

I congratulate Olivia on her accomplishments. I look forward to seeing her succeed as she continues to grow.●

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.)

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, August 1, 2018, she had presented to the President of the United States the following enrolled bill:

S. 2779. An act to amend the Zimbabwe Democracy and Economic Recovery Act of 2001.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6133. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Mark C. Nowland, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-6134. A communication from the Acting Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration's 2018 Annual Report of the Supplemental Security Income Program; to the Committee on Finance.

EC-6135. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Corinthian College and American Career Institutes Discharge of Indebtedness Private Student Loans" (Rev. Proc. 2018-39) received in the Office of the President of the Senate on July 31, 2018; to the Committee on Finance.

EC-6136. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance on Re-contributions, Rollovers and Qualified Higher Education Expenses under Section 529" (Notice 2018-58) received in the Office of the President of the Senate on July 31, 2018; to the Committee on Finance.

EC-6137. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "United States Tobacco Product Exports That Do Not Conform to Tobacco Product Standards"; to the Committee on Health, Education, Labor, and Pensions.

EC-6138. A communication from the Assistant General Counsel for Regulatory Services, Office of General Counsel, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of Guidance Documents" ((RIN1810-AB33) (Docket No. ED-2016-OESE-0056)) received in the Office of the President of the Senate on July 31, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC-6139. A communication from the Chief Privacy Officer, Department of Homeland Security, transmitting, pursuant to law, a report relative to the implementation of the recommendations of the 9/11 Commission for the period from October 1, 2018 through March 31, 2018; to the Committees on Homeland Security and Governmental Affairs; Select Committee on Intelligence; and the Judiciary.

EC-6140. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) Quarterly Report to Congress; Third Quarter of Fiscal Year 2018"; to the Committee on Veterans' Affairs.

EC-6141. A communication from the Associate Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Connect America Fund" ((RIN3060-AK57) (WC Docket No. 10-90)) received in the Office of the President of the Senate on July 31, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6142. A communication from the Program Analyst, Office of Managing Director, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Assessment and Collection of Regulatory Fees for Fiscal Year 2018" (FCC 18-65) received in the Office of the President of the Senate on July 31, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6143. A communication from the Chief, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Expanding Flexible Use of the 3.7 to 4.2 GHz Band; Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz; Petition for Rulemaking to Amend a Modernize Parts 25 and 101 of the Commission's Rules. . ." ((FCC 18-91) (GN Docket No. 18-122) (GN Docket No. 17-183) (RM-11791) (RM-11778)) received in the Office of the President of the Senate on July 31, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6144. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Island Pelagic Fisheries; False Killer Whale Take Reduction Plan; Closure of Southern Exclusion Zone" (RIN0648-XG334) received in the Office of the President of the Senate on July 31, 2018; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-280. A joint resolution adopted by the Legislature of the State of California urging the United States Congress to require, if necessary, a resolution between the federal Cen-

ters for Medicare and Medicaid Services and TRICARE to immediately restore data sharing and to waive the one-year timely filing restriction for all claims caught in this stoppage; to the Committee on Veterans' Affairs.

SENATE JOINT RESOLUTION NO. 23

Whereas, The federal Centers for Medicare and Medicaid Services (CMS), a part of the United States Department of Health and Human Services (HHS), works with the states to fund and implement the Medicaid program, which provides health coverage to millions of Americans, including eligible low-income adults, children, pregnant women, elderly adults, and people with disabilities; and

Whereas, TRICARE, which is managed by the United States Department of Defense Military Health System, provides civilian health benefits for active duty and reserve military members of the United States Armed Forces, military retirees, and their dependents, and which relies on the Defense Enrollment Eligibility Reporting System (DEERS) computerized database that contains TRICARE eligibility data for these individuals; and

Whereas, Approximately 1.75 million military veterans, their families, and active duty family members (nearly 1 in 10) have TRICARE and Medicaid coverage, including family members of active duty members who qualify under Medicaid income limits, veterans and their families who qualify under Medicaid income limits, disabled veterans and their families, and active duty family members that qualify for Medicaid due to disability; and

Whereas, For individuals who have both TRICARE and Medicaid coverage, TRICARE must pay as primary coverage; and

Whereas, Historically, identifying individuals with both TRICARE and Medicaid coverage has been a challenging, yet necessary, process, as acknowledged and documented in an HHS Inspector General report, "Medicaid Third Party Liability (TPL) Savings Have Increased, But Challenges Remain"; and

Whereas, Prior to 2017, TRICARE had matched their DEERS eligibility files and provided information back to the states about the individuals who had both TRICARE and Medicaid coverage; and

Whereas, The agreement to cross-match between CMS and TRICARE has expired and the parties have been unable to reestablish terms to coordinate benefits between the two programs; and

Whereas, In early 2017, TRICARE ceased its support in the data-match process in which states provide Medicaid enrollee eligibility information to TRICARE in order to identify those Members who have both TRICARE and Medicaid; and

Whereas, The expiration of the agreement has the effect of preventing the recovery of millions of payments annually where Medicaid erroneously paid, because TRICARE should have paid as primary coverage, resulting in a shift of additional costs from the federal government to the states; and

Whereas, TRICARE's timely filing limitation precludes Medicaid from billing a claim that should be TRICARE's responsibility if the service was rendered more than one year prior, resulting in additional annual costs shifting to California and other states; and

Whereas, TRICARE refuses to share data with, and process eligibility information from, Medicaid managed care organizations that provide care to more than 60 percent of all Medicaid members nationally. It is estimated that millions of dollars annually paid in claims should have been TRICARE's responsibility, not Medicaid managed care organizations resulting in even more cost shifting to the states and leading to improper Medicaid capitation payments; and