discretionary appropriations made available after the date of enactment of this Act.

(C) USE OF FUNDS.—An IT working capital fund may only be used, subject to the availability of appropriations—

(i) to improve, retire, or replace existing information technology systems in the covered agency to enhance cybersecurity and to improve efficiency and effectiveness;

(ii) to transition legacy information technology systems at the covered agency to cloud computing and other innovative platforms and technologies, including those serving more than 1 covered agency with common requirements;

(iii) to assist and support covered agency efforts to provide adequate, risk-based, and cost-effective information technology capabilities that address evolving threats to information security; and

(iv) to reimburse funds transferred to the covered agency from the Fund with the approval of the Chief Information Officer, in consultation with the Chief Financial Officer, of the covered agency.

(D) EXISTING FUNDS.—An IT working capital fund may not be used to supplant funds provided for the operation and maintenance of any system within an appropriation for the covered agency at the time of establishment of the IT working capital fund.

(E) PRIORITIZATION OF FUNDS.—

(i) IN GENERAL.—The head of each covered agency—

(I) shall prioritize funds within the IT working capital fund of the covered agency to be used initially for cost savings activities approved by the Chief Information Officer of the covered agency, in consultation with the Administrator of the Office of Electronic Government; and

(II) may reprogram and transfer any amounts saved as a direct result of the cost savings activities approved under subclause (I) for deposit into the IT working capital fund of the covered agency, consistent with subparagraph (B)(i).

(ii) REPORT.—The Chief Information Officer of each covered agency shall document and submit to the Administrator of the Office of Electronic Government a report on any cost savings activities approved under clause (i)(I).

(F) AVAILABILITY OF FUNDS.—

(i) IN GENERAL.—Any funds deposited into an IT working capital fund shall be available for obligation for the 3-year period beginning on the last day of the fiscal year in which the funds were deposited.

(ii) TRANSFER OF UNOBLIGATED AMOUNTS.—Any amounts in an IT working capital fund that are unobligated at the end of the 3-year period described in clause (i) shall be transferred to the general fund of the Treasury.

(G) AGENCY CIO RESPONSIBILITIES.—In evaluating projects to be funded by the IT working capital fund of a covered agency, the Chief Information Officer of the covered agency shall consider, to the extent applicable, guidance issued under subsection (c)(2)(A) to evaluate applications for funding from the Fund that include factors including a strong business case, technical design, consideration of commercial off-the-shelf products and services, procurement strategy (including adequate use of rapid, iterative software development practices), and program management.

(H) REPORTING REQUIREMENT.—

(i) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 6 months thereafter, the head of each covered agency shall submit to the Director, with respect to the IT working capital fund of the covered agency—

(I) a list of each information technology investment funded, including the estimated cost and completion date for each investment; and

(II) a summary by fiscal year of obligations, expenditures, and unused balances.

(ii) PUBLIC AVAILABILITY.—The Director shall make the information submitted under clause (i) publicly available on a website.

(c) ESTABLISHMENT OF TECHNOLOGY MODERNIZATION FUND AND BOARD.—

(1) DEFINITION.—In this subsection, the term ''agency'' has the meaning given the term in section 551 of title 5, United States Code.

(2) TECHNOLOGY MODERNIZATION FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury a Technology Modernization Fund for technology-related activities, to improve information technology, to enhance cybersecurity across the Federal Government, and to be administered in accordance with guidance issued by the Director.

(B) ADMINISTRATION OF FUND.—The Commissioner, in consultation with the Chief Information Officers Council and with the approval of the Director, shall administer the Fund in accordance with this paragraph.

(C) USE OF FUNDS.—The Commissioner shall, in accordance with recommendations from the Board, use amounts in the Fund—

(i) to transfer such amounts, to remain available until expended, to the head of an agency to improve, retire, or replace existing Federal information technology systems to enhance cybersecurity and privacy and improve efficiency and effectiveness;

(ii) for the development, operation, and procurement of information technology products, services, and acquisition vehicles for use by agencies to improve Government-wide efficiency and cybersecurity in accordance with the requirements of the agencies; and

(iii) to provide services or work performed in support of—

(I) the activities described in clause (i) or (ii); and

(II) the Board and the Director in carrying out the responsibilities described in paragraph (3)(B).

(D) AUTHORIZATION OF APPROPRIATIONS; CREDITS; AVAILABILITY OF FUNDS.—

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $250,000,000 for each of fiscal years 2018 and 2019.

(ii) CREDITS.—In addition to any funds otherwise appropriated, the Fund shall be credited with all reimbursements, advances, or refunds or recoveries relating to information technology or services provided through the Fund.

(iii) AVAILABILITY OF FUNDS.—Amounts deposited, credited, or otherwise made available to the Fund shall be available, as provided in appropriations Acts, until expended for the purposes described in subparagraph (C).

(E) REIMBURSEMENT.—

(i) PAYMENT BY AGENCY.—For a product or service developed under subparagraph (C)(ii), including any services or work performed in support of that development under subparagraph (C)(iii), the head of an agency that uses the product or service shall pay an amount fixed by the Commissioner in accordance with this subparagraph.

(ii) REIMBURSEMENT BY AGENCY.—

(I) IN GENERAL.—The head of an agency shall reimburse the Fund for any transfer made under subparagraph (C)(i), including any services or work performed in support of the transfer under subparagraph (C)(iii), in accordance with the terms established in a written agreement described in subparagraph (F).

(II) REIMBURSEMENT FROM SUBSEQUENT APPROPRIATIONS.—Notwithstanding any other provision of law, an agency may make a reimbursement required under subclause (I) from any appropriation made available after the date of enactment of this Act for information technology activities, consistent with any applicable reprogramming law or guidelines of the Committees on Appropriations of the Senate and the House of Representatives as in effect on the day before the date of enactment of this Act.

(III) RECORDING OF OBLIGATION.—Notwithstanding section 1501 of title 31, United States Code, an obligation to make a payment under a written agreement described in subparagraph (E) in a fiscal year after the

date of enactment of this Act shall be recorded in the fiscal year in which the payment is due.

(iii) PRICES FIXED BY COMMISSIONER.—

(I) IN GENERAL.—The Commissioner, in consultation with the Director, shall establish amounts to be paid by an agency under this paragraph and the terms of repayment for a product or service developed under subparagraph (C)(ii), including any services or work performed in support of that development under subparagraph (C)(iii), at levels sufficient to ensure the solvency of the Fund, including operating expenses.

(II) REVIEW AND APPROVAL.—Before making any changes to the established amounts and terms of repayment, the Commissioner shall conduct a review and obtain approval from the Director.

(iv) FAILURE TO MAKE TIMELY REIMBURSEMENT.—The Commissioner may obtain reimbursement from an agency under this subparagraph by the issuance of transfer and counterwarrants, or other lawful transfer documents, supported by itemized bills, if payment is not made by the agency—

(I) during the 90-day period beginning after the expiration of a repayment period described in a written agreement described in subparagraph (F); or

(II) during the 45-day period beginning after the expiration of the time period to make a payment under a payment schedule for a product or service developed under subparagraph (C)(ii).

(F) WRITTEN AGREEMENT.—

(i) IN GENERAL.—Before the transfer of funds to an agency under subparagraph (C)(i), the Commissioner, in consultation with the Director, and the head of the agency shall enter into a written agreement—

(I) documenting the purpose for which the funds will be used and the terms of repayment, which may not exceed 5 years unless approved by the Director; and

(II) which shall be recorded as an obligation as provided in subparagraph (E)(ii).

(ii) REQUIREMENT FOR USE OF COMMERCIAL PRODUCTS AND SERVICES AND RAPID, ITERATIVE DEVELOPMENT PRACTICES.—

(I) IN GENERAL.—For any funds transferred to an agency under subparagraph (C)(i), in the absence of compelling circumstances of the need to develop a custom information technology solution that are documented by the Commissioner in a written agreement under this subparagraph, the funds shall be used for commercial products and services.

(II) TIMELINE.—If the Commissioner documents in a written agreement under this subparagraph that there are compelling circumstances of the need to develop a custom information technology solution, the Commissioner shall include in the written agreement a timeline for a rapid, iterative development process.

(G) REPORTING REQUIREMENTS.—

(i) LIST OF PROJECTS.—

(I) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Director shall maintain a list of each project funded by the Fund, to be updated not less than quarterly, that includes a description of the project, project status (including any schedule delay and cost overruns), and financial expenditure data related to the project.

(II) PUBLIC AVAILABILITY.—The list required under subclause (I) shall be published on a public website in a manner that is, to the greatest extent possible, consistent with applicable law on the protection of classified information, sources, and methods.

(ii) COMPTROLLER GENERAL REPORTS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Comptroller General of the United States shall submit to Congress and make publically available a report assessing—

(I) the costs associated with establishing the Fund and maintaining the oversight structure associated with the Fund compared with the cost savings associated with the projects funded by the Fund; and

(II) the reliability of the cost savings estimated by agencies associated with projects funded by the Fund.

(3) TECHNOLOGY MODERNIZATION BOARD.—

(A) ESTABLISHMENT.—There is established a Technology Modernization Board to evaluate proposals submitted by agencies for funding authorized under the Fund.

(B) RESPONSIBILITIES.—The responsibilities of the Board are—

(i) to provide input to the Director for the development of processes for agencies to submit modernization proposals to the Board and to establish the criteria by which those proposals are evaluated, which shall include—

(I) addressing the greatest security, privacy, and operational risks;

(II) having the greatest Governmentwide impact; and

(III) having a high probability of success based on factors including the use of commercial solutions when possible, a strong business case, technical design, procurement strategy (including adequate use of rapid, iterative software development practices), and program management;

(ii) to make recommendations to the Commissioner to assist agencies in the further development and refinement of select submitted modernization proposals, based on an initial evaluation performed with the assistance of the Commissioner;

(iii) to review and prioritize, with the assistance of the Commissioner and the Director, modernization proposals based on criteria established pursuant to clause (i);

(iv) to identify, with the assistance of the Commissioner, opportunities to improve or replace multiple information technology systems with a smaller number of information technology service common to multiple agencies;

(v) to recommend the funding of modernization projects, in accordance with the uses described in paragraph (2)(C), to the Commissioner;

(vi) to monitor, in consultation with the Commissioner, progress and performance in executing approved projects and, if necessary, recommend the suspension or termination of funding for projects based on factors including the failure to meet the terms of a written agreement described in paragraph (2)(F); and

(vii) to monitor the operating costs of the Fund.

(C) MEMBERSHIP.—The Board shall consist of 7 voting members.

(D) CHAIR.—The Chair of the Board shall be the Administrator of the Office of Electronic Government.

(E) PERMANENT MEMBERS.—The permanent members of the Board shall be—

(i) the Administrator of the Office of Electronic Government; and

(ii) a senior official from the General Services Administration having technical expertise in information technology development, appointed by the Administrator of General Services, with the approval of the Director.

(F) ADDITIONAL MEMBERS OF THE BOARD.—

(i) APPOINTMENT.—The other members of the Board shall be—

(I) 1 employee of the National Protection and Programs Directorate of the Department of Homeland Security, appointed by the Secretary of Homeland Security; and

(II) 4 employees of the Federal Government primarily having technical expertise in information technology development, financial management, cybersecurity and privacy, and acquisition, appointed by the Director.

(ii) TERM.—Each member of the Board described in clause (i) shall serve a term of 1 year, which shall be renewable not more than 3 times at the discretion of the Secretary of Homeland Security or the Director, as applicable.

(G) PROHIBITION ON COMPENSATION.—Members of the Board may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(H) STAFF.—Upon request of the Chair of the Board, the Director and the Administrator of General Services may detail, on a reimbursable or nonreimbursable basis, any employee of the Federal Government to the Board to assist the Board in carrying out the functions of the Board.

(4) RESPONSIBILITIES OF COMMISSIONER.—

(A) IN GENERAL.—In addition to the responsibilities described in paragraph (2), the Commissioner shall support the activities of the Board and provide technical support to, and, with the concurrence of the Director, oversight of, agencies that receive transfers from the Fund.

(B) RESPONSIBILITIES.—The responsibilities of the Commissioner are—

(i) to provide direct technical support in the form of personnel services or otherwise to agencies transferred amounts under paragraph (2)(C)(i) and for products, services, and acquisition vehicles funded under paragraph (2)(C)(ii);

(ii) to assist the Board with the evaluation, prioritization, and development of agency modernization proposals.

(iii) to perform regular project oversight and monitoring of approved agency modernization projects, in consultation with the Board and the Director, to increase the likelihood of successful implementation and reduce waste; and

(iv) to provide the Director with information necessary to meet the requirements of paragraph (2)(G).

(5) SUNSET.—This subsection shall cease to have force or effect on the date that is 2 years after the date on which the Comptroller General of the United States issues the third report required under paragraph (2)(G)(ii).

SA 716. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PROTECTING ACCESS TO PREVENTIVE SERVICES.

Any provision of this bill that would eliminate or reduce access to affordable preventive services that are currently offered without copayment or cost-sharing under the Patient Protection and Affordable Care Act, including blood pressure screening, colorectal screening, breast cancer screening, cervical cancer screening and domestic and interpersonal violence screening and counseling, shall be null and void and of no effect.

SA 717. Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ENERGY SECURITY FOR MILITARY INSTALLATIONS IN EUROPE.

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

(1) United States military installations in Europe are potentially vulnerable to supply disruptions from foreign governments, especially the Government of the Russian Federation, which could use control of energy supplies in a hostile or weaponized manner.

(2) The Government of the Russian Federation has previously shown its willingness to aggressively use energy supplies as a weapon to pressure foreign nations, including Ukraine.

(b) AUTHORITY.—The Secretary of Defense shall take appropriate measures, to the extent practicable, to—

(1) reduce the dependency of all United States military installations in Europe on energy sourced inside Russia; and

(2) ensure that all United States military installations in Europe are able to sustain operations in the event of a supply disruption

(c) CERTIFICATION REQUIREMENT.—Not later than December 31, 2021, the Secretary of Defense shall certify to the congressional defense committees whether or not every United States military installation in Europe—

(1) is dependent to the minimum extent practicable on energy sourced inside the Russian Federation; and

(2) has the ability to sustain operations during an energy supply disruption.

(d) BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall brief the congressional defense committees on progress in achieving the goals described in subsection (b), including—

(1) an assessment of the operational risks of energy supply disruptions;

(2) a description of mitigation measures identified to address such operational risks;

(3) an assessment of the feasibility, estimated costs, and schedule of diversified energy solutions; and

(4) an assessment of the minimum practicable usage of energy sourced inside Russia on United States military installations in Europe.

(e) INTERIM REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees and make publicly available an interim report on progress in achieving the goals described in subsection (b), including the assessments described in paragraphs (1) through (4) of subsection (d).

(f) DEFINITION OF ENERGY SOURCED INSIDE RUSSIA.—In this section, the term ''energy sourced inside Russia'' means energy that is produced, owned, or facilitated by companies that are located in the Russian Federation or owned or controlled by the Government of the Russian Federation.

SA 718. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. _____. REPORT ON MANAGEMENT OF MILITARY COMMISSARIES AND EXCHANGES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report regarding management practices of military commissaries and exchanges.

(b) ELEMENTS.—The report required under this section shall include a cost-benefit analysis with the goals of—

(1) reducing the costs of operating military commissaries and exchanges by $2,000,000,000 during fiscal years 2018 through 2022; and

(2) not raising costs for patrons of military commissaries and exchanges.

SA 719. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. _____. ELIGIBILITY OF VETERANS OF OPERATION END SWEEP FOR VIETNAM SERVICE MEDAL.

The Secretary of the military department concerned shall, upon the application of an individual who is a veteran who participated in Operation End Sweep, award that individual the Vietnam Service Medal, notwithstanding any otherwise applicable requirements for the award of that medal.

SA 720. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end title XII, add the following:

Subtitle H—Iraq and Syria Genocide Relief and Accountability

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the ''Iraq and Syria Genocide Emergency Relief and Accountability Act of 2017''.

SEC. 1292. FINDINGS.

Congress finds the following:

(1) On March 17, 2016, Secretary of State John Kerry stated, ''in my judgment, Daesh is responsible for genocide against groups in areas under its control, including Yezidis, Christians, and Shia Muslims . . . the United States will strongly support efforts to collect, document, preserve, and analyze the evidence of atrocities, and we will do all we can to see that the perpetrators are held accountable''.

(2) Secretary of State Kerry stated in the ''Atrocities Prevention Report'', transmitted to Congress on March 17, 2016, ''The Department of State has a longstanding commitment to providing support for the urgent humanitarian needs of conflict-affected populations in Iraq, Syria, and across the world, including but not limited to members of ethnic and religious minorities.''.

(3) The Independent International Commission of Inquiry on the Syrian Arab Republic stated in its February 3, 2016, report, ''The Government has committed the crimes against humanity of extermination, murder, rape or other forms of sexual violence, torture, imprisonment, enforced disappearance and other inhuman acts. Based on the same conduct, war crimes have also been committed. Both Jabhat Al-Nusra and some anti-Government armed groups have committed the war crimes of murder, cruel treatment, and torture.''.

(4) The International Criminal Investigative Training Assistance Program and the Office of Overseas Prosecutorial Development Assistance and Training of the Department of Justice have provided technical assistance to governmental judicial and law enforcement entities in Iraq, including with funding support from the Department of State.

(5) There were an estimated 800,000 to 1,400,000 Christians in Iraq in 2002, 500,000 in 2013, and less than 250,000 in 2015, according to the annual International Religious Freedom Reports of the Department of State.

(6) Although Christians were an estimated 8 to 10 percent of the 21,000,000 person population of Syria in 2010, ''media and other reports of Christians fleeing the country as a result of the civil war suggest the Christian population is now considerably lower'' as of 2015, according to the annual International Religious Freedom Reports of the Department of State.

(7) The Chaldean Catholic Archdiocese of Erbil (Iraq) is an example of an entity that has not received funding from any government and has been providing assistance to internally displaced families of Yezidis, Muslims, and Christians, including food, resettlement from tents to permanent housing, and rent for Yezidis, medical care and education for Yezidis and Muslims through clinics, schools, and a university that are open to all, and some form of these types of assistance to all of the estimated 10,500 internally displaced Christian families, more than 70,000 people, in the greater Erbil region.

(8) In fiscal year 2015, the United States Government admitted to the United States through the United States Refugee Admissions Program persons from Priority 2 groups of special humanitarian concern, as designated by Congress, including—

(A) Jews, Evangelical Christians, Ukrainian Catholics, and Ukrainian Orthodox, from the former Soviet Union;

(B) Iraqis at risk because they were, or are, employed in Iraq by the United States Government, a media or nongovernmental organization headquartered in the United States, or an organization or entity that received funding from the United States Government, or are related to someone who is, or was, so employed;

(C) religious minorities in Iran; and

(D) members of other groups designated by the United States Government, including—

(i) former political prisoners, active members of persecuted religious minorities, human rights activists, and forced labor conscripts in Cuba;

(ii) minors in Honduras, El Salvador, and Guatemala;

(iii) ethnic minorities from Burma in Malaysia;

(iv) Bhutanese in Nepal; and

(v) Congolese in Rwanda.

(9) Through the United States Refugee Admissions Program, the United States Government—

(A) admitted 12,676 Iraqi refugees in fiscal year 2015, including at least 2,113 Christians and 213 Yezidis;

(B) admitted 9,880 Iraqi refugees in fiscal year 2016, including at least 1,524 Christians and 393 Yezidis;

(C) admitted 1,682 Syrian refugees in fiscal year 2015, including at least 30 Christians; and

(D) admitted 12,587 Syrian refugees in fiscal year 2016, including at least 64 Christians and 24 Yezidis.

SEC. 1293. DEFINITIONS.

In this subtitle:

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

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on the Judiciary of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on Foreign Affairs of the House of Representatives;

(E) the Committee on the Judiciary of the House of Representatives; and

(F) the Committee on Homeland Security of the House of Representatives.

(2) CAPACITY-BUILDING.—The term ''capacity-building'', with respect to cases of genocide, crimes against humanity, war crimes, and terrorism in Iraq or Syria, means developing domestic skills to efficiently adjudicate such cases, consistent with due process and respect for the rule of law, through the use of experts in international criminal investigations and experts in international criminal law to partner with, mentor, provide technical advice for, formally train, and provide equipment and infrastructure where necessary and appropriate to, investigators and judicial personnel in Iraq, including the Kurdistan region of Iraq, and domestic investigators and lawyers in Syria.

(3) FOREIGN TERRORIST ORGANIZATION.—The term ''foreign terrorist organization'' mean an organization designated by the Secretary of State as a foreign terrorist organization pursuant to section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(4) HUMANITARIAN, STABILIZATION, AND RECOVERY NEEDS.—The term ''humanitarian, stabilization, and recovery needs'', with respect to an individual, includes water, sanitation, hygiene, food security, nutrition, shelter, housing, medical, education, and psychosocial needs.

(5) HYBRID COURT.—The term ''hybrid court'' means a court with a combination of domestic and international lawyers, judges, and personnel.

(6) INTERNATIONALIZED DOMESTIC COURT.—The term ''internationalized domestic court'' means a domestic court with the support of international advisers.

SEC. 1294. ACTIONS TO PROMOTE ACCOUNTABILITY IN IRAQ AND SYRIA.

(a) ASSISTANCE TO SUPPORT CERTAIN ENTITIES.—

(1) IN GENERAL.—The Secretary of State, acting through the Assistant Secretary for Democracy, Human Rights, and Labor, the Assistant Secretary for International Narcotics and Law Enforcement Affairs, and Administrator of the United States Agency for International Development, shall provide assistance, including financial assistance, to support entities that are taking the actions described in paragraph (2) with respect to individuals who are suspected to have committed genocide, crimes against humanity, or war crimes in Iraq since January 2014 or in Syria since March 2011.

(2) ACTIONS DESCRIBED.—The actions described in this paragraph are—

(A) conducting criminal investigations;

(B) developing investigative and judicial capacities;

(C) collecting evidence;

(D) preserving the chain of evidence for prosecution in domestic courts, hybrid courts, and internationalized domestic courts; and

(E) capacity building.

(3) AVAILABILITY OF AMOUNTS.—Amounts authorized to be appropriated or otherwise made available for programs, projects, and activities carried out by the Assistant Secretary for Democracy, Human Rights, and Labor and the Assistant Secretary for International Narcotics and Law Enforcement Affairs are authorized to be made available to carry out this subsection.

(b) ACTIONS BY FOREIGN GOVERNMENTS.—The Secretary of State, in consultation with the Attorney General, the Secretary of Homeland Security, and the Director of the Federal Bureau of Investigation, shall encourage governments of foreign countries—

(1) to include information in appropriate security databases and security screening procedures of such countries to identify individuals who are suspected to have committed genocide, crimes against humanity, or war crimes in Iraq since January 2014 or in Syria since March 2011, including individuals who are suspected to be members of foreign terrorist organizations operating within Iraq or Syria; and

(2) to prosecute individuals described in paragraph (1) for genocide, crimes against humanity, or war crimes, as appropriate.

(c) REVIEW OF CERTAIN CRIMINAL STATUTES.—The Attorney General, in consultation with the Secretary of State, shall conduct a review of existing criminal statutes concerning genocide, crimes against humanity, and war crimes to determine—

(1) the extent to which United States courts are currently authorized by statute to exercise jurisdiction over such crimes where the direct perpetrators, accomplices, or victims are United States nationals, United States residents, or persons physically present in the territory of the United States either during the commission of the crime or subsequent to the commission of the crime;

(2) the statutes currently in effect that would apply to conduct constituting war crimes or crimes against humanity, including—

(A) whether such statutes provide for extraterritorial jurisdiction;

(B) the statute of limitations for offenses under such statutes;

(C) the applicable penalties under such statutes; and

(D) whether offenders would be subject to extradition or mutual legal assistance treaties;

(3) the extent to which the absence of criminal statutes defining the crimes, or granting jurisdiction, would impede the prosecution of genocide, crimes against humanity, and war crimes in United States courts, including when United States military forces capture persons outside the United States who are known to have committed such crimes in a third country that is either unable or unwilling to prosecute the crimes; and

(4) whether additional statutory authorities are necessary to prosecute a United States person or a foreign person within the territory of the United States for genocide, crimes against humanity, or war crimes.

(d) CONSULTATION.—In carrying out subsection (a), the Secretary of State shall consult with, and consider credible information from, entities described in subsection (a)(1).

(e) SENSE OF CONGRESS.—It is the sense of Congress that an appropriate amount of the additional amount made available under the heading ''Economic Support Fund'' in title II of division B of the Further Continuing and Security Assistance Appropriations Act, 2017 (Public Law 114–254) should be made available to carry out subsection (a).

SEC. 1295. IDENTIFICATION OF AND ASSISTANCE TO ADDRESS HUMANITARIAN, STABILIZATION, AND RECOVERY NEEDS OF CERTAIN PERSONS IN IRAQ AND SYRIA.

(a) IDENTIFICATION.—The Secretary of State, in consultation with the Secretary of Defense, the Ambassador at Large for International Religious Freedom, the Special Advisor for Religious Minorities in the Near East and South/Central Asia, the Assistant Secretary for Population, Refugees, and Migration, the Administrator of the United States Agency for International Development, and the Director of National Intelligence, shall identify—

(1) the threats of persecution and other warning signs of genocide, crimes against humanity, and war crimes against individuals—

(A) who—

(i) are or were nationals and residents of Iraq or of Syria; and

(ii) are members of a religious or ethnic group that is a minority religious or ethnic group in Iraq or in Syria against which the Secretary of State has determined the Islamic State of Iraq and Syria (ISIS) has committed genocide, crimes against humanity, or war crimes in Iraq or in Syria since January 2014; or

(B) who are members of another religious or ethnic group that is a minority religious or ethnic group in Iraq or in Syria that has been identified by the Secretary of State (or the Secretary's designee) as a persecuted group;

(2) the humanitarian, stabilization, and recovery needs of individuals described in paragraph (1);

(3) the minority religious and ethnic groups in Iraq and in Syria—

(A) against which the Secretary of State has determined ISIS has committed genocide, crimes against humanity, or war crimes in Iraq or in Syria since January 2014; or

(B) that the Secretary of State (or the Secretary's designee) has identified as a persecuted group at risk of forced migration, within or across the borders of Iraq, Syria, or a country of first asylum, and the primary reasons for such risk;

(4) the assistance provided by the United States to address humanitarian, stabilization, and recovery needs of individuals described in paragraph (1) and groups described in paragraph (3), including assistance to mitigate the risks of forced migration of such persons and groups from Iraq or from Syria;

(5) the mechanisms used by the United States Government to identify, assess, and respond to humanitarian, stabilization, and recovery needs, and risks of forced migration, of individuals described in paragraph (1) and groups described in paragraph (3);

(6) the assistance provided by or through the United Nations, including the Funding Facility for Immediate Stabilization and the Funding Facility for Expanded Stabilization, to address humanitarian, stabilization, and recovery needs of individuals described in paragraph (1) and groups described in paragraph (3), including assistance to mitigate the risks of forced migration of such individuals and groups within or across the borders of Iraq, Syria, or a country of first asylum from Iraq or from Syria;

(7) the entities, including faith-based entities, that are providing assistance to address humanitarian, stabilization, and recovery needs of individuals described in paragraph (1) and groups described in paragraph (3); and

(8) if the United States Government is funding entities described in paragraph (7) for purposes of providing assistance described in such paragraph, the sources of such funding; and

(9) if the United States Government is not funding entities described in paragraph (7) for purposes of providing assistance described in such paragraph, a justification for not funding such entities, including whether funding such entities is prohibited under United States law.

(b) ADDITIONAL CONSULTATION.—In carrying out subsection (a), the Secretary of State shall consult with, and consider credible information from, individuals described in subsection (a)(1) and entities described in subsection (a)(7).

(c) ASSISTANCE.—The Secretary of State and Administrator of the United States Agency for International Development shall provide assistance, including cash assistance, to support entities described in subsection (a)(7) that the Secretary and the Administrator determine are effectively providing assistance described in subsection (a)(7), including entities that received funding from the United States Government for such purposes before the date of the enactment of this Act.

(d) SENSE OF CONGRESS.—It is the sense of Congress that an appropriate amount of the additional amount made available under the heading ''Economic Support Fund'' in title II of division B of the Further Continuing and Security Assistance Appropriations Act, 2017 (Public Law 114–254) should be made available to carry out subsection (c).

SEC. 1296. REFUGEE ADMISSIONS OF NATIONALS AND RESIDENTS OF IRAQ OR OF SYRIA.

(a) IN GENERAL.—Aliens who are, or were, a national and a resident of Iraq or of Syria, and who share common characteristics that identify them as targets of persecution on account of membership in a religious or ethnic minority in that country, particularly survivors of genocide, crimes against humanity, or war crimes, or the surviving spouse or child of an individual who was killed by a perpetrator of such a crime—

(1) are deemed to be of special humanitarian concern to the United States; and

(2) shall be eligible for Priority 2 processing under the refugee resettlement priority system.

(b) IN-COUNTRY AND OUT-OF-COUNTRY PROCESSING.—Aliens described in subsection (a) shall be allowed to apply, and interview, for admission to the United States through refugee processing mechanisms in countries where aliens may apply, and interview, for admission to the United States as refugees.

(c) APPLICABILITY OF OTHER REQUIREMENTS.—Aliens who qualify under this section for Priority 2 processing under the refugee resettlement priority system may only be admitted to the United States after—

(1) satisfying the requirements under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157); and

(2) clearing a background check and appropriate screening, as determined by the Secretary of Homeland Security.

(d) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may waive, in such Secretary's sole and unreviewable discretion, the application of paragraph (3)(B) (other than clause (i)(II)) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) with respect to activities undertaken by an alien described in subsection (a) in the course of avoiding or evading persecution by a terrorist organization (as defined in section 212(a)(3)(B)(vi) of such Act (8 U.S.C. 1182(a)(3)(B)(vi))).

(e) CATEGORICAL ELIGIBILITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''for each of fiscal years 1990'' and all that follows through ''2017'' and inserting ''each of the fiscal years 1990 through 2018''; and

(B) in subsection (e), by striking ''2017.'' each place it appears and inserting ''2018.''; and

(2) in section 599E(b)(2) (8 U.S.C. 1255 note), by striking ''2017,'' and inserting ''2018,''.

(f) RULE OF CONSTRUCTION.—Nothing in this section may be construed to lessen the protections under United States law for bona fide refugees who are not described in this section.

SEC. 1297. REPORTS.

(a) SUPPORT FOR THE INVESTIGATION AND PROSECUTION OF WAR CRIMES.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that includes—

(1) a detailed description of the efforts taken, and efforts proposed to be taken, by the Secretary of State to implement subsections (a) and (b) of section 1294; and

(2) an assessment of—

(A) the feasibility and advisability of prosecuting individuals who are suspected to have committed genocide, crimes against humanity, or war crimes in Iraq since January 2014, or in Syria since March 2011, in domestic courts in Iraq, hybrid courts, and internationalized domestic courts; and

(B) the capacity building, and other measures, needed to ensure effective criminal investigations of such individuals.

(b) CRIMINAL STATUTE REVIEW.—Not later than 120 days after the date of the enactment of this Act, the Attorney General shall submit a report to the appropriate congressional committees that includes—

(1) the results of the review conducted under section 1294(c); and

(2) such recommendations for legislative and administrative actions to implement the results of such review as the Attorney General determines appropriate.

(c) ASSISTANCE FOR PERSECUTED MINORITIES IN IRAQ OR IN SYRIA.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that includes a detailed description of—

(1) the efforts taken, and proposed to be taken, by the Secretary of State to implement section 1295;

(2) the matters identified under section 1295(a); and

(3) the efforts taken, and proposed to be taken, by the Secretary of State and the Secretary of Homeland Security to implement section 1296.

(d) FORM.—Each report required under this section shall be submitted in unclassified form, but may contain a classified annex, if necessary.

SA 721. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 667 proposed by Mr. MCCONNELL to the amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BASIC HEALTH PROGRAMS.

Section 1331(e)(1)(B) of the Patient Protection and Affordable Care Act (42 U.S.C. 18051(e)(1)(B)) is amended by striking ''200'' and inserting ''250''.

SA 722. Mr. UDALL (for himself and Mr. FRANKEN) submitted an amendment intended to be proposed to amendment SA 267 proposed by Mr. MCCONNELL to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

Strike section 202 and insert the following:

SEC. 202. SUPPORT FOR STATE AND INDIAN HEALTH PROGRAM RESPONSE TO SUBSTANCE USE DISORDER PUBLIC HEALTH CRISIS AND URGENT MENTAL HEALTH NEEDS.

(a) IN GENERAL.—There are authorized to be appropriated, and are appropriated, out of monies in the Treasury not otherwise obligated, $1,000,000,000 for each of fiscal years 2018 and 2019, to the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') to award grants to States and Indian health programs to address the substance use disorder public health crisis or to respond to urgent mental health needs within the State or community served by the Indian health program. In awarding grants under this section, the Secretary may give preference to States, and Indian health programs that serve Indian tribes, with a substantial incidence or prevalence of substance use disorders. Funds appropriated under this subsection shall remain available until expended.

(b) USE OF FUNDS.—Grants awarded to a State or Indian health program under subsection (a) shall be used for one or more of the following public health-related activities:

(1) Improving State prescription drug monitoring programs.

(2) Implementing prevention activities, and evaluating such activities to identify effective strategies to prevent substance use disorder.

(3) Training for health care practitioners, such as best practices for prescribing opioids, pain management, recognizing potential cases of substance use disorder, referral of patients to treatment programs, and overdose prevention.

(4) Supporting access to health care services provided by Federally certified opioid treatment programs or other appropriate health care providers to treat substance use disorders or mental health needs.

(5) Other public health-related activities, as the State or Indian health program determines appropriate, related to addressing the substance use disorder public health crisis or responding to urgent mental health needs within the State or community served by the Indian health program.

(c) INDIAN HEALTH PROGRAMS.—Not less than 10 percent of the amounts appropriated under subsection (a) shall be awarded to Indian health programs.

(d) DEFINITIONS.—In this section, the terms ''Indian health program'' and ''Indian tribe'' have the meanings given the terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

SA 723. Mr. BENNET submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 190 between lines 22 and 23, insert the following:

(6) A mechanism (to be know as ''Clean Energy-Ready Vets'') to provide workforce training, in coordination the Secretary of Energy, junior or community colleges (as defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f))) in the vicinity of such location, private industry, and nonprofit organizations, for members of the Armed Forces participating in the pilot program to transition to jobs in the clean energy industry, including in the cyber and grid security, natural gas, solar, wind, geothermal fields. In carrying out the mechanism, the Secretary of Defense shall—

(A) coordinate with the Secretary of Veterans Affairs to consider opportunities to—

(i) streamline the approval of appropriate workforce training programs for which members participating in the pilot program and following their transition to civilian life may use veterans educational assistance; and

(ii) enhance distance learning in connection with such workforce training using such assistance;

(B) enhance the process, in coordination with power companies, by which members of the Armed Forces participating in the pilot program who serve or have served in system administrator positions, information technology positions, and other relevant cybersecurity duties and positions in the Armed Forces may transition to civilian careers in electric grid security;

(C) consider opportunities for the use of veterans educational assistance for on-the-job working training activities under the pilot program that are conducted outside the military installation concerned; and

(D) ensure that members of the Armed Forces are provided information at appropriate times and locations regarding eligibility to participate in similar energy and grid security workforce training programs, including through the Transition Assistance Program (TAP) of the Department of Defense.

SA 724. Mr. BENNET submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CLEAN ENERGY-READY VETS PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy (referred to in this section as the ''Secretary'') shall establish a program, to be known as the ''Clean Energy-Ready Vets Program'', to support and enhance training opportunities for members of the Armed Forces who are transitioning out of service in the Armed Forces for jobs in the energy industry, including jobs relating to—

(1) electric grid security;

(2) energy transmission and distribution infrastructure; and

(3) solar, wind, geothermal, and natural gas energy.

(b) USE OF SKILLBRIDGE PROGRAM.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary, in partnership with the Secretary of Defense, shall carry out the Clean Energy-Ready Vets Program through the SkillBridge program of the Department of Defense at not fewer than 20 facilities of the Department of Defense, under which the Secretary shall—

(A) in partnership with junior or community colleges (as defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f))), nonprofit organizations, and the clean energy industry, train members of the Armed Forces who are transitioning out of service in the Armed Forces for jobs described in subsection (a); and

(B) facilitate partnerships between junior or community colleges (as defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f))) and potential employers to place members of the Armed Forces described in subparagraph (A) in jobs in the energy industry.

(2) MODIFICATION.—Notwithstanding any other provision of law, the Secretary of Defense shall modify the SkillBridge program to provide that 20 percent of the amount of Federal training assistance available under the SkillBridge program for the Clean Energy-Ready Vets Program at each facility of the Department of Defense may be used for on-the-job training activities conducted outside of a facility of the Department of Defense pursuant to the Clean Energy-Ready Vets Program.

(c) ADMINISTRATION.—

(1) SECRETARY.—In carrying out the Clean Energy-Ready Vets Program, the Secretary shall collaborate with the Secretary of Defense, the Secretary of Labor, and the Secretary of Veterans Affairs to increase opportunities for spouses of veterans to secure jobs in the energy industry.

(2) SECRETARY OF DEFENSE.—The Secretary of Defense shall collaborate with electric utilities to enhance the process by which members of the Armed Forces in system administrator positions, information technology positions, and other relevant cybersecurity duties and positions in the Armed Forces may transition to careers in electric grid security.

(3) SECRETARY OF LABOR.—To ensure that unemployed veterans and members of the Armed Forces who are transitioning out of service in the Armed Forces are provided information at appropriate times and locations regarding eligibility to participate in the Clean Energy-Ready Vets Program and other similar energy and grid security workforce training programs, the Secretary of Labor shall collaborate with—

(A) the Secretary of Defense;

(B) State workforce agencies; and

(C) American Job Centers.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the Clean Energy-Ready Vets Program [$_____] for [each of/the period of] fiscal years [2018 through _____].

(e) EXCEPTION FOR INDEPENDENT STUDY PROGRAMS RELATING TO ENERGY AND GRID SECURITY FROM CERTAIN LIMITATIONS ON USE OF EDUCATIONAL ASSISTANCE FROM DEPARTMENT OF VETERANS AFFAIRS.—Section 3680A(a)(4) of title 38, United States Code, is amended by striking ''except'' and all that follows through the period and inserting the following: ''except—

''(A) an accredited independent study program (including open circuit television) leading to—

''(i) a standard college degree; or

''(ii) a certificate that reflects education attainment offered by an institution of higher learning; or

''(B) an independent study program in the field of energy or grid security.''.

(f) APPROVAL FOR PURPOSES OF VETERANS EDUCATIONAL ASSISTANCE OF PROGRAMS OF EDUCATION RELATING TO ELECTRIC GRID SECURITY, ENERGY TRANSMISSION, AND RENEWABLE ENERGY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs—

(A) shall approve or disapprove under chapter 36 of title 38, United States Code, each program of education described in paragraph (2) of an educational institution that seeks approval of such program of education under such chapter; and

(B) shall not require such educational institution to seek approval of such program of education from a State approving agency under such chapter in order for it to be approved under such chapter.

(2) PROGRAMS OF EDUCATION DESCRIBED.—A program of education described in this paragraph is a program of education relating to the following:

(A) Electric grid security.

(B) Energy transmission and distribution infrastructure.

(C) Solar, wind, geothermal, and natural gas energy.

SA 725. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORT ON CYBER CAPABILITY AND READINESS SHORTFALLS OF ARMY COMBAT TRAINING CENTERS .

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on the Army Combat Training Centers and the current resident cyber capabilities and training at such centers to examine potential training readiness shortfalls and ensure that pre-rotational cyber training needs are met.

(b) CONSIDERATION OF NEARBY ASSETS.—In preparing the report under subsection (a), the Secretary shall take into account nearby Army Combat Training Center cyber assets that could contribute to addressing potential cyber capability and readiness shortfalls.

SA 726. Mr. CASSIDY submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPORT ON MILITARY TEST AND TRAINING EVENTS CONDUCTED IN THE AREA EAST OF THE MILITARY MISSION LINE IN THE GULF OF MEXICO.

(a) IN GENERAL.—Not later than March 1, 2018, the Secretary of Defense, after consultation with the Secretary of Interior, shall submit to the congressional defense committees and the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on military test and training events conducted in

the area east of the Military Mission Line in the Gulf of Mexico.

(b) ELEMENTS.—The report required under subsection (a) shall address the following matters:

(1) The frequency and impact of test events, exercises, and military operations conducted annually in the ranges and operating areas east of the Military Mission Line in the Gulf of Mexico from 2006 to the time of the report.

(2) The frequency and impact of test events, exercises, and military operations conducted annually from 2006 to the time of the report in the ranges and operating in planning areas where active Outer Continental oil and gas leases currently exist.

(3) Comparable testing and training areas within the United States and its territories that can replicate the capabilities of the ranges and operating areas east of the Military Mission Line in the Gulf of Mexico.

(4) Comparable testing and training areas outside the United States which are available for United States military testing and training activities that can replicate the capabilities of the ranges and operating areas east of the Military Mission Line in the Gulf of Mexico.

(5) The extent to which the services will be able to meet training and test requirements necessary to be prepared to support Operational Plans should the moratorium on oil and gas leasing, pre-leasing, or any related activity east of the Military Mission Line in the Gulf of Mexico not be extended.

(6) The extent to which the services will be able to meet their training and test requirements, with specific stipulations similar to those in the Gulf of Mexico Central Planning Area, while incorporating potential Department of the Interior priorities east of the Military Mission Line in the Gulf of Mexico.

(c) MEASUREMENT OF FREQUENCY AND IMPACT.—For purposes of paragraphs (1) and (2) of subsection (b)—

(1) frequency shall be measured in duration as calendar days when test events, exercises, and military operations occur; and

(2) impact shall be measured in areas (as defined by longitude and latitude in degrees, minutes, and seconds) where restrictions or stipulations are imposed for test events, exercises, and military operations.

SA 727. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING SUBSTANCE USE DISORDERS.

It is the Sense of the Senate that:

(1) The Committees of jurisdiction of the Senate should review issues related to substance use disorders, particularly related to opioids, including Federal efforts to prevent the development of, improve access to treatment, and promote recovery for people with opioid and other substance use disorders.

(2) Obamacare should be repealed because it increases health care costs, limits patient choice of health plans and doctors, forces Americans to buy insurance that they do not want, cannot afford, or may not be able to access, increases taxes on middle class families and fails to focus the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) on individuals most in need, such as the elderly and the disabled, as evidenced by the following:

(A) Premiums for plans offered on the Federal Exchange have doubled on average over the last 4 years, and these increases are projected to continue.

(B) 70 percent of counties have only a few options for Obamacare insurance in 2017, and at least 40 counties are expected to have zero insurers planning on their Exchange in 2018.

(C) 2,300,000 Americans purchasing plans on the Exchanges are projected to have only one insurer to choose from in 2018.

(D) The Joint Committee on Taxation has identified significant and widespread tax increases on individuals earning less than$200,000.

(E) Medicaid costs have continued to spiral year after year leading to a detrimental impact on State budgets, which constrains State choices with respect to health care.

(3) Obamacare should be replaced with patient-centered legislation that—

(A) provides access to quality, affordable private health care coverage for Americans and their families by increasing competition, State flexibility, and individual choice; and

(B) strengthens the Medicaid program by focusing on the most needy individuals and empowering States through increased flexibility to best meet the needs of their population.

SA 728. Mrs. GILLIBRAND (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. _____. LIMITATION ON MODIFICATION OF STATUS OF TRANSGENDER MEMBERS OF THE ARMED FORCES.

(a) LIMITATION.—No action described in subsection (b) may be taken with respect to transgender members of the Armed Forces until 60 days after the date of the submittal to Congress of a report on the six-month review being conducted by the Secretary of Defense in order to evaluate the impact of accessions of transgender individuals into the Armed Forces on readiness and lethality that will include all relevant considerations.

(b) ACTIONS.—An action described in this subsection with respect to transgender members of the Armed Forces is any of the following in connection with the nature of such members as transgender individuals:

(1) A modification of service status in the Armed Forces (other than through the normal expiration of service commitment or pursuant to a sentence of court-martial or administrative board action).

(2) A modification of current entitlement or eligibility for health care benefits as a member of the Armed Forces, or of the scope or nature of benefits to which entitled or eligible.

(3) Any change of responsibility or position (other than through promotion or routine reassignment or deployment).

SA 729. Mr. BROWN submitted an amendment intended to be proposed by him to the bill H.R. 1628, to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2017; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXCEPTION FOR CERTAIN SMALL GROUP HEALTH PLANS.

(a) INTERNAL REVENUE CODE.—Section 9831(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following flush sentence:

''A governmental plan shall be deemed to satisfy paragraph (2) if such plan has 2 or more participants who are current employees, and (A) such current employees retired from an employer and were subsequently hired by a different employer, and (B) such plan requires that participants be enrolled in the Medicare program under part A of title XVIII of the Social Security Act.''.

(b) ERISA.—Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(a)) is amended by adding at the end the following: ''A governmental plan shall be deemed to satisfy this subsection if such plan has 2 or more participants who are current employees and (1) such current employees retired from an employer and were subsequently hired by a different employer, and (2) such plan requires that participants be enrolled in the Medicare program under part A of title XVIII of the Social Security Act.''.

(c) PUBLIC HEALTH SERVICE ACT.—Section 2722 of the Public Health Service Act (42 U.S.C. 300gg-21) is amended by adding at the end the following:

''(e) EXCEPTION FOR CERTAIN SMALL GROUP HEALTH PLANS.—The requirements of subparts 1 and 2 shall not apply with respect to a group health plan for any plan year if, on the first day of such plan year, such plan has less than 2 participants who are current employees. A non-Federal governmental plan shall be deemed to satisfy this subsection if such plan has 2 or more participants who are current employees and—

''(1) such current employees retired from an employer and were subsequently hired by a different employer; and

''(2) such plan requires that participants be enrolled in the Medicare program under part A of title XVIII of the Social Security Act.''.

SA 730. Mr. NELSON (for himself and Mr. COTTON) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XVI, add the following:

SEC. _____. PROHIBITION ON ESTABLISHMENT OF MILITARY DEPARTMENT OR CORPS SEPARATE FROM OR SUBORDINATE TO THE CURRENT MILITARY DEPARTMENTS.

No funds authorized to be appropriated by this Act or otherwise available for fiscal year 2018 for the Department of Defense may be used to establish a military department or corps separate from or subordinate to the current military departments, including a Space Corps in the Department of the Air Force, or a similar such corps in any other military department.

SA 731. Mr. NELSON (for himself, Mr. CORNYN, Mr. WARNER, Mr. TILLIS, and Mr. MARKEY) submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and

for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. ___. APOLLO I LAUNCH TEST ACCIDENT MEMORIAL AT ARLINGTON NATIONAL CEMETERY, VIRGINIA.

(a) FINDINGS.—Congress finds the following:

(1) On January 27, 1967, National Aeronautics and Space Administration (NASA) Astronauts Command Pilot Virgil I. ''Gus'' Grissom, Senior Pilot Edward H. White II, and Pilot Roger B. Chaffee were killed in an electrical fire that broke out inside the Apollo I Command Module on Launch Pad 34 at the Kennedy Space Center in Cape Canaveral, Florida.

(2) Command Pilot Virgil I. ''Gus'' Grissom was selected by NASA in 1959 as one of the original seven Mercury astronauts. He piloted the Liberty Bell 7 spacecraft on July 21, 1963, on the second and final Mercury suborbital test flight, served as command pilot on the first manned Gemini flight on March 23, 1965, and was named as Command Pilot of the first Apollo flight. He began his career in the United States Army Air Corps and was a Lieutenant Colonel in the United States Air Force at the time of the accident, and he is buried at Arlington National Cemetery.

(3) Senior Pilot Edward H. White II was selected by NASA as a member of the second astronaut team in 1962. He piloted the Gemini-4 mission, a 4-day mission that took place in June 1965, during which he conducted the first extravehicular activity in the United States human spaceflight program. He was named as Command Module Pilot for the first Apollo flight. He began his career as a cadet at the United States Military Academy and was a Lieutenant Colonel in the United States Air Force at the time of the accident, and he is buried at West Point Cemetery.

(4) Pilot Roger B. Chaffee was selected by NASA as part of the third group of astronauts in 1963. He was named as the Lunar Module Pilot for the first Apollo flight. He began his career as a Naval Reserve Officer Training Corps midshipman at Illinois Institute of Technology and Purdue University before commissioning as an ensign in the United States Navy, he was a Lieutenant Commander in the United States Navy at the time of the accident, and he is buried at Arlington National Cemetery.

(5) All 3 astronauts were posthumously awarded the Congressional Space Medal of Honor.

(6) As Arlington National Cemetery is where the United States recognize heroes who have passed in the service of our Nation, it is fitting on the 50th anniversary of the Apollo I launch test accident that the United States acknowledge those astronauts by building a memorial in their honor.

(b) CONSTRUCTION OF MEMORIAL TO THE CREW OF THE APOLLO I LAUNCH TEST ACCIDENT AT ARLINGTON NATIONAL CEMETERY.—Subject to applicable requirements of section 2409(b)(2)(E) of title 38, United States Code, the Secretary of the Army shall, in consultation with the Administrator of the National Aeronautics and Space Administration, the Commission of Fine Arts, and the Advisory Committee on Arlington National Cemetery, authorize the construction at an appropriate place in Arlington National Cemetery, Virginia, of a memorial marker honoring the three members of the crew of the Apollo I crew who died during a launch rehearsal test on January 27, 1967, in Cape Canaveral, Florida.

SA 732. Mr. NELSON submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 338. PREVENTING ENCROACHMENT BY ACTIVITIES NOT COMPATIBLE WITH MILITARY OPERATIONS ON DEPARTMENT OF DEFENSE TEST AND TRAINING RANGES.

Section 104(a) of the Gulf of Mexico Energy Security Act of 2006 (title I of division C of Public Law 109–432; 43 U.S.C. 1331 note) is amended by striking ''June 30, 2022'' and inserting ''June 30, 2027''.

SA 733. Mr. STRANGE submitted an amendment intended to be proposed by him to the bill H.R. 2810, to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In the funding table in section 4101, in the item relating to Littoral Combat Ship, increase the amount in the Senate Authorized column by $1,200,000,000.

AUTHORITY FOR COMMITTEES TO MEET

Mr. MORAN. Mr. President, I have 5 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Thursday, July 27, 2017, at 9:30 a.m., in 328A Russell Senate Office Building, in order to conduct a hearing entitled ''To consider the following nominations: Rostin Behnam, Brian D. Quintenz, and Dawn DeBerry Stump, to be Commissioners at the CFTC.''

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Thursday, July 27, 2017 at 9:45 a.m. to conduct an executive session to vote on nominations.

COMMITTEE ON FOREIGN RELATION

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, July 27, 2017 at 10 a.m., to hold a business meeting.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate, on July 27, 2017, at 9 a.m., in room SH–216 of the Hart Senate Office Building, to continue a hearing entitled ''Oversight of the Foreign Agents Registration Act and Attempts to Influence U.S. Elections: Lessons Learned from Current and Prior Administrations.''

COMMITTEE ON INTELLIGENCE

The Senate Select Committee on Intelligence is authorized to meet during the session of the 115th Congress of the U.S. Senate on Thursday, July 27, 2017 from 10 a.m. in room SH–219 of the Senate Hart Office Building to hold a Closed Member Markup.

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Joshua Friedlein, be granted privileges of the floor for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WICKER. Mr. President, I ask unanimous consent that Dave Zwirblis, Shane Stoughton, and Neal McMillan, congressional fellows in my office, be granted floor privileges for the remainder of the 115th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JULY 31, 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 4 p.m., Monday, July 31; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the Newsom nomination; finally, that notwithstanding the provisions of rule XXII, the cloture vote on the Newsom nomination occur at 5:30 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, JULY 31, 2017, AT 4 P.M.

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 1:56 a.m., adjourned until Monday, July 31, 2017, at 4 p.m.

NOMINATIONS

Executive nominations received by the Senate:

CONSUMER PRODUCT SAFETY COMMISSION

ANN MARIE BUERKLE, OF NEW YORK, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2018. (REAPPOINTMENT)

ANN MARIE BUERKLE, OF NEW YORK, TO BE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION, VICE ELLIOT F. KAYE.

EXECUTIVE OFFICE OF THE PRESIDENT

C. J. MAHONEY, OF KANSAS, TO BE DEPUTY UNITED STATES TRADE REPRESENTATIVE (INVESTMENT, SERVICES, LABOR, ENVIRONMENT, AFRICA, CHINA, AND THE WESTERN HEMISPHERE), WITH THE RANK OF AMBASSADOR, VICE MIRIAM E. SAPIRO, RESIGNED.

DEPARTMENT OF STATE

JOHN R. BASS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF AFGHANISTAN.

SAMUEL DALE BROWNBACK, OF KANSAS, TO BE AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM, VICE DAVID NATHAN SAPERSTEIN, RESIGNED.

MICHAEL JAMES DODMAN, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

AFRICAN DEVELOPMENT BANK

J. STEVEN DOWD, OF FLORIDA, TO BE UNITED STATES DIRECTOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF FIVE YEARS, VICE WALTER CRAWFORD JONES, RESIGNED.

DEPARTMENT OF STATE

PETER HOEKSTRA, OF MICHIGAN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

DANIEL J. KRITENBRINK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SOCIALIST REPUBLIC OF VIETNAM.

JUSTIN HICKS SIBERELL, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER–COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF BAHRAIN.

MICHELE JEANNE SISON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HAITI.

DEPARTMENT OF JUSTICE

HALSEY B. FRANK, OF MAINE, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MAINE FOR THE TERM OF FOUR YEARS, VICE THOMAS E. DELAHANTY II, RESIGNED.

JEFFREY B. JENSEN, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE RICHARD G. CALLAHAN, RESIGNED.

MARK A. KLAASSEN, OF WYOMING, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF WYOMING FOR THE TERM OF FOUR YEARS, VICE CHRISTOPHER A. CROFTS, RESIGNED.

BYUNG J. PAK, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS, VICE SALLY QUILLIAN YATES, RESIGNED.

BRIAN D. SCHRODER, OF ALASKA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ALASKA FOR THE TERM OF FOUR YEARS, VICE KAREN LOUISE LOEFFLER, RESIGNED.

D. MICHAEL HURST, JR., OF MISSISSIPPI, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF FOUR YEARS, VICE GREGORY K. DAVIS, RESIGNED.

WILLIAM C. LAMAR, OF MISSISSIPPI, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF FOUR YEARS, VICE FELICIA C. ADAMS, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DENNIS ARROYO
ERRILL C. AVECILLA
CHARLES A. BLANKMAN
THOMAS J. COLLINS
CRAIG E. DEAN
MARY C. GANTT
ORIN C. GILBERT
WILLIAM J. LEE
GLENN LITMAN
MICHAEL R. MEDVED
MARK A. SANDERS
RONALD C. SMITH
MICHAEL A. SPOSATO
BRIAN P. WEBER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MURRAY E. CARLOCK
ROGER W. DRURY
ALFRED F. GOMEZ
JOHNNY D. JURGENSMEYER
JAMES M. JUSTITZ
JOHN M. KOLTVEDT
SANDRA R. MASON
GEORGE W. MCCOMMON
CORY J. OSWALD
JAMES D. PALMER
JOHN A. PASSEHL
CHRISTOPHER C. RIVERA
JOHN M. RODOLICO
WALTER R. ROSS, JR.
CARLOS V. SILVA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ALON S. AHARON
DANIEL E. BANKS
EVERETT J. BONNER, JR.
STEPHEN A. COLE
JON D. DUBOSE
JAMES H. GRUBER
TERRY D. HASHEY
MICHAEL L. JONES
HOMER E. KIRBY III
THEODOROS C. KOUMOUNDOUROS
MATTHEW J. LIEPKE
JOSE J. LOPEZAGUDO
CHRISTOPHER A. MARINAKIS
KARL E. MARKERT
SHANE R. MULL
BRETT D. OWENS
TRENT D. RASMUSSEN
MANI RAVEE
WAYNE T. SCOTT
REGAN P. SHABLOSKI
KELLY J. TURNER
STEPHEN E. VINGE
THEODORE M. WARE
EDWIN A. WYMER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JULIA R. PLEVNIA
CHARLES G. RIDDLE
DOUGLAS B. SELBE
MONT S. SMITH
HAL E. VINEYARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

TRESSA D. COCHRAN
MICHAEL C. DESENA
LIBBY L. DILLON
ANGELA D. FOSTER
PAUL G. GRAHAM
SANDRA B. HOLMES
KATHLEEN L. KING
JANET G. LUNDBERG
MARCELLA P. MCCALL
ROBERT W. NANCE, JR.
AMY J. PRICE
BRENDA A. RUHRER
CARRIE L. TEAGUE
KAREN F. WIGGINS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LOREN D. ADAMS
JANICE L. BAKER
CHARLES C. DODD
TAMARA B. GULL
JULIE A. KOUPAL
PHILIP A. WENTZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOANNE E. ARSENAULT
TERESA R. BIERD
ANNIE M. CICHOCKI
JOHN F. CONROY
YVONNE M. IVANOV
JOHN R. KITCHEN
PATRICIA M. OSMON
HAIDDIE L. PRATA
FELISHA L. RHODES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MICHAEL E. ALVIS
CYRILENE D. ARRINGTON
MARIO AVILA, JR.
JOHN C. BARFELS
JOHN P. BOGGAN
TRENT D. BRANN
ELIZABETH A. BUSHEME
JACK O. EGAN
WILLIAM D. FLOYD
STEVEN GANDIA
ERIC D. HUGHES
MARK P. LOYOLA
MICHAEL K. MAGNER
KELLY J. NEBEL
CHRISTI G. OPSTRUP
MARILYNN G. RINK
ERIC L. SKINNER
MICHELE M. SPENCER
KATHERINE V. SUAREZ
DANITA L. TAYLOR
JAMES R. VANDEVENTER
JEFFREY A. WADE
RICHARD L. WEICHEL
JEFFREY P. WOOD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOHN W. ALDRIDGE
RAJ S. AMBAY
HAN S. BAE
LEE G. BECKWITH
INES H. BERGER
VLADIMIR BERKOVICH
DAVID BETTINGER
WILLIAM BROWDER
ALICIA CHILITO
RICHARD E. CLATTERBUCK
CINDY A. CODISPOTI
ALEXANDER F. DEGAZON
SHERI K. DENNISON
SHERRI L. DUNKELBERGER
JOSEF K. EICHINGER
CRAIG M. EYMAN
ANTONY FERNANDEZ
MARY C. FISCHER
ELIZABETH Y. FLANIGAN
ROBERT T. GEERTMAN
BRUCE A. GLEASON
DIANE F. GODOROV
PETER S. HEDBERG
TINH K. HUYN
NADIM ISLAM
NICKOLAS KARAJOHN
DAVID KING
OLIVER Y. LAU
ELIZABETH A. LAWRANCE
ROBERTO LEBRON
JUNPING LI
MILES E. MAHAN
CHAD T. MARLEY
SHARON A. MAXWELL
WILLIAM H. MONTGOMERY, JR.
ARTHUR W. MORROW
JODY D. NEFF
JOHN T. P. NGUYEN
LUCIANO OQUENDO III
SHANE E. OTTMANN
GOPAKUMAR P. PANIKKAR
MATTHEW W. PANTSARI
AKI S. PURYEAR
MATTHEW D. PUTNAM
JULIE M. K. REMO
JOSE N. RIVERARUIZ
CAROLINE A. RYAN
JARRET E. SANDS
JAVIER SANTIAGORIVERA
JEFFREY L. SHERE
JAMES B. SMITH
MICHAEL J. SORNA
DE Q. TRAN
LORENZO M. VAZQUEZ
JAMES A. WAYNE, JR.
GORDON R. WEIGLE
MALLORY WILLIAMS
THEODORE S. WOLL
PHILIP E. ZAPANTA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

SCOTT R. CHEEVER
VAL J. CHEEVER
ROGER T. ELLIS
JOHN W. GEARY, JR.
DENNIS R. GIMLIN
DONALD C. GUNDLACH
MICHAEL A. HOLLIFIELD
MARTIN A. HRITZ
JOHN C. P. HSU
MANUEL L. IRAVEDRA
KEVIN D. JOHNSON
TRENT E. LOISEAU
MANBIR K. PANNU
RUPANDE PATEL
ADAM K. RICH
SUSAN D. TUBIC
DIANA E. ZSCHASCHEL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

EDWARD J. ALEXANDER
KATHY A. BAPTISTEJONES
ANDREA K. BASSMARTIN
LEANNA J. BROWN
AVERY A. BROWNE
MAUREEN M. COMFORT
JEANNETTA CORCORAN
CHRISTOPHER W. DABBS
JEFFREY R. DELAY
MARK W. DUNAVAN
OGO C. EZEOKEKE

ELIZABETH A. FRALEY
GREGORY P. FRAZIER
DERRICK C. GLYMPH
TERESA L. GUILES
PAMELA J. LAWSON
TRYPHENA T. LEWIS
MARTHA J. LYSTAD
SHEILA M. MCCARLEY
SCOTT D. MCDANNOLD
TODD W. MEHRHOFF
MELODY K. MOUNT
RAMONA J. MULLEINSFOREMAN
JACQUELYN C. NELSON
PATRICIA A. OLSON
ERIK R. PEMBERTON
KATHARINE O. POLLITT
CONCEPCION E. L. RIVERA
MICHAEL A. ROLLIN
MARIA E. ROMANLOZADA
SARA M. RUSH
KAREN M. RUTHERFORD
EDNA J. SMITH
VIVIAN L. TAYLOR
PATRICIA J. WADFORD
DANIEL E. WALTERS
DARIN J. WARD
ARLISSA M. WASHINGTON
SUSAN M. WEDELL
BRIDGET C. WOLFE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBIN CREAR
SCOTT T. FRAZIER
JEFFREY P. GRIMES
CHRISTOPHER R. HARRIS
LEON E. HOOTEN IV
DAVID G. PARKER
STEPHEN A. ROGERS
NEIL P. WOODS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ERIC W. BULLOCK
CRYSTAL R. ROMAY