

foster collaboration between such governments in furtherance of the purposes set forth in section 3 of the Mentally Ill Offender Treatment and Crime Reduction Act of 2004 (34 U.S.C. 10651 note).”.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 501—RECOGNIZING THREATS TO FREEDOM OF THE PRESS AND EXPRESSION AROUND THE WORLD AND REAFFIRMING FREEDOM OF THE PRESS AS A PRIORITY IN EFFORTS OF THE GOVERNMENT OF THE UNITED STATES TO PROMOTE DEMOCRACY AND GOOD GOVERNANCE

Mr. CASEY (for himself, Mr. RUBIO, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 501

Whereas Article 19 of the United Nations Universal Declaration of Human Rights, adopted in Paris, France, on December 10, 1948, states that “[e]veryone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”;

Whereas, in 1993, the United Nations General Assembly proclaimed May 3 of each year as “World Press Freedom Day” to—

(1) celebrate the fundamental principles of freedom of the press;

(2) evaluate freedom of the press around the world;

(3) defend against attacks on the independence of the media; and

(4) pay tribute to journalists who have lost their lives in the exercise of their profession;

Whereas, on December 18, 2013, the United Nations General Assembly adopted United Nations General Assembly Resolution 163 (2013) on the safety of journalists and the issue of impunity, which unequivocally condemns, in both conflict and nonconflict situations, all attacks on and violence against journalists and media workers, including torture, extrajudicial killing, enforced disappearance, arbitrary detention, and intimidation and harassment;

Whereas the theme for World Press Freedom Day 2018 is “Keeping Power in Check: Media, Justice and the Rule of Law”;

Whereas the Daniel Pearl Freedom of the Press Act of 2009 (22 U.S.C. 2151 note; Public Law 111-166), which was passed by unanimous consent in the Senate and signed into law by President Barack Obama in 2010, expanded the annual Human Rights Reports of the Department of State to include an examination of freedom of the press;

Whereas the 2017 World Press Freedom Index, published by Reporters Without Borders, warned that “media freedom has retreated wherever the authoritarian strongman model has triumphed”;

Whereas Freedom House noted in the report “Freedom of the Press 2017” that—

(1) global press freedom has declined to its lowest point in 13 years; and

(2) only 13 percent of the global population enjoys a free press, meaning a media environment in which “coverage of political news is robust, the safety of journalists is guaranteed, state intrusion in media affairs is minimal, and the press is not subject to onerous legal or economic pressures”;

Whereas, according to the Committee to Protect Journalists—

(1) in 2017—

(A) the 2 deadliest countries for journalists on assignment were Iraq and Syria;

(B) 46 journalists were killed in cases in which the motive for the killing was confirmed to be related to reporting by those journalists;

(C) 20 journalists were killed in cases in which the motive for the killing was unconfirmed;

(D) there were 21 cases in which journalists were jailed for “false news”, which represented more than double the number of cases in which journalists were jailed for “false news” in 2016; and

(E) the percentage of female journalists who were killed in a year was the highest on record;

(2) the most dangerous subject for a journalist to report is politics, followed only then by war; and

(3) as of December 1, 2017, 262 journalists worldwide were imprisoned for their work, marking the second consecutive year that the number of journalists imprisoned for their work hit a historic high;

Whereas freedom of the press is a key component of democratic governance, activism in civil society, and socioeconomic development; and

Whereas freedom of the press enhances public accountability, transparency, and participation in civil society and democratic governance: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses concern about the threats to freedom of the press and expression around the world;

(2) welcomes the celebration of World Press Freedom Day 2018 on May 3, 2018;

(3) commends journalists and media workers around the world for their essential role in promoting government accountability, defending democratic activity, and strengthening civil society, despite threats to the safety of those journalists and media workers;

(4) pays tribute to journalists who have lost their lives carrying out their work;

(5) calls on governments abroad to implement United Nations General Assembly Resolution 163 (2013) on the safety of journalists and the issue of impunity by thoroughly investigating and seeking to resolve outstanding cases of violence against journalists, including murders and kidnappings, while ensuring the protection of witnesses;

(6) condemns all actions around the world that suppress freedom of the press;

(7) reaffirms the centrality of freedom of the press to efforts of the Government of the United States to support democracy, mitigate conflict, and promote good governance domestically and around the world; and

(8) calls on the President and the Secretary of State to—

(A) on the basis of the protections afforded under the First Amendment to the Constitution of the United States, preserve and build upon the leadership of the United States on issues relating to freedom of the press;

(B) improve the means by which the Government of the United States rapidly identifies, publicizes, and responds to threats against freedom of the press around the world;

(C) urge foreign governments to conduct transparent investigations and adjudications of the perpetrators of attacks against journalists; and

(D) highlight the issue of threats against freedom of the press—

(i) in the annual Human Rights Reports of the Department of State; and

(ii) throughout the year.

### AMENDMENTS SUBMITTED AND PROPOSED

SA 2241. Mr. MCCONNELL (for Mr. WHITEHOUSE (for himself and Mr. PORTMAN)) proposed an amendment to the bill S. 1732, to amend title XI of the Social Security Act to promote testing of incentive payments for behavioral health providers for adoption and use of certified electronic health record technology.

### TEXT OF AMENDMENTS

SA 2241. Mr. MCCONNELL (for Mr. WHITEHOUSE (for himself and Mr. PORTMAN)) proposed an amendment to the bill S. 1732, to amend title XI of the Social Security Act to promote testing of incentive payments for behavioral health providers for adoption and use of certified electronic health record technology; as follows:

Strike section 2 and insert the following:

#### SEC. 2. TESTING OF INCENTIVE PAYMENTS FOR BEHAVIORAL HEALTH PROVIDERS FOR ADOPTION AND USE OF CERTIFIED ELECTRONIC HEALTH RECORD TECHNOLOGY.

Section 1115A(b)(2)(B) of the Social Security Act (42 U.S.C. 1315a(b)(2)(B)) is amended by adding at the end the following new clause:

“(xxv) Providing incentive payments to behavioral health providers for the adoption and use of certified electronic health record technology (as defined in section 1848(o)(4)) to improve the quality and coordination of care through the electronic documentation and exchange of health information. Behavioral health providers may include—

“(I) psychiatric hospitals (as defined in section 1861(f));

“(II) community mental health centers (as defined in section 1861(ff)(3)(B));

“(III) clinical psychologists (as defined in section 1861(ii));

“(IV) clinical social workers (as defined in section 1861(hh)(1)); and

“(V) hospitals, treatment facilities, and mental health or substance use disorder providers that participate in a State plan under title XIX or a waiver of such plan.”.

### AUTHORITY FOR COMMITTEES TO MEET

Mr. CASSIDY. Mr. President, I have a request for one committee to meet during today’s session of the Senate. It has the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committee is authorized to meet during today’s session of the Senate:

#### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Monday, May 7, 2018, at 5:30 p.m. to hold a hearing on the following nominations: Christopher Krebs, of Virginia, to be Under Secretary of Homeland Security for National Protection and Programs, and David Williams, of Illinois, and Robert M. Duncan, of Kentucky, both to be a Governor of the United States Postal Service.

MEASURE READ THE FIRST  
TIME—H.R. 4

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The bill clerk read as follows:

A bill (H.R. 4) to reauthorize programs of the Federal Aviation Administration, and for other purposes.

Mr. MCCONNELL. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

IMPROVING ACCESS TO BEHAVIORAL HEALTH INFORMATION TECHNOLOGY ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 1732 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 bill clerk read as follows:

A bill (S. 1732) to amend title XI of the Social Security Act to promote testing of incentive payments for behavioral health providers for adoption and use of certified electronic health record technology.

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

Mr. MCCONNELL. Mr. President, I further ask unanimous consent that the Whitehouse amendment, which is at the desk, be agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The amendment (No. 2241) was agreed to, as follows:

(Purpose: To improve the bill)

Strike section 2 and insert the following:

**SEC. 2. TESTING OF INCENTIVE PAYMENTS FOR BEHAVIORAL HEALTH PROVIDERS FOR ADOPTION AND USE OF CERTIFIED ELECTRONIC HEALTH RECORD TECHNOLOGY.**

Section 1115A(b)(2)(B) of the Social Security Act (42 U.S.C. 1315a(b)(2)(B)) is amended by adding at the end the following new clause:

“(xxv) Providing incentive payments to behavioral health providers for the adoption and use of certified electronic health record technology (as defined in section 1848(o)(4)) to improve the quality and coordination of care through the electronic documentation and exchange of health information. Behavioral health providers may include—

“(I) psychiatric hospitals (as defined in section 1861(f));

“(II) community mental health centers (as defined in section 1861(ff)(3)(B));

“(III) clinical psychologists (as defined in section 1861(ii));

“(IV) clinical social workers (as defined in section 1861(hh)(1)); and

“(V) hospitals, treatment facilities, and mental health or substance use disorder providers that participate in a State plan under title XIX or a waiver of such plan.”.

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 (S. 1732), as amended, was passed, as follows:

S. 1732

*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 “Improving Access to Behavioral Health Information Technology Act”.

**SEC. 2. TESTING OF INCENTIVE PAYMENTS FOR BEHAVIORAL HEALTH PROVIDERS FOR ADOPTION AND USE OF CERTIFIED ELECTRONIC HEALTH RECORD TECHNOLOGY.**

Section 1115A(b)(2)(B) of the Social Security Act (42 U.S.C. 1315a(b)(2)(B)) is amended by adding at the end the following new clause:

“(xxv) Providing incentive payments to behavioral health providers for the adoption and use of certified electronic health record technology (as defined in section 1848(o)(4)) to improve the quality and coordination of care through the electronic documentation and exchange of health information. Behavioral health providers may include—

“(I) psychiatric hospitals (as defined in section 1861(f));

“(II) community mental health centers (as defined in section 1861(ff)(3)(B));

“(III) clinical psychologists (as defined in section 1861(ii));

“(IV) clinical social workers (as defined in section 1861(hh)(1)); and

“(V) hospitals, treatment facilities, and mental health or substance use disorder providers that participate in a State plan under title XIX or a waiver of such plan.”.

ORDERS FOR TUESDAY, MAY 8,  
2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2:30 p.m., Tuesday, May 8; 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. I further ask that following leader remarks, the Senate proceed to executive session and resume consideration of the Engelhardt nomination; finally, that all time during recess, adjournment, morning business, and leader remarks count postcloture on the Engelhardt nomination.

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

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senators CASSIDY and CANTWELL.

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

The Senator from Louisiana.

NOMINATION OF KURT  
ENGELHARDT

Mr. CASSIDY. Mr. President, the nomination before us is for the U.S. Court of Appeals for the Fifth Circuit, specifically for Judge Kurt Engelhardt, and I rise today to voice my strong support.

Judge Engelhardt is a Louisiana native, earning both his bachelor's degree and law degree from Louisiana State University. I should note that Judge Engelhardt was a member of the Golden Band from Tigerland as a law student, one of the great college marching bands. He may have missed all of that marching because he took up marathon running a few years ago and has now completed 13 full marathons, including the Boston Marathon and the New York City Marathon. All of this is to say that the man has a personal life that is active and vigorous, but he also has a legal life.

After law school, Judge Engelhardt clerked for Judge Charles Grisbaum of the Louisiana Fifth Circuit Court of Appeals. He then practiced law at Little & Metzger in Metairie before becoming an associate and then partner at Hailey, McNamara, Hall, Larmann & Papale in Metairie.

In 2001, President George W. Bush nominated Judge Engelhardt for a seat on the U.S. District Court for the Eastern District of Louisiana. The Senate confirmed him by a voice vote in December 2001, demonstrating that this body gave him bipartisan support as the quality candidate he was. He has been the chief judge of the Eastern District of Louisiana since 2015.

Judge Engelhardt has been an active member of the New Orleans Chapter of the Federal Bar Association, serving on the board of directors for 10 years and as chapter president in 2011. He has active memberships in the Federal District Judges Association, the Louisiana State Bar Association, the New Orleans Bar Association, the Jefferson Bar Association, and the Fifth Circuit District Judges Association.

In 2004, Judge Engelhardt was appointed by the Supreme Court to serve on the Judicial Conference Committee on Federal-State Jurisdiction for two terms, and he has also served on the Louisiana Supreme Court's Judiciary Commission.

Judge Engelhardt was also very active in serving the New Orleans community, having served on the board of directors of the Cancer Association of Greater New Orleans for more than 20 years.

Judge Engelhardt was confirmed out of the Judiciary Committee on February 8, 2018, on a bipartisan basis. The committee recognizes that confirming good, qualified judges who uphold the Constitution is one of the Senate's top priorities.