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House of Representatives

The House was not in session today. Its next meeting will be held on Thursday, September 20, 2018, at 9:30 a.m.

Senate

TUESDAY, SEPTEMBER 18, 2018

The Senate met at 10 a.m. and was called to order by the Honorable CINDY HYDE-SMITH, a Senator from the State of Mississippi.

PRAYER

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

Let us pray.

Eternal God, whose mercy is great unto the Heavens, help us to do what is right. May we not forget that You are the judge of the Earth and that we are accountable to You. Protect us from our enemies, for we place our trust in You.

Lord, sustain our Senators. Surround them with the shield of Your favor as they seek to live for Your glory. Hasten the day when the just rule of Your Kingdom shall fill the Earth with health and life and peace. Be exulted, O God, above the Heavens. Let Your glory be over the Earth.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 18, 2018.

To the Senate.

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CINDY HYDE-SMITH, a Senator from the State of Mississippi, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mrs. HYDE-SMITH thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

NOMINATION OF BRETT KAVANAUGH

Mr. MCCONNELL. Madam President, yesterday, Senator GRASSLEY announced that the Judiciary Committee will continue its hearings for Judge Brett Kavanaugh's nomination to the Supreme Court on Monday morning. Dr. Christine Blasey Ford of California and Judge Kavanaugh have both been invited to testify under oath.

Dr. Ford will have the opportunity to offer sworn testimony. She communicated with the ranking Democrat on the committee in writing nearly 7 weeks ago, but through no fault of hers, Senate Democrats chose to play politics and keep it secret throughout the entirety of Judge Kavanaugh's regular confirmation process. They sat on this information for nearly 7 weeks, until they leaked it to the press on the eve of the scheduled committee vote.

But as my colleague, the senior Senator from Texas, said yesterday, the blatant malpractice demonstrated by our colleagues across the aisle will not stop the Senate from moving forward in a responsible manner.

As I said yesterday, I have full confidence in Chairman GRASSLEY to lead the committee through the sensitive and highly irregular situation in which the Democrats' tactics have left all of us—all of us—Judge Kavanaugh, Dr. Ford, and the entire Senate.

Dr. Ford will be heard, and, of course, Judge Kavanaugh will have the opportunity to defend himself against this accusation—an accusation that he has unequivocally denied and that stands at odds with every other piece of the overwhelming positive testimony we have received about his character from his close friends, colleagues, and law clerks, from the distant past to the present day, including the high school years during which this misconduct is alleged to have taken place.

So this alleged incident is completely at variance with his entire history. He welcomes the opportunity to address the committee about this claim.

But, colleagues, we should not have gotten to this point in this manner, at this time. That this process has played out with so little order and so little sensitivity lies solely at the feet of Senate Democrats who sought political advantage in leaking this to the press

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

instead of vetting it through proper channels.

But this is where we are. So on Monday Chairman GRASSLEY and our colleagues on the Judiciary Committee will reconvene. They and the American people will hear testimony under oath.

OPIOID EPIDEMIC

Mr. MCCONNELL. Madam President, on an entirely different matter, yesterday the Senate sent a message to the millions of Americans who have personally done battle with addiction to opioids and prescription drugs. We sent a message to the families who have watched our Nation's drug overdose fatalities double in the last decade alone; to those in recovery who have struggled to access the housing and work opportunities they need to get back on their feet; to the Governors, mayors, and local leaders who have seen communities from rural towns to inner cities literally hollowed out and threatened by this epidemic; to the police, firefighters, paramedics, and other first responders whom our Nation has asked to confront this crisis, often without all of the specialized training and resources they need; and to every American affected by the opioid epidemic.

The landmark legislation the Senate passed yesterday says: The Nation will not stand for this. More help is on the way. Yesterday evening we voted to build on Congress's prior efforts and deliver more relief to the communities that need it most.

This landmark legislation addresses the crisis at every step of the way. It contains provisions to cut down on fentanyl and other illegal drugs coming across our borders, to reform how painkillers are prescribed and packaged, to invest in comprehensive opioid recovery centers, and to provide for more long-term medical research.

It also contains two provisions I was pleased to secure for my fellow Kentuckians and for the whole country. The CAREER Act will help individuals in recovery to find housing and the job opportunities they need to rebuild lives of sobriety, and the Protecting Mothers and Infants Act will help the Federal Government to do more to support pregnant women and to protect unborn children from these drugs. This landmark legislation is like a Swiss Army knife that will help the Federal Government to fight opioid addiction in many different ways.

I am grateful to Chairman ALEXANDER for assembling this package, integrating the input of more than 70 Senators and shepherding it through passage.

CONFERENCE REPORT ON APPROPRIATIONS

Mr. MCCONNELL. Madam President, on one final matter, currently before the Senate is a crucial appropriations measure for the upcoming fiscal year: the conference report that will fund the Departments of Labor, Health and Human Services, Education, and Defense. It is the second minibus conference report we have taken up in what has already been an important year for regular appropriations.

Thanks to the leadership of Senators SHELBY and LEAHY, all 12 spending bills were favorably reported from the Appropriations Committee by the end of June, the fastest pace in 30 years. For the first time in 15 years, the Senate passed our Labor-HHS-Education bill before the beginning of the fiscal year.

These milestones may sound like inside baseball, but what they signify is a Senate that is getting its appropriations process back on track, a Senate that is attending to vital priorities for our country. The package we are voting on today will account for over half of the Federal discretionary spending for next year. Critically, after subjecting America's All-Volunteer Armed Forces to years of belt-tightening, this legislation will build on our recent progress in rebuilding the readiness of our military and investing more in the men and women who wear the uniform. This conference report increases appropriations in the Department of Defense by $19.8 billion over fiscal year 2018 levels. Once enacted, our warfighters will have certainty in their funding—on time, on October 1, for the first time in 10 years.

First and foremost, this reflects a major investment in personnel—more resources for recruiting the forces that our military commanders have called for and the largest servicemember pay increase in nearly a decade. It fully funds the Pentagon's stated requests for operational support, including hundreds of billions in base support and maintenance funding, ensuring that critical ongoing missions continue at Fort Knox, Fort Campbell, and the Blue Grass Army Depot in Kentucky and at installations all around the world.

It also supports our National Guard and Reserve components, including many of the important missions executed by the Kentucky National Guard. The bill further ensures that combat units are equipped with overwhelming, cutting-edge capabilities: critical funding for aircraft and aviation programs, for new battle force ships, and hundreds of millions for our missile defense capabilities.

In addition to our Armed Forces, this bill will also provide for communities wounded by drug addiction, for families working hard to save for college tuition, and for workers who are trying to catch up in ever-evolving industries.

Under the Labor-HHS-Education title, this package would fund critical medical research at the National Institutes of Health, ongoing support for State opioid response grants, and apprenticeship and job training programs. It sets aside special funds for priorities like combatting infectious diseases that ride on the coattails of the opioid epidemic and retaining dislocated rural workers—both key priorities in States like Kentucky and around the country.

So to sum up, there is more support for the best trained, best equipped, and strongest military force in the world and more support for the health and prosperity of American communities and workers—all the more reasons why I will be proud to vote for this legislation and why I urge every one of my colleagues to join me.

ORDER OF PROCEDURE

Mr. MCCONNELL. Madam President, I ask unanimous consent that notwithstanding the provisions of rule XXII, the Senate vote on the motion to invoke cloture on the conference report to accompany H.R. 6157 at 12 noon today; further, that if invoked, all time be considered expired and the Senate vote on adoption of the conference report.

The ACTING PRESIDENT pro tempore. Is there objection?

Seeing none, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business is closed.

DEPARTMENT OF DEFENSE AND LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 2019—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the conference report of H.R. 6157, which the clerk will report.

The senior assistant legislative clerk read as follows:

A conference report to accompany H.R. 6157, an act making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

The ACTING PRESIDENT pro tempore. The assistant Democratic leader.

NOMINATION OF BRETT KAVANAUGH

Mr. DURBIN. Madam President, I think it is important for us at this moment to reflect on a little Senate history. This goes back to the year 1991, 27 years ago. It was a chapter in the history of the Senate and the Senate Judiciary Committee that many people who lived through it either as observers or participants will never forget. It refers to the hearings for the approval of the nomination of Clarence Thomas to the Supreme Court.

Let me read to you a summary of what occurred.

After Anita Hill alleged that Judge Clarence Thomas had sexually harassed her, the full Senate on October 8, 1991, agreed by unanimous consent to delay a vote on Thomas' nomination to the Supreme Court until October 15.

Let me underline that. The full Senate agreed by unanimous consent to delay the vote after the allegations surfaced.

Three days later, beginning on October 11, the Senate Judiciary Committee held public hearings over the course of 3 days, enabling Clarence Thomas, Anita Hill, and other witnesses to testify in an opening setting. Two days after the hearings ended, on October 15, the Senate then voted on Thomas' nomination.

However, we have learned subsequently that this process was rushed to a point where information came out after the hearings that, in fact, several other women had made similar allegations.

Having said that, according to press reports from 1991, Anita Hill faxed her four-page statement, making the allegations to the Judiciary Committee on September 23, 1991. Then the Senate Judiciary Committee chairman, Joe Biden, in turn, passed that information on to the White House and the FBI.

On the same day that this letter was faxed to the Senate Judiciary Committee, on September 23, 1991, White House Counsel C. Boyden Gray ordered the FBI to investigate Anita Hill's allegations. The FBI spent 2 days investigating the allegations, including conducting interviews with Anita Hill and Clarence Thomas, and completed its report on September 25, 1991.

I recount that history because it is remarkable in light of what we have witnessed with the allegations of Dr. Ford. First, the Senate, by unanimous consent—Democrats and Republicans—once that allegation surfaced by Anita Hill, voted to delay the vote on Thomas's nomination. Secondly, when the Senate Judiciary Committee chairman, Joe Biden, turned over the allegation, on the very day it was received at the White House, the White House Counsel, C. Boyden Gray, ordered an investigation by the FBI.

Apparently, at that moment in history, Democrats and Republicans in the Senate and on the Judiciary Committee and in the White House at least wanted to maintain an open mind as to whether there was truth to the allegations and ordered an FBI investigation.

Contrast that with what we are going through here. Contrast that with the fact that many, including the majority leader, who just spoke, have already presumed that any allegations by Dr. Ford should not be taken seriously and, as he said over and over again, that Judge Kavanaugh deserves the benefit of the doubt in this circumstance—or more.

That is a departure from where we were 27 years ago when a credible allegation appeared and both sides stepped back and said: Investigate it. Call them both before the Judiciary Committee. Let's hear their testimony before we make a decision.

In many cases since Dr. Ford's allegations have come forward, Republicans have prejudged this and dismissed it as political.

Let me say a word about my friend and the ranking Democrat in the Senate Judiciary Committee, Senator DIANNE FEINSTEIN. Senator FEINSTEIN faced a choice that none of us would want to deal with. I think she did it responsibly. She received, through a Member of Congress, a letter making the allegations against Judge Kavanaugh, but it was clear in that letter that the woman making the allegations did not want her identity disclosed. The woman claimed to have been victimized by Brett Kavanaugh, and she did not want her name made public. What was Senator FEINSTEIN to do at that point—ignore her request, make it public to the embarrassment of her and her family?

Senator FEINSTEIN did not believe that is what she should have done, and she didn't. She continued to work with Dr. Ford. She reached out to her personally. She discussed the matter with her attorney. When I hear statements on the floor from the Senate majority leader that suggest there was a leaking to the press, I don't know where he is pointing his finger, but he shouldn't point it at Senator FEINSTEIN. She is an honorable person, and she is a person who is sensitive to the reality of a victim and the fact that some of them are afraid to step forward and tell their story publicly. I think that is what occurred here.

The time came when the story did leak to some credible—or maybe not credible; I don't know, I couldn't characterize them—but some publication known as the Intercept. It started to make the rounds. At that point, things started changing. It changed for the committee. Senate Judiciary Democrats met last week, talked it over, and said that we believe we should refer what we have, redacted, to the Federal Bureau of Investigations. We did. Then it was sent to the White House.

We did that unanimously. Then, of course, the decision was made over the weekend by Dr. Ford that she was willing to go public. I don't think that was an easy decision for her. Clearly, it wasn't, because for weeks she made it clear to Senator FEINSTEIN and others that she didn't want her identity disclosed. It is understandable. Look at the attacks she has faced already and what she is likely to face in the future. It is a reality of sexual harassment and sexual assault that victims are reluctant to speak for fear of what will happen to them and their family as a result of it.

Now we have the situation where we do not have an investigation of Dr. Ford's allegations by the Federal Bureau of Investigation. This morning, the Senate Judiciary Democrats are making a plea to the President, as well as to the Republicans, to initiate the very FBI investigation that is necessary, certainly of Brett Kavanaugh's comments, as well as Dr. Ford's comments about this episode. I think, at a minimum, that should be done.

What has been said by the majority leader this morning, and I quote him: ''So little order and so little sensitivity''—I think Senator FEINSTEIN from the start showed sensitivity to the reality of the victims of sexual assault. I applaud her for that. I think it was a humane approach, a sensible and rational approach on her part to work with Dr. Ford to the point where she was willing to speak publicly about it. Sensitivity, you know, goes in both directions, both to the Kavanaugh family, as well as to the Ford family in this circumstance.

In terms of order, it is difficult to judge when a person is willing to make a decision. Obviously, after 6 weeks, Dr. Ford made the decision that she would go public. That was not a timetable established by Senator FEINSTEIN for anyone else. It was one she had to come to grips with in her own mind from her personal point of view and her family's point of view.

It is ironic that just a few weeks ago we had a hearing before the Senate Judiciary Committee on this issue. I hope my Republican colleagues will think about that hearing and some of the things that were said. I hope they will treat Dr. Ford's allegations with the seriousness and dignity that survivors of sexual assault deserve.

Chairman CHUCK GRASSLEY, who is my friend, made a statement during that committee hearing on June 13. It was a hearing about the sexual harassment perpetrated by a Federal judge, Alex Kozinski. CHUCK GRASSLEY was addressing victims who spoke out against Judge Kozinski's harassment. This is what he said:

> Speaking out against powerful federal judges in a system that doesn't always protect victims takes tremendous courage. But because of your bravery—
>
> Referring to these witnesses—
>
> we can hopefully begin to make real, significant changes to these power imbalances that allow harassment to thrive.

I think I have a dual responsibility in serving on the Senate Judiciary Committee: a responsibility to fairness when it comes to the allegations made by Dr. Ford and responsibility, when it comes to fairness, to Brett Kavanaugh in this circumstance as well. That means that I am not allowed, in my own mind, to prejudge this and to say automatically that Dr. Ford is right or automatically Judge Kavanaugh is right.

What I need, what the American people need, are the facts. We should harken back to what occurred before with President Bush and C. Boyden Gray, his counsel, when they ordered an investigation by the FBI. That should occur now. If we are going to have a hearing on Monday, we should walk into that hearing after an investigation, which at least involves Brett

Kavanaugh being interviewed and at least involves Dr. Ford being interviewed and at least involves Mark Judge, the person who has been identified as an eyewitness to this occurrence being interviewed as well. There could be other relevant witnesses. I will leave it up to the FBI and their investigation to come to that conclusion.

Let's get the facts before the American people. Let's understand the seriousness of this responsibility. A lifetime appointment to the highest Court in the land is what is at stake here, as well as attacks on the credibility of an alleged sexual assault victim and others who are watching this carefully in light of their own life experiences.

I hope we meet that responsibility, but we will never meet it if Senators continue to come to the floor and prejudge the facts before any investigation, before any testimony by either of these individuals. If we are truly going to meet our responsibility to advise and consent under the Constitution, it is time for us to step back, put our Democratic and Republican clothes at the door, and stand together in judgment of an important issue that affects the future of this country and future of the Supreme Court.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WATER RESOURCES DEVELOPMENT ACT

Mr. NELSON. Madam President, over the past few weeks, I have been meeting with residents and business owners in South Florida who are continuing to experience the health impacts and the financial troubles as a result of the persistent algae blooms which are on the east coast of Florida. On the west coast, those algae blooms that are going down the Caloosahatchee River are supercharging the red tide bacteria in the gulf, and the profound ecological effect is that of dead sea life literally littering the beaches. The smell is pungent, and it is irritating.

I am here to urge my colleagues to support the Water Resources Development Act—what we refer to as the WRDA bill—because it contains the authorization for an important reservoir project that could help alleviate some of the discharges.

When discharges come out of the big lake, Lake Okeechobee, that are already combined with local runoff and discharges of nutrient-laden water into the waters and lakes of Florida—particularly the Caloosahatchee on the west coast and the St. Lucie on the east coast—then all of that nutrient-laden water is like throwing fertilizer into water. Since algae is already in the water, if you throw fertilizer into it, the algae is going to grow. The algae grows, and it turns into this green gunk. It absorbs all of the oxygen in the water, and it becomes a dead waterway. The fish can't live because the oxygen is not there.

There are important things in this Water Resources Development Act, particularly an in-excess-of-10,000-acre reservoir that is going to be authorized south of Lake Okeechobee, which would allow for the flow of some of those discharges.

Last week, the House and the Senate committees of jurisdiction resolved their differences in conference negotiations and reached an agreement that passed in the House by a voice vote. We are going to have the WRDA bill come up in the Senate. We should take it up and pass this bill immediately so it can go to the White House for signature and become law so we can get to work on the reservoir that will be south of Lake Okeechobee.

The reservoir is particularly important and timely right now because of this algae crisis in Florida. It is also a critical piece of our broader Everglades restoration effort. We need additional storage so we can move water gradually from Lake Okeechobee, clean it up, and send it south to the areas of the Everglades that are starved for freshwater.

One of the true champions of Everglades restoration, Nat Reed, passed away earlier this summer. I expressed remarks on the floor of the Senate about what he meant to our State and to our country and its environment. I note, today, that I am filing legislation with my colleague Senator RUBIO to formally rename the Hobe Sound National Wildlife Refuge after Nathaniel Reed.

When we all learned the sad news in July that Nat had passed away, there were conversations about the most fitting tribute and what it might be. Naming this particular refuge after Nat Reed makes sense because the refuge wouldn't be there without his family.

In 1967, Nat's father, Joseph Reed, established the Reed Wilderness Seashore Sanctuary on the northern end of Jupiter Island and had it designated as a national landmark. In 1969, he gave Florida Audubon the piece of land that today is the island portion of the Hobe Sound National Wildlife Refuge. Today, the refuge provides habitat for dozens of threatened and endangered species. In fact, this stretch of beach is one of the most productive sea turtle nesting areas in the entire Southeastern United States. So it is fitting that we rename the Hobe Sound National Refuge, which Nat Reed's father started, after this great American environmentalist.

I urge my colleagues to pass Senator RUBIO's and my bill, to take it up and pass it very soon to honor Nat Reed's legacy. I urge the majority leader to call up the WRDA bill for a vote immediately so we can get on with this new reservoir project and many other projects that are in the water bill.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. SCHUMER. Madam President, first, let me thank the Senator from Florida for his steadfast actions in the Senate for many years protecting Florida's waterways, which are not only a treasure to Floridians but to all of us in America. He deserves to be congratulated on that.

NOMINATION OF BRETT KAVANAUGH

Madam President, last night, in the wake of extremely serious and troubling allegations about Supreme Court nominee Judge Kavanaugh, Chairman GRASSLEY announced he would hold a hearing of the Judiciary Committee next Monday to examine the allegations. I want to salute the six Republican Members who I believe changed Senator GRASSLEY's mind and Leader MCCONNELL's mind. Their first instinct was, of course, to rush it through, have this ridiculous phone call with Republican staff and both of the now witnesses. That made no sense. But because a good number of our Republican friends said there ought to be a hearing and testimony, Senator GRASSLEY and Senator MCCONNELL backed off the position of no hearings, and we will have one.

It is a good thing that we will have hearings, and they have to be done right. There must be an agreement on witnesses, and the FBI should be given time to reopen its background check investigation into Judge Kavanaugh to speak to any potential witnesses or other relevant individuals and update its analysis. That way, Senators will have the necessary information and expert analysis at their disposal at the hearing, making it much less likely that it will devolve into a he said, she said affair.

Many say: Well, they have done background check investigations several times on Judge Kavanaugh. That is true, but none of those background investigations brought up this specific incident that Professor Ford says happened. I believe that it did. Because the FBI didn't know of these allegations before, reopening the background investigation into these specific allegations, interviewing Judge Kavanaugh, Professor Ford, Mr. Judge, and all other relevant witnesses, is necessary.

We have two diametrically opposed stories. In my view, Professor Ford is telling the truth. But if you don't want the hearing to be just a he said, she said affair, an independent investigation—a background check—by the FBI is essential.

This is not a criminal investigation. It has nothing to do with the statute of limitations. It is simply what the FBI does for all witnesses. When there are new and troubling allegations that emerge, there is nothing wrong—in fact, it is fundamentally right to reopen the background investigation so

that the FBI can query the witnesses involved, more so now than ever because there are two diametrically opposed stories. It will make the hearing far more valuable because once the Members see what the witnesses have said to the FBI, they will be able to ask much better questions, and they will be able to get at the truth. I think every American wants the truth—Democrat, Republican, liberal, or conservative. Instead, there is still an instinct from Leader MCCONNELL and Chairman GRASSLEY to rush these things through.

The hearings must be done right, not rushed, fair to both sides, respectful to both parties, and as dignified as possible under the circumstances. Senators and witnesses need time to prepare testimony, and Senators who are not on the committee need time to review and consider that testimony once given. There must not be a hearing on Monday and then a possible vote on the nominee a day or two after.

This morning, Chairman GRASSLEY said there would be only two witnesses. That is simply inadequate, unfair, wrong, and a desire not to get at the whole truth and nothing but the truth. The minority has always been able to request a number of witnesses to provide context and expert opinion to the committee.

In this case, it certainly makes sense for one witness to be Mr. Mark Judge, who was named in the Washington Post as present during the event in question. How could we want to get at the truth and not have Mr. Judge come to the hearing and be asked questions? If the majority will not call him as a witness—as they should if they are really interested in getting the whole truth—the minority must be able to do so. The minority has always had a right to call witnesses.

But the bigger issue is that the committee must be able to call more than two witnesses in total. We must not repeat the mistake of the Anita Hill hearings. They were rushed and were a debacle. Do we want to repeat that mistake? We cannot let these hearings be even more rushed than the Anita Hill hearings.

My colleagues on the other side of the aisle are so hypocritical. Leader MCCONNELL delayed the nomination of Merrick Garland to fill the seat of the late Justice Scalia. Leader MCCONNELL delayed the filling of Justice Scalia's seat for 10 months, and now they are saying we can't take an additional 2 weeks to get to the truth of a very serious allegation? What hypocrisy. What a 180-degree turn, depending on who is charge and who is making the nomination. What a shame in this Senate.

Let's not rush the hearings. Let's not repeat the mistake that was made in the Anita Hill hearings. Let's call all of the relevant witnesses, not just two selected by Chairman GRASSLEY, who didn't want to call the hearing to begin with. Let's do this fair and full and right, and whatever the outcome, the American people will at least think this Senate took a fair shot at getting to the truth.

One additional point, Madam President. Much of the focus these past few days has been on the nature of the allegations themselves, but there is another focus that is equally important, and that is Judge Kavanaugh's credibility.

Dr. Ford has made an exceptionally specific allegation, one she made years ago—I think 6 years ago—to a family therapist, long before Judge Kavanaugh was nominated for the Supreme Court. She volunteered to take a lie detector test, which she passed. Judge Kavanaugh, meanwhile, has ''categorically and unequivocally'' denied the entire story. There is no wiggle room in that denial. He didn't say he didn't remember. It is a whole and complete denial. Someone is not telling the truth. Someone is not telling the truth.

Now, here is what President Trump said about sexual assault allegations, quoted in Bob Woodward's book:

> You've got to deny, deny, deny and push back on these women. If you admit to anything and any culpability, then you're dead. . . . You've got to be strong. You've got to be aggressive. You've got to push back hard. You've got to deny anything that's said about you. Never admit.

So the question looms, Is Judge Kavanaugh taking a page from President Trump's playbook? Are the people advising Judge Kavanaugh telling him to follow President Trump's dishonest strategy? We don't know the answer, but it is certainly an important question.

If the facts of Dr. Ford's allegations prove to be true, as bad as they are, they bring up a second point that is equally damning—that the nominee is not credible. I can't understand why, but there are some who say: Well, it happened 40 years ago; we should ignore it. These are not typical things that happened to people 40 years ago; these allegations are very serious stuff. But even if people want to dismiss it—and I hope they will not—there is the issue of credibility.

It wouldn't be the first time questions were raised about the judge's credibility. Facing a confirmation vote for the DC Circuit in 2004, Brett Kavanaugh told Senator FEINSTEIN that the White House didn't know about any potential judicial nominees' views on abortion in the vast majority of cases. Recently released emails show that wasn't entirely accurate. Judge Kavanaugh repeatedly denied knowledge of the Bush administration's policy on detention and interrogation, but recently released emails show that wasn't accurate. Judge Kavanaugh denied working on the controversial nomination of Judge William Pryor, but recently released emails show that wasn't accurate either.

In the case of Dr. Ford's allegations, the Senate and the American people must ask themselves, once again: Is Judge Kavanaugh's complete denial credible? Both can't be true. What Dr. Ford is saying and what Judge Kavanaugh is saying cannot be true. That is why we need hearings, that is why we need a bunch of witnesses, and that is why we need the FBI to continue its investigation—because there is an issue of credibility here. When you are nominating someone to the highest Court in the land, their credibility should be unimpeachable.

MUELLER INVESTIGATION

Mr. President, now on another matter, last night, President Trump ordered the declassification of documents related to an ongoing investigation into his own campaign and administration, which seems to be a transparent attempt to give his legal team a sneak peek at the government's investigative materials against this campaign. Just on its face alone, the action by President Trump is an abuse of power and a direct slap in the face of the rule of law and even more troubling because President Trump regularly abuses power.

Even more troubling, law enforcement officials have informed Congress that some of the disclosures will put at risk the most sensitive sources and methods of our Nation's law enforcement and intelligence professionals. There are thousands of Americans risking their lives as informants in our intelligence services. If they can be exposed on the whim of a President for political purposes, what does that say to them? What does that say to future recruits, to the CIA, to the NSA, and so many of these other agencies that are so important to our national security?

It is a disgrace that the President did it. I have to say, it is an equal disgrace that our Republican leadership in the House lets a small band of House renegades, led by Chairman NUNES of the Intelligence Committee, help undermine our intelligence agencies and the brave men and women who risk their lives for us for his political purpose.

It is just like the infamous memo prepared by Representative NUNES and the fake wiretapping scam. President Trump and a handful of his water carriers in the House are willing to go to any length to cherry-pick, distort, and invent materials to discredit the Mueller investigation, even when our national security and the safety of the millions of Americans protected by the men and women in our intelligence agencies are on the line.

This latest disclosure by President Trump is a blatant abuse of power. It is the action of a dictator in a banana republic. It is not politics as usual. It is not just Democrats and Republicans bandying things about. It has never really happened before. It will make America less safe.

I yield the floor.

The PRESIDING OFFICER (Mr. KENNEDY). The Senator from Missouri.

H.R. 6157

Mr. BLUNT. Mr. President, today we are about to mark a milestone. Maybe it wouldn't be a milestone for any

other group except for the U.S. Congress; that milestone is getting a significant part of our work done on time.

This will be the first time in 22 years that we have passed the Labor-Health and Human Services appropriations bill before the start of the fiscal year. Just a few days ago was the first time in 11 years this bill has even been debated on the Senate floor. So we are heading in a good direction.

This is a bipartisan agreement. It isn't exactly the bill that I would prefer; it isn't exactly what my ranking member Senator MURRAY would like to have done here. But working with our House colleagues and with Senator SHELBY and Senator LEAHY, we have actually done the job this year that the appropriating committee is supposed to do, which is to appropriate the money—to decide how to spend the people's money that we have been entrusted with.

For instance, this bill funds things like the opioid bill that 99 Senators voted for yesterday. It is one thing to vote on a bill that says: Here is what we ought to do. It is another thing to then actually do it. Most of the things we voted on yesterday will not happen unless we decide to fund the things we said we wanted to do.

This is one of the most difficult bills to negotiate. It is 30 percent of all nondefense spending. It is, interestingly, combined this year with the defense bill. So you have the No. 1 priority of the Federal Government—to defend the country—as part of the bill, which is 50 percent of all the discretionary spending, and then another 12 percent or so with the Labor-HHS bill. Sixty-two percent of all of the spending the government will do that we have a choice in—that is not mandatory spending—happens in the bill the Senate is voting on today.

There is a lot of push and pull in this bill. In fact, our committee got 6,164 requests from Senators during committee negotiations about things they cared for in this bill. There were 31 amendments that were offered in the debate on the bill on the floor.

Today's bill, I think, reflects the priorities of both sides of the Capitol and both sides of the aisle. We fulfilled the commitments the leaders made in the February budget agreement to keep the extraneous issues off these bills that fund the government. It also fulfills the President's demand that he doesn't want any more omnibus spending bills. He wants these bills in small packages that we can debate and he can look at.

It invests in national priorities, like fighting the opioid epidemic, expanding medical research, promoting college affordability, and strengthening our workforce. This bill accomplishes a huge goal that I, Senator MURRAY, Senator DURBIN, Senator ALEXANDER, and others have had for several years now, which is to get back, fully committed, to health research funding, the NIH grant process that to a great extent had gone into a stagnant, no-growth mode for over a decade.

This bill looks at things like Alzheimer's. We are spending well over $200 billion a year in tax dollars for Alzheimer's and dementia care. Now we will spend 1 percent of that in a way that will try to find a solution. If we don't find a solution, the tax dollars spent on Alzheimer's disease alone are anticipated to increase to the size of twice today's defense budget by 2050. Twice what we are spending today to defend the country is what we will be spending to deal with Alzheimer's if we don't find more ways than we know now to diagnose and delay onset. If you could delay onset by 5 years, you would cut that number by 46 percent.

So there is a focus on research—whether it is Alzheimer's, immunotherapy for cancer, or CRISPR technology. Young researchers are back in the business of getting grants that encourage them to stay in research. That is an important part of this bill.

Things we are doing with opioids—again, yesterday was about what we want to do; today is about whether or not we are willing to do it. This continues that commitment. The Council of Economic Advisers says that the cost of opioids is more than $500 billion a year in lost work, family trauma, other health matters that occur, and loss of life.

The No. 1 cause of accidental death in America today is drug overdose. This bill provides $3.8 billion toward targeted opioid funding and represents the fourth year we have increased opioid treatment, prevention, and recovery programs. One of those programs is $1.5 billion that would be divided among the States to see what they can do in their State. Again, it is not only the No. 1 accidental cause of death in America; it is the No. 1 accidental cause of death in most States in the country today.

We have $200 million for community health centers to expand behavioral health and substance abuse disorders. If you don't have a behavioral health problem before you get addicted to opioids and other drugs, you certainly have one after. We increase funding to improve surveillance and prevention in all 50 States.

There are extra dollars for research at NIH in pain management to try to figure out a better way to manage pain without the addictive impacts of opioids. We have a set-aside for the hardest hit rural communities. On a per capita basis, rural America is much more dramatically impacted by this opioid epidemic than urban America is.

There is money here for services for children at risk—children who have to be taken out of the home they are in and helped and assisted back to some normal environment where a kid can grow up.

We have money to help people in schools to be ready to learn and to be prepared for careers and training. Certainly, the apprenticeship programs are programs that Senator MURRAY has advocated effectively for, both in this bill and on the floor. The bill includes an increase for Head Start—again, getting kids ready to go to school—more title I money to support students in low-income schools and help them meet challenging State economic or academic standards.

There is an increase for the Individuals with Disabilities Education Act, so students with disabilities have more Federal encouragement, even though more of that burden is still borne locally than was ever thought possible when the IDEA was passed.

There is more funding for academic enrichment grants and charter schools, impact aid for dedicated, evidence-based STEM education programs, and for career and technical programs.

I will say that in the 4 years we have worked on this committee together, we do have a little more funding this year than we had in previous years, but we continued to move in all of those directions the first 2 years, and we did that by eliminating programs and combining programs that weren't working. So this bill still reflects hard choices—things that allow people to get to college, to stay in college, returning to year-round Pell grants and increasing the maximum Pell grants.

As I said earlier, I believe, for the first time ever, it is on the floor with the defense bill. It is something our leaders on both sides of the aisle thought we might be able to do. It was, frankly, by a lot of standards, a pretty bold experiment. But I believe the vote today is likely to show it is an experiment that really makes a lot of sense.

So I am certainly urging my colleagues to support this bill today, and I thank Senator MURRAY and others who have worked so hard to make this happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington State.

Mrs. MURRAY. Mr. President, I thank my colleague Senator BLUNT and echo his comments this morning. I come to the floor to urge our colleagues to support this conference report.

I do thank Chairman SHELBY, Vice Chairman LEAHY, Chairman FRELINGHUYSEN, and Ranking Member LOWEY, as well as Leaders MCCONNELL and SCHUMER. Because of their hard work and leadership, we have been able to work together across the aisle and pass bills under regular order in a way that we have been unable to do for many years.

I also want to again thank my partners on the LHHS part of this bill—Senator BLUNT, Representative COLE, and Representative DELAURO—and I want to recognize the effort of the staffs on both sides of the aisle who worked extremely hard over the summer. Thank you to all who have brought us this far.

I am very proud that we were able to negotiate and pass our bill through our

committees and the Senate floor of Congress—something that has not been done here on the Senate side for over a decade—and that we were able to work together to get this conference report done. I believe this was possible because we rejected partisanship and poison pill riders and worked together to make strong investments in families, patients, students, children, workers, and our middle class.

Our bill builds on the strong work we have done to increase access to child care and early learning. It includes targeted funding to address the opioid epidemic, especially in underserved areas, and significant new resources to address the truly alarming issue of maternal mortality. Senator BLUNT just went through much of what is in this bill, so I will not repeat that but will just echo that we have done much in this bill for a lot of our families. I am proud of the work we have been able to do.

I do want to note, I was disappointed that we were unable to include language clarifying that the Department of Education can't allow title IV funding to be used to arm teachers and put more guns into our schools. I believe Congress was clear when we passed the bipartisan Every Student Succeeds Act; that is not what the funds are intended for. I was heartened to hear many Republicans on our committee agree. I had hoped we could clarify this further for Secretary DeVos in our bill, and I do want Senators to know that I will keep working with Democrats and Republicans to keep the pressure on her to do the right thing.

The conference report we will be voting on today is a product of hard work and a commitment to bipartisanship. I am really glad we are taking this next step and moving it closer to becoming law.

Again, I thank Chairman SHELBY, Senator DURBIN, Representative GRANGER, and Representative VISCLOSKY for their work and leadership on the defense side of this bill. I encourage all of our colleagues to vote in support of this conference report.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

APPROPRIATIONS PROCESS

Mr. MORAN. Mr. President, I want to speak on the appropriations process. I am pleased we are moving forward, and in a few short minutes we will have a couple of additional votes in regard to appropriations bills.

I want to acknowledge the recent success we have had in moving our appropriations process forward. One would think we would easily be able to meet our legislative mandate. The law says we should pass a budget by April 15 of every year and then follow that with 12 appropriations bills that fill in the spaces in that budget. That turned out to be much more complicated, difficult, and politically challenging than I would have hoped.

As a member of the Appropriations Committee, I want this to work, but as a representative of taxpayers in Kansas and across the country, I need the appropriations process to work. It is the place we establish priorities. Spend more money here, less money here, no money here—those are important decisions that need to be made every year. It is also the opportunity we have to send messages and directives to the administration. By the administration, I mean Cabinet Secretaries, Bureau Chiefs, and Agency heads.

The power of the purse string is an important tool for Congress under article I of the U.S. Constitution to direct how taxpayer dollars are spent in the United States. It is a cause of mine to see that the appropriations process works so we can establish those priorities but also so we can have input into any administration's intentions to establish rules and regulations, develop new policies. The power of the purse string should be exhibited by Congress in a way that allows us, on behalf of the citizens of this country, to have input into what goes on in any administration.

We are doing much better than we have been for a long time. This has been a year of success. The Senate Appropriations Committee has passed all 12 bills from the Appropriations Committee, and we will today pass several more on the Senate floor. The goal would be, in my view should be, that we complete all 12 bills hopefully before the end of the fiscal year, which ends on September 30, but more likely between now and the end of November or early December.

We have had significant guidance certainly from the majority and minority leaders of the U.S. Senate, but especially with the help of RICHARD SHELBY, the chairman of the Appropriations Committee, and the vice chairman of the Appropriations Committee, the Senator from Vermont, Mr. LEAHY, in avoiding the usual contentious issues in our appropriations bills that then cause this deadlock to occur with no result, no capability of moving appropriations bills. Way too often, the end result has been what be we call a CR, a continuing resolution, that funds the Federal Government next year at the same level as it does last year, as it was funded in the previous year, or ultimately it can end up in an omnibus spending bill in which all the spending is combined. The opportunity for us as members of the Appropriations Committee but equally or more importantly Members of the U.S. Senate and the U.S. House of Representatives to have input into those spending items is greatly diminished, and the amount of knowledge of what one can have about what is in that appropriations bill when it covers everything and results in trillions of dollars of spending is pretty limited.

The President was correct in his admonition, his desire, to see that we get spending bills done and avoid another Omnibus appropriations bill. I want to thank both sets of leadership—the full Senate leadership and the Appropriations Committee leadership—for their efforts to get us back to what we around here call regular order, and I am pleased to see we are moving solidly in that direction.

I applaud these developments, but I continue to believe that all 12 appropriations bills should continue to be worked on and should be pursued toward a final conclusion between now and the end of the fiscal year or certainly between now and December 7, a date that is established in the legislation we are soon to vote on.

We should not simply kick the can. That proverbial can has been kicked down a long road for a long time, and those 12 appropriations measures should be completed. We should work quickly among ourselves, with a sense of cooperation and for a desired outcome, to see that our work is done.

COMMERCE, JUSTICE, AND SCIENCE APPROPRIATIONS

Mr. President, of those 12 appropriations bills, I have the privilege of working with the Senator from New Hampshire, Mrs. SHAHEEN, the vice chairman of that committee. I serve as the chairman of the subcommittee called CJS. Again in our words, the C, J, and S stand for Commerce, Justice, and Science. We are on the floor today—in particular, Senator SHAHEEN and I—to encourage that bill not be left behind and that it, too, be considered on the Senate floor as it has come out of the Appropriations Committee on a vote of 30 to 1. I suppose you can say it could be slightly more unanimous than that if it had been 31 to 0, but there is broad support—Republicans and Democrats—for the legislation we have crafted that deals with very important issues for the citizens of our Nation.

I want to make certain the message is delivered that we stand ready to work with our House colleagues and with the administration to see that the Commerce-Justice-Science bill ultimately passes the Senate and the House and is signed into law by the President.

In particular, I also would raise four bills that have been packaged together after having had their approval by the U.S. Senate Committee on Appropriations. There are four subcommittee bills that are awaiting final resolution. It sounds like, from everything I can understand, with a modest level of cooperation, those bills could also be completed, and those bills are: Interior, Transportation, Financial Services, and Agriculture. Again, without exception, all of them are important to Kansans and important to the country.

We have come extremely far, and we are so close. Please do not let this

process get bogged down and prevent those four bills from being considered and also the legislation Senator SHAHEEN and I are here to support, the Commerce-Justice-Science bill.

I do recognize, within our bill, there are contentious issues. We worked together—Senator SHAHEEN and I—to resolve those differences. We have worked with our Republican and Democratic colleagues on our subcommittee and on the full committee to reach a resolution that was satisfactory broadly—again, a 30-to-1 vote.

It is important, having come this far, that we don't stop now, and we are here to again express our willingness to work in every way possible with House colleagues to make certain these bills are fully considered and passed.

These bills are important. They are important for what, in our case, CJS includes. As we look at crime statistics today in this country, one would think we would be focused on what resources our law enforcement officials need, and CJS—the J stands for justice—funds law enforcement and funds the Federal aspect of enforcement of our laws in this country, and this funding is the partnership that works with local and State law enforcement officials to combat increasing crime.

This bill involves national security in so many ways, and economic development is so important, particularly to a State like mine, which is rural. While the national statistics suggest that the economy is increasing and that job growth is occurring, it is less likely to see that in my home State of Kansas. We need to make certain that we devote the necessary attention and resources toward job creation and so-called economic development.

Scientific research and space exploration are awfully important and are included in the appropriate way at an appropriate level, and, certainly, there is an agreed-upon level of funding in support of those programs.

In light of this administration's aggressive trade agenda, the CJS bill provides increased funding for several of the Federal agencies involved in promoting U.S. trade and our products abroad and in enforcing trade. As we engage in the trade policies that we are currently engaged in, we ought to be doing everything we can to export around the world, and the CJS appropriations bill highlights and prioritizes that.

Our subcommittee, in fact, has held two hearings recently, one with Ambassador Lighthizer and then one with the agencies within the Department of Commerce that are responsible for trade issues.

Whether or not you agree with this administration's use of tariffs and its general direction on trade, I would think, perhaps without exception, my colleagues would agree that resources are needed to help to implement a transparent and expeditious exclusion process for U.S. stakeholders—our businesses here in the United States—to ensure that they are not unfairly impacted by retaliatory actions.

The CJS bill includes important funding which allows businesses, manufacturers, and farmers to continue exporting, promoting, and procuring their products abroad.

Additionally, one would think that at this point in time, it is probably nothing that we think about easily, but if we think about the point in time where we are in the calendar, the census is approaching in 2020, the decennial census. The Census Bureau is entering a critical stage of development, and as it prepares for the 2020 census, the funding in this bill—the CJS bill for fiscal year 2019—allows the census to prepare to execute its constitutional responsibilities.

Data from the census is so important. It needs to be accurate and correct because it facilitates the distribution, for example, of billions in Federal funding for grants supporting States, counties, and municipalities determined upon the population of those communities.

Congressional reapportionment will occur using that census data. There are so many reasons that we want to make certain the dollars and the resources are available, and this bill addresses those priorities.

Furthermore, the Senate CJS bill maintains strong support for science and innovation by crafting a balanced space program within NASA, and it contains increased funding for the National Science Foundation and for NOAA.

The Senate CJS bill includes funding for the NOAA satellite and data imagery programs, which support the National Weather Service's ability to timely issue warnings in advance of severe weather. It is demonstrated by the agency's continued response to Hurricane Florence's assault on the Carolinas and severe flooding throughout the east coast.

This data and information accumulated and distributed by NOAA helps to keep Americans safe. It also provides valuable information to members of our ag community at home, where we experience the opposite of floods—droughts—and other intense storms.

The bill supports Federal law enforcement, as I indicated, providing grant funding for State and local and Tribal enforcement and other governmental entities—all to protect the citizens of their community.

We have had a transparent product and have worked in a bipartisan manner to accommodate Members' priorities that address the needs of the Nation and the needs of our constituents at home.

I again urge the Senate not to walk away from this opportunity to complete its work, to establish priorities, and to give directions to those agencies within the jurisdiction of this appropriations bill.

I hope we will consider CJS on the floor quickly and send a final product to the President.

I am going to yield the floor in just a moment to the vice chairman of our subcommittee, but let me take this opportunity to express my gratitude to her, Senator SHAHEEN from New Hampshire. She and I only knew each other tangentially before I arrived as the new chairman of the subcommittee a few months earlier this year, and I want to compliment her and express my gratitude for the manner in which she has treated me and the respect that we have developed, in my view, for each other and our constituencies and our work. We bring ideas to the table, we sort them out, and we work hard to accomplish an end result. I don't think any of us came to the Senate for the purpose of just having our name on the door or perhaps a nice office. We came here to accomplish good work on behalf of the American people. This appropriations bill is an example of that. It needs to be concluded, and it would only be in the position that it is because of the character, the abilities, the intellect, and the capabilities of my colleague from New Hampshire, Senator SHAHEEN.

I yield the floor to her.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I want to start by thanking my colleague and chairman, Senator MORAN, for his very kind remarks and for his leadership on the Commerce, Justice, Science, and Related Agencies Subcommittee of the Appropriations Committee.

As he says, it has been a great partnership this year. It has involved give and take. We both have compromised. Neither of us has gotten everything we wanted for the appropriations, for the committee, for our States, or for the country, but I think we made a commitment that I think has been shared by the Appropriations Committee as a whole that we were going to get back to regular order of passing these appropriations bills, of funding the government on a reasonable timetable that people could count on. That is what this bill represents, and I applaud Senator MORAN and all of the staff, the majority and the minority staff, who have worked with us to get this done.

I also want to congratulate, as you did, Senator MORAN, Chairman SHELBY and Vice Chairman LEAHY on moving all 12 appropriation bills out of committee in a bipartisan manner. Nine of those bills have passed the Senate by now. Three are already on the President's desk, and the Senate today will pass a conference report with two more of those bills and a continuing funding resolution. We expect that those bills will become law before the end of the fiscal year on September 30.

This is the first time since I have been in the Senate—I started in 2009—when we will actually see the bills that were passed out of the Appropriations Committee. We have seen them taken up on the floor, and we are going to see them pass and get signed into law by the President.

Now, unfortunately, for the work that we have done on CJS, the CR that we are going to be acting on today includes the funding for the departments and agencies in the Commerce-Justice-Science bill, among others, but like Senator MORAN, I believe that passing the short-term CR today should not keep us from working to pass full-year funding for CJS. That is why we are here on the floor today urging that the Senate continue to take up and pass the CJS appropriations bill. I am sure that is what Chairman SHELBY would support and what Vice Chairman LEAHY would also support if they joined us on the floor.

If you have any doubts about why what is in the CJS bill is so important and why we should take it up, all you have to do is turn on the TV or have watched the television coverage over the last 4 days of Hurricane Florence as it has hit the Carolina coast. It has caused devastation. It has caused deadly flooding. I know that we all empathize and support the people of the Carolinas with what they are dealing with with Hurricane Florence, but we have been able to predict the course of that hurricane because of the National Weather Service hurricane forecasters. They got a lot right about Florence's track, and the forecasters didn't do it alone. They need models to track wind intensity, to track storm surge, to track the direction of hurricanes, and we need researchers who are constantly working to improve those models and to make the forecasts more accurate. Those predictions rely on satellite imagery. They rely on direct measurements from the National Oceanic and Atmospheric Administration and hurricane hunter aircraft, and all of those programs and initiatives are funded in the Commerce-Justice-Science appropriations bill. That is why we need to make sure the whole bill actually gets passed and signed into law ultimately.

The other thing that is in the CJS bill that I think all of us share in the importance of in a bipartisan way is the support that it provides to address the opioid epidemic. This is an issue that is particularly important to us in New Hampshire, where we have the second highest overdose death rate from opioids in the country, but it is important to the entire country because from 2015 to 2017, the number of deaths from drug overdoses has risen nearly 40 percent, from 52,000 in 2015 to 72,000 in 2017. That rise was driven in large part by continuing increases in deaths from synthetic opioids, such as fentanyl, as well as heroin. Of those 72,000 overdose deaths, 30,000 are estimated to be from fentanyl.

Last year, the U.S. Surgeon General reported that 21 million Americans have a substance use disorder. That is far more people than are affected by cancer, but only 1 in 10 is receiving any kind of treatment. That is one of the things that is so important in this CJS bill, because it would provide funding to State and local governments and organizations working on the frontlines, for law enforcement, for treatment and recovery, and for those resources that help our communities deal with the opioid and fentanyl crisis.

The bill also continues the COPS anti-heroin task force grant program, despite efforts by the administration to discontinue that very effective law enforcement program. I want to enact the whole CJS bill into law because I don't want to lose these critical increases in funding that are going to support people in New Hampshire and across the country who are dealing with substance use disorders.

Senator MORAN mentioned trade and what is in this bill that is related to trade. Our subcommittee has held two hearings on the administration's trade policies in the last month or so, and I think it is fair to say that at these hearings there has been bipartisan concern about the impact of the administration's tariffs on manufacturers, on farmers, and on small businesses. I am hearing from small businesses in New Hampshire about what they are seeing as the result of these tariffs.

While I don't support those tariffs, I think it is important that we make sure that the Department of Commerce has the resources that are included in our bill to quickly and fairly evaluate and decide on American manufacturers' requests for exemption from those tariffs so that we can continue to promote American exports abroad.

Also, to keep the American economy going strong, the bill supports strong investments in research and development at the National Science Foundation, the National Aeronautics and Space Administration, and especially at the National Oceanic and Atmospheric Administration.

Again, my colleague mentioned NASA and the breakthroughs that we are seeing at NASA that are helping to drive innovation. This scientific innovation creates new discoveries that lead to new industries and to new American jobs. That is good for this country, and we need to make sure that the funding that is in this bill actually gets passed out of the Senate and the Congress before we get to the next appropriations process for 2020.

Instead, today, what we are going to do is to vote to put the agencies that are funded by CJS on autopilot until December through a continuing resolution. They will spend the same amount on programs and initiatives on the same items with no adjustment under the CR. We know that businesses don't operate this way, families don't operate this way, and the U.S. Government shouldn't operate this way.

Senator MORAN and I are going to continue to argue that we need to pass this bill. I would urge the leaders here in the Senate and our leaders on the Appropriations Committee to bring the full bill to the floor. Let's have a robust debate. Let's pass the fiscal year 2019 Commerce-Justice-Science bill.

Thank you, Mr. Chairman.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I am a Republican because I am a conservative. I am a conservative because I believe the Constitution and the ideals that it asserts on behalf of the American people are worth protecting, worth defending, even when they are untimely, even when they are unpopular, and especially for the vulnerable, for the marginalized, and for the forgotten among us.

Equal rights, equal opportunity, equal justice under the law, equal dignity under God—we fail as Americans when we violate these ideals, when we neglect them to whatever degree, when we exclude some number of our neighbors from their God-given share of our common inheritance, when we declare in the interest of expedience and in defiance of our own national creed that some people somehow are less equal than others.

Such was the cruelty of our Nation through our laws, long-visited on African Americans, Native Americans, immigrants, and ethnic minorities, on women, on the disabled, and on religious minorities, including religious minorities like my own forebears as members of the Church of Jesus Christ of Latter-day Saints.

Happily, this is no longer the case. Happily, all of these groups—who, taken together, comprise the vast majority of all Americans—were at different times in our history affirmatively brought under the protection of our laws. This work of inclusion, of expanding the circle of legal and constitutional protection, was not a natural, organic, spontaneous, evolutionary process; it was the product of hard work—the work of vigilant citizens, activists, and lawmakers who affirmatively, aggressively, painstakingly advanced the cause of justice at every opportunity, even against the entrenched forces of the political status quo.

Republicans in this Congress have undertaken such efforts on behalf of certain priorities—in particular, the tax relief and spending increases that are poised to yield a budget deficit of nearly $1 trillion this year.

But no such legislative progress has been achieved advancing the right to life nor the plight of those denied it. For the second straight year of unified Republican governance—unified pro-life governance—Congress's annual spending bills will include no new reforms protecting unborn children or getting Federal taxpayers out of the abortion business.

The House version of this Health and Human Services spending bill included multiple reforms. It denied taxpayer funds to the largest abortion provider in the country, Planned Parenthood. It eliminated title X family planning grants, which cross-subsidize abortion providers. It prohibited Federal funding of research on aborted fetal tissue.

It included the Conscience Protection Act protecting pro-life people and groups from funding discrimination. None of these modest, commonsense spending reforms survived the House-Senate negotiations—none of them. None was made a priority by the people empowered to set the priorities.

The authors of this bill defend their $1.3 trillion compromise. And of course, this being Washington, I know, as is always the case, that in this case, it could always be worse. But before this bill passes with an overwhelming bipartisan supermajority as its base of support—despite it being mostly unread by its supporters—someone ought to speak up for the Americans whom this legislation conspicuously leaves behind.

The best measure of any government or any policy or proposal can be measured according to its impact on the least among us. Too often today, Washington acts as though ''the least among us'' refers to our most vulnerable incumbents rather than our most vulnerable constituents. This $1.3 trillion spending bill exemplifies that very confusion and fails that very test. Under this bill, neither the unborn nor taxpayers are any more protected from the abortion industry than they were under President Obama and a unified Democratic Congress.

I understand that fighting on contentious issues comes with a cost. I understand that it is not easy. But other things come with a cost too. It is not just this that comes with a cost—so, too, does not fighting on them, especially in the rare moments when we could win.

This bill represents a significant opportunity missed—and missed at a time when we can't be sure how many more we will be given going forward, how many more opportunities like this one we might have.

Some causes are worth fighting for, even in defeat—the God-given equal rights and the dignity of all human beings paramount among them.

The arc of history may, as I hope, bend toward life, but only if we bend it. I oppose this legislation, but I do so neither in anger nor in sadness; rather, I do so in hope, looking forward to another bill, another time in the not-too-distant future, one that stands up for those Americans who asked nothing more than the chance to one day stand up for themselves.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I want to thank my colleagues, particularly Leaders MCCONNELL and SCHUMER and Vice Chairman LEAHY for their help in moving this package. The conference report before the Senate accelerates the rebuilding of America's military and provides our men and women in uniform with the largest pay increase in nearly a decade. It also increases NIH's budget by $2 billion and provides critical resources to combat the opioid epidemic. And, it contains no poison pill riders.

On the whole, the conference report tracks very closely with the Senate version of this package, which passed by a vote of 85 to 7. I hope it will receive the same level of support today and urge my colleagues to vote yes.

If this conference report is signed into law next week when the House returns, we will have funded 75 percent of the Federal Government before the end of the fiscal year. And it will be the first time in a decade that our military will not be operating under a continuing resolution at the beginning of a new fiscal year.

What a remarkable turn of events from just 6 months ago, when the entire government was funded in one omnibus spending package—6 months behind schedule.

I think it is important to give the President some credit here for the progress we are making. He has been adamant about the need to rebuild our military and fund the government in a deliberate manner. Not only do I agree with him, but I believe most Americans agree with him, and with this package we are taking an important step in that direction.

I say to my colleagues, this is the most significant step we have taken yet, but we still have work to do. This conference report contains a continuing resolution to account for the appropriations bills not yet signed into law. I want to stress that my colleagues should not read this as a sign that we have reached an impasse with the House on the remaining bills in conference. To the contrary, we are very close to an agreement on four additional bills: Interior, Financial Services, Transportation, and Agriculture. While we still have differences to resolve on each of the bills, none of them are insurmountable, in my judgement.

So we will continue to work diligently and hopefully return to the floor soon with yet another conference report in hand.

In closing, I want to thank my colleagues once again for their help on this conference report. This is a big deal. Let's keep working together to accomplish even more.

Mr. President, I want to take a few minutes and briefly explain to the Senate where we are on appropriations, where we have come from, and where we hope to go.

Thanks to the work of my colleague on the Appropriations Committee—and many others but especially Senator LEAHY—we have hung together, as the Presiding Officer knows, to make the Appropriations Committee work again. It hasn't worked by regular order in years and years. But today, if we pass this minibus dealing with Defense and HHS, that will be 74.9 percent of all appropriations money in these five bills, including the three we passed and the two we hope to pass in a few minutes. It is 75 percent, if you want to round it up, that we have pending.

As the Presiding Officer knows, we have another minibus consisting of four bills, and if we are able to move those bills, and we hope we will—dealing with the House now—that will be 87 percent of the whole appropriations.

We know that is progress, but it didn't happen by itself; it happened because people worked together. We worked to bring regular order.

Back in the spring, I talked to Senator LEAHY about bringing the Appropriations Committee back to where it used to be, and he said: Let's work together to do it. The only way we can do it is to do it together. I talked to Senator MCCONNELL, Senator SCHUMER, and Senator DURBIN. I talked to everybody, including the Presiding Officer and everybody on our committee.

We made great progress, and I want to again thank the people—starting with Senator LEAHY, Senator MCCONNELL, Senator SCHUMER, and Senator DURBIN—who really helped this come about. I want to take a second to thank some of the staff of the Defense Subcommittee, headed by Brian Potts and Eric Raven, along with Senators DURBIN, BLUNT, and MURRAY, for their work on these bills that are imminent here today.

This is a good start for us. We are not there yet, but we are getting there. If we keep on the road and keep the trains running, we are going to make the Appropriations Committee work again.

Thank you very much.

Mr. DURBIN. Mr. President, I am pleased that the Defense appropriations bill will soon pass the Senate and be sent to the President's desk. This is a massive spending bill—$675 billion—and it has been 10 years since one was enacted on schedule. Passing appropriations bills on time is about being good stewards of the taxpayer's money.

When appropriations bills are not signed into law on schedule, government programs are put on autopilot, known as a continuing resolution, or CR. CRs create financial headaches, including inefficiency, waste, and unnecessary additional spending. Last year, the Navy estimated that due to CRs, it has wasted $4 billion since 2011—$4 billion. That is enough money to buy 18 F–35s or two new destroyers or 3,000 Harpoon anti-ship missiles. Thanks to good work on both sides of the aisle, we are looking at real savings in every part of the Pentagon just by getting our work done on time.

I am proud of many things in this Defense appropriations bill, including how this bill prioritizes research by including $94.9 billion for defense R&D, a record level for the Defense Department. GPS, the internet, and satellites are all examples of how Federal innovation research dollars have changed the world. On a bipartisan basis, we are building on previous year's investments, and I am confident that we will see similar breakthroughs.

In addition, for the fifth year in a row, this bill increases defense medical

research funding by 5 percent real growth for a total of $2.4 billion in defense medical research for fiscal year 2019. Defense medical research is making breakthroughs in a wide range of fields, from trauma medicine to breast cancer treatments. We have all heard of the quick-clotting tools that paramedics use around the country to stop bleeding in gunshot victims; that was a defense medical research breakthrough.

Just this past year, researchers discovered a treatment to speed healing of combat-infected wounds and regrow the skin around them more effectively. Others proved that a particular medical assessment tool can accurately assess potentially suicidal behavior. I encourage everyone to go to the Army's medical research website and read the list yourself—a long list—of worthwhile uses of these funds.

The defense bill is paired with the Labor, Health and Human Services, and Education bill this year, which includes another $2 billion funding increase for medical research at the National Institutes of Health. This will be the fourth year in a row that Congress has provided the NIH with at least a 5-percent budget increase. Every NIH institute and center will see their budgets increase, but there are also noteworthy increases for Alzheimer's disease and cancer research.

I wish we could have given the Centers for Disease Control and Prevention a bigger increase, but I am pleased with what we were able to accomplish here, including the continued investment—with an additional $5 million in fiscal year 2019—for the Open Textbooks Pilot to help save college students money on textbook costs.

I am, however, disappointed that this bill does not include the bipartisan Durbin-Grassley-King amendment, which would have helped ensure that pharmaceutical companies disclose the cost of their drugs television advertising. Our amendment passed the Senate unanimously. It is supported by President Trump, HHS Secretary Azar, the AARP, the American Medical Association, the American Hospital Association, 76 percent of Americans, and many others. House Republicans—apparently more indebted to Big Pharma than their constituents—prevented this commonsense proposal from being included in the final bill, but I will not stop fighting.

In conclusion, the outcome of much of this bill shows what we can accomplish when Democrats and Republicans work together. I want to thank my partner and chairman, Senator SHELBY, as well as the ranking member, Senator LEAHY.

But our work is only half done. There remain seven other appropriations bills that remain in limbo, dealing with foreign aid, agriculture, and even border security. The Senate will have to make an important choice very soon: either we work together to wrap up the appropriations process or we head back to Washington gridlock and wasteful stalemates.

I urge the Republican leader to look at what we have accomplished in these bills, working together, and use that as a model for finishing our work in the coming weeks.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished senior Senator from Alabama. Before I start, I should note that we have votes scheduled for 12 noon, and I may go a little bit over that, so I ask unanimous consent that I be allowed to finish my whole statement.

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

Mr. LEAHY. Mr. President, the Senator from Alabama and I have been friends for decades. Our wives have been friends, as the Presiding Officer knows. We have different political philosophies, but we join together in wanting to make the Senate work the way it should work and the way it used to work. We have done that in these appropriations bills. It means that the Senator from Alabama has had to decline some things in this bill that he might have liked otherwise, but I have had to do the same. That is why we are here today.

The two bills in the package before us—the Defense bill and the Labor-HHS-Education bill—are a product of hard work and bipartisan cooperation. I am pleased that those of us working together have been able to work out the differences between the House and Senate bills. It goes way beyond the procedures, way beyond working together.

These bills make important investments not only in our national security but also in the future of our country for us, our children, and our grandchildren. They demonstrate the importance of the bipartisan budget agreement we reached earlier this year.

The Labor-HHS-Education bill makes new investments in healthcare and education. We increase funding for the National Institutes of Health, the jewel that we have here in this country. We invest in working families by improving access to childcare and promoting college affordability. We provide new resources to combat the opioid epidemic—something that hits every single State represented in this body. The Defense bill provides critical resources to support our men and women in uniform and their families and invest in national security.

I am glad we do not have controversial poison pill riders on either the right or the left in here. What we did is we did our job. We focused on what we should be doing—making responsible, thoughtful decisions on how to fund these Federal agencies. We left controversial policy issues out of it. If people want to have debates on those, then bring up separate bills and debate them up or down.

We have a continuing resolution to keep Federal agencies up and running through December 7. That is to make sure we don't face a government shutdown in the event we don't finish our work on the remaining bills. We never want to fund the government by continuing resolution; that is inefficient and actually wastes money. That is why Chairman SHELBY and I have worked so hard to get the appropriations process back on track. We have more work to do. We are still in conference on a four-bill minibus. We should finish that work and send it to the President's desk before the start of the fiscal year so we won't have a CR on those agencies.

This will be a far more effective, cost-saving, efficient way of doing things, and it can be done. In fact, I think the chairman would agree we are very close to an agreement. Most of the funding issues have been resolved. We do have some controversial poison pill riders. We shouldn't delay this package over unrelated policy matters that have no place on must-pass spending bills. Get the poison pills out and pass the bills.

There are four bills—the Interior bill, the Financial Services bill, the Agriculture bill, and the Transportation-HUD bill. These are programs that are important to the American people. They should not be frozen at fiscal year 2018 funding levels—not even for a few months.

The rest of them are so close. Look at the Agriculture bill. It provides critical support for our farmers all over the country and rural communities through investments in rural development and housing, agriculture research, and clean water programs. Every State in this Nation has rural communities—and I think of especially my own State of Vermont—and farm economies that benefit from these programs. They shouldn't have to operate under a CR.

The Financial Services bill supports regulatory agencies that the American people rely on to protect them from unfair, unsafe, or fraudulent business practices. We should fund these agencies in a responsible way, not put them on autopilot.

I am also pushing to include cost-of-living adjustments for Federal civilian workers in the final bill. That is not provided for under the CR. Failure to pass this bill on time and with a cost-of-living adjustment included will mean 2.1 million Federal workers will not see a pay raise, including doctors and nurses serving our veterans and FEMA employees responding to Federal disasters.

The Interior bill is important. It means our children and grandchildren will enjoy clean air and clean water. It supports important conservation programs, including funding for our national parks. It also provides funding for fire suppression. We just had a fire season that has been one of the worst in recent memory.

Finally, we are close to a deal on the Transportation, Housing and Urban Development bill. I hope we can finish negotiations on this bill this week. This is our Nation's infrastructure bill. I worked very closely with Senator SHELBY on this. We want to rebuild our crumbling bridges and roads. We want to invest in our communities and create jobs for thousands of workers across this country.

Funding the government is one of Congress's basic responsibilities. I would urge my friends in the other body to do what Senator SHELBY and I have done. Drop poison pill riders so that we can send this bill to the President before October 1. We can do it. I realize we need 60 votes in the Senate. We don't have poison pill riders, so that should be easy to do. We can get 9 of the 12 bills across the finish line by October 1.

I am pleased we are going to be voting on the Defense and Labor-HHS package today. I thank Chairman SHELBY and the chair and ranking members of the subcommittees, Senators BLUNT, MURRAY, and DURBIN, and the staff of the Appropriations Committee. We never could have done this without the hard work of both the Democratic staff and the Republican staff.

Mr. President, I ask unanimous consent to have printed in the RECORD the names of all those staff members.

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

Charles Kieffer, Chanda Betourney, Jessica Berry, Jay Tilton, Jean Kwon, Erik Raven, Alex Keenan, David Gillies, Brigid Houton, John Lucio, Andy Vanlandingham, Mark Laisch, Lisa Bernhardt, Kelly Brown, Catie Finley, Teri Curtin, Shannon Hines, Jonathan Graffeo, David Adkins, Mary Collins Atkinson, Brian Potts, Laura Friedel.

Mike Clementi, Colleen Gaydos, Katy Hagan, Chris Hall, Hanz Heinrichs, Kate Käufer, Jacqui Russell, Will Todd, Carlos Elias, Michael Gentile, Ashley Palmer, Jeff Reczek, Courtney Bradford, Robert Putnam, Christy Greene, Jenny Winkler, Clint Trocchio, George Castro, Hong Nguyen, Valerie Hutton, Elmer Barnes, Penny Myles, Karin Thames.

Mr. LEAHY. Mr. President, I yield the floor.

I think we are ready to vote.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. CRUZ). Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The 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 conference report to accompany H.R. 6157, an act making appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes.

Mitch McConnell, Orrin G. Hatch, John Boozman, John Barrasso, Lamar Alexander, Marco Rubio, Johnny Isakson, Mike Rounds, Pat Roberts, John Hoeven, Steve Daines, James M. Inhofe, Cory Gardner, Shelley Moore Capito, John Cornyn, Roger F. Wicker, John Thune.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 6157, an act to make appropriations for the Department of Defense for the fiscal year ending September 30, 2019, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

(Mr. GARDNER assumed the Chair.)

The yeas and nays resulted—yeas 92, nays 8, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—92

Alexander	Gardner	Murphy
Baldwin	Gillibrand	Murray
Barrasso	Graham	Nelson
Bennet	Grassley	Peters
Blumenthal	Harris	Portman
Blunt	Hassan	Reed
Booker	Hatch	Risch
Boozman	Heinrich	Roberts
Brown	Heitkamp	Rounds
Burr	Heller	Rubio
Cantwell	Hirono	Sasse
Capito	Hoeven	Schatz
Cardin	Hyde-Smith	Schumer
Carper	Inhofe	Scott
Casey	Isakson	Shaheen
Cassidy	Johnson	Shelby
Collins	Jones	Smith
Coons	Kaine	Stabenow
Corker	Kennedy	Sullivan
Cornyn	King	Tester
Cortez Masto	Klobuchar	Thune
Cotton	Kyl	Tillis
Crapo	Leahy	Udall
Cruz	Manchin	Van Hollen
Donnelly	Markey	Warner
Duckworth	McCaskill	Warren
Durbin	McConnell	Whitehouse
Enzi	Menendez	Wicker
Feinstein	Merkley	Wyden
Fischer	Moran	Young
Flake	Murkowski	

NAYS—8

Daines	Lee	Sanders
Ernst	Paul	Toomey
Lankford	Perdue	

The PRESIDING OFFICER (Mr. BOOZMAN). On this vote, the yeas are 92, the nays are 8.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, the question occurs on the adoption of the conference report to accompany H.R. 6157.

Mr. LEAHY. 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 93, nays 7, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—93

Alexander	Fischer	Moran
Baldwin	Gardner	Murkowski
Barrasso	Gillibrand	Murphy
Bennet	Graham	Murray
Blumenthal	Grassley	Nelson
Blunt	Harris	Peters
Booker	Hassan	Portman
Boozman	Hatch	Reed
Brown	Heinrich	Risch
Burr	Heitkamp	Roberts
Cantwell	Heller	Rounds
Capito	Hirono	Rubio
Cardin	Hoeven	Schatz
Carper	Hyde-Smith	Schumer
Casey	Inhofe	Scott
Cassidy	Isakson	Shaheen
Collins	Johnson	Shelby
Coons	Jones	Smith
Corker	Kaine	Stabenow
Cornyn	Kennedy	Sullivan
Cortez Masto	King	Tester
Cotton	Klobuchar	Thune
Crapo	Kyl	Tillis
Cruz	Lankford	Udall
Daines	Leahy	Van Hollen
Donnelly	Manchin	Warner
Duckworth	Markey	Warren
Durbin	McCaskill	Whitehouse
Enzi	McConnell	Wicker
Ernst	Menendez	Wyden
Feinstein	Merkley	Young

NAYS—7

Flake	Perdue	Toomey
Lee	Sanders	
Paul	Sasse	

The conference report was agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

MORNING BUSINESS

Mr. FLAKE. Mr. President, I ask unanimous consent that the Senate proceed to 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.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:07 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

MORNING BUSINESS—Continued

The PRESIDING OFFICER. The Senate will come to order.

The majority leader is recognized.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at 5:30 p.m. on Monday, September 24, the Senate proceed to executive session for the en bloc consideration of the following nominations: Executive Calendar Nos. 849 and 850.

I further ask that there then be 2 minutes of debate equally divided in the usual form and that following the use or yielding back of time, the Senate vote on the nominations en bloc, with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid

upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements related to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 938.

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 Peter A. Feldman, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission for the remainder of the term expiring October 26, 2019.

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 Peter A. Feldman, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission for the remainder of the term expiring October 26, 2019.

Mitch McConnell, Richard C. Shelby, Todd Young, Pat Roberts, Thom Tillis, Cory Gardner, Roger F. Wicker, Mike Rounds, David Perdue, John Boozman, Roy Blunt, Jerry Moran, Lamar Alexander, John Thune, Tim Scott, John Barrasso, Steve Daines.

LEGISLATIVE SESSION

Mr. MCCONNELL. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 941.

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 Peter A. Feldman, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2019. (Reappointment)

CLOTURE MOTION

Mr. MCCONNELL. 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 Peter A. Feldman, of the District of Columbia, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2019. (Reappointment)

Mitch McConnell, Richard C. Shelby, Todd Young, Pat Roberts, Thom Tillis, Cory Gardner, Roger F. Wicker, Mike Rounds, David Perdue, John Boozman, Roy Blunt, Jerry Moran, Lamar Alexander, John Thune, Tim Scott, John Barrasso, Steve Daines.

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

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

HURRICANE FLORENCE

Mr. THUNE. Mr. President, many in the Carolinas and other communities in our eastern States are dealing with wind, flooding, and storm surge damage caused by Hurricane Florence. In the lead-up to this hurricane and in the ongoing response to it, Federal agencies have played and continue to perform critical roles in forecasting, public safety, rescue, and recovery.

One of the key agencies involved in this effort is the Commerce Department's National Oceanic and Atmospheric Administration, or NOAA. NOAA houses the National Weather Service and the National Hurricane Center, which is responsible for issuing watches, warnings, and forecasts of these hazardous weather events.

Despite its responsibility for critical functions, NOAA has been without a Senate-confirmed Administrator for nearly 2 years due to obstruction by Senate Democrats. Barry Myers, the President's nominee to lead NOAA, was first approved by the Commerce Committee, of which I have the privilege of chairing, in December of 2017. Ten months later, his nomination sits stalled on the Senate floor, and he is far from alone.

During and after disasters like a hurricane, Americans use products such as portable generators, ladders, and power tools in greater quantity and frequency than during other times. The Consumer Product Safety Commission has a critical public safety mission to ensure that such products sold on store shelves or over the internet are safe. When there are safety issues, the Commission is charged with taking action. But nominations for this critical agency have also been blocked in the Senate. The same is true for the country's leading highway safety regulator. For months, Democrats have blocked the nomination of Heidi King to be the administrator of the National Highway Traffic Safety Administration. While she has shepherded the agency in an acting capacity, she has been denied the full weight and authority of a Senate-confirmed leader. So have other Commerce Committee-approved nominations for the Departments of Transportation and Commerce, Amtrak, and the Surface Transportation Board. All of these agencies play critical roles in promoting public safety. What is most frustrating is that this all feels like deja vu.

We have already seen this disturbing pattern play out with other safety nominees earlier in this Congress. The nomination of Ronald Batory to lead the Federal Railroad Administration had been stalled in the Senate for more than 6 months over demands by Senate Democrats concerning a parochial infrastructure project. Only after three deadly passenger rail accidents did Democrats finally relent and allow this critical railway safety official to assume his full agency leadership duties.

In another instance, Senate Democrats blocked nominees for the National Transportation Safety Board. This opposition only subsided following a deadly Missouri duck boat tragedy that claimed 17 lives. Once the Board was sent out to investigate and attention moved toward the blocked vacancies, Democrats finally relented to their confirmation.

Maybe Hurricane Florence will have a similar effect on some of these other blocked nominees, but it shouldn't take a tragic national disaster for Democrats to stop making unrelated demands that obstruct nominees from working in critical posts.

I urge my colleagues to stop this dangerous obstruction and instead give qualified nominees approved in committee the chance to lead their agencies so that we are all well prepared for the next natural disaster, safety recall, or serious accident.

OPIOID EPIDEMIC

Mr. THUNE. Mr. President, in 2017, more than 72,000 Americans died from drug overdoses, and 49,000 of those deaths were related to opioids. Opioid overdoses have surpassed motor vehicle accidents as the leading cause of accidental death in the United States. Whole communities have been devastated by the opioid epidemic. The situation is rightly described as a crisis.

Here in Congress we are focused on doing everything we can to support the fight against substance use disorder. In 2016, we passed the Comprehensive Addiction and Recovery Act, which authorized a variety of grants to States to boost their efforts to reduce opioid deaths and help individuals overcome opioid addiction. That same year, we also passed the 21st Century Cures Act, which provided $1 billion in State grants over 2 years to combat the opioid epidemic.

In March of this year, Congress passed an appropriations bill that provided $4.7 billion to address the opioid crisis. Today, we voted on an appropriations bill that will provide another $3.8 billion to fight this epidemic. Overall, Federal funding to address the opioid crisis has increased by nearly 1,300 percent over the past 4 years.

Then there is the bill we passed last night. The Opioid Crisis Response Act, which passed the Senate yesterday evening, is the product of months of work by five Senate committees. It contains more than 70 proposals from Senators of both parties and represents the serious efforts Congress has made to address opioid addiction on a number of fronts.

This legislation will support critical treatment and recovery efforts. It will help babies born in opioid withdrawal. It will help support family-focused residential treatment programs, and more. Just as importantly, it will also take steps to address what I see as the supply side of the opioid epidemic. It will help stop the movement of illegal drugs across our borders through the mail—the work of the Senator from Ohio, ROB PORTMAN. It will promote research into and fast-track approval of new nonaddictive pain management alternatives. It will help stop the practice of ''doctor shopping'' by improving State prescription drug monitoring programs.

The bill also provides grants for law enforcement agencies to help protect law enforcement officers from accidental exposure to deadly drugs in the course of their duties.

I am proud that this legislation includes a bill that I introduced, the Expanding Telehealth Response to Ensure Addiction Treatment Act, which will help expand access to substance use disorder treatment for Medicare recipients by using telehealth technology.

The Opioid Crisis Response Act also includes my legislation to close a safety gap in railroad drug and alcohol testing regulations and require the Department of Health and Human Services and the Department of Transportation to include fentanyl in the drug-testing panel.

Opioid addiction destroys lives, not just the lives of the addicted but the lives of their children, their parents, their siblings, their spouses, their relatives and friends. The Opioid Crisis Response Act and the funding that we passed today will help move us forward in the fight against this deadly epidemic. We will continue to make combating opioid addiction a top priority here in the Congress.

THE ECONOMY

Mr. THUNE. Mr. President, before I close, I want to mention the good economic news that continues to pour in. The economy created more than 200,000 jobs in August, beating expectations, and the unemployment rate was yet again below 4 percent.

Economic growth in the second quarter was even stronger than we thought—a robust 4.2 percent. Average hourly earnings for workers are rising at the fastest rate since 2009. Middle-class income hit its highest level ever last year.

In 2017, U.S. job openings have hit a record high of 6.94 million jobs. In fact, the number of job openings has exceeded the number of unemployed in this country for the past 5 months. Think about that. The number of job openings—the number of jobs available to people in this country—has exceeded the number of people who are unemployed in this country for the past 5 months. That has never happened before in the history of tracking those two statistics.

Consumer confidence is at an 18-year high. Small business optimism shattered its previous record high to reach a record high in August. The poverty rate has dropped to its lowest level since 2006. The percentage of Americans listing economic issues as the most important problem in the United States dropped to a record low, and the list continues.

These are all facts. These are indisputable facts, and they are the results of policies that are put in place with an eye toward growing this economy at a faster rate and creating better paying jobs and higher wages for people in our economy.

Since President Trump took office, Republicans have focused on fixing those things that have been holding the economy back. We removed burdensome regulations. We passed historic comprehensive reform in our Tax Code to put more money in Americans' pockets and to remove barriers to job creation and economic growth. Now we are seeing the results: strong economic growth—as I mentioned, 4.2 percent in the second quarter of this year—thriving small businesses, with optimism and investing confidence unlike anything we have seen in history, more money in families' paychecks, new jobs, better paying jobs, better benefits, and more opportunities for American workers.

Mr. President, America is back in business, and it is American families and American workers who are benefiting from that. We intend to continue to work on an agenda that creates policies that will drive and fuel economic growth in this country and provide more opportunities, a better standard of living, and a higher quality of life for all Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, as I rise for my 220th ''Time to Wake Up'' climate speech, there is abundant evidence that meaningful action on climate change in the United States is unlikely. We have a President who, against all the evidence, claims that climate change is a Chinese hoax. This is the same President who announced last year that he was pulling the United States out of the international Paris Agreement.

This is the same President who installed the theatrically corrupt Scott Pruitt, who owed his entire political career to the fossil fuel industry, to lead, of all things, the Environmental Protection Agency. When Pruitt's endless string of scandals finally proved too much even for this epically swampy administration, President Trump then made a coal industry lobbyist the Acting EPA Administrator.

The fundamentally rotten bargain at the heart of today's Trump politics is that his party is essentially bankrolled by the fossil fuel industry. This is why you see Republicans seeking to freeze voluntary fuel economy and greenhouse gas emissions standards for cars. If consumers pay more at the pump to fill up, fine—what matters is that the oil companies get to keep pumping.

This is why the Republican Clean Power Plan doesn't really reduce carbon emissions. In fact, the EPA's own numbers show that the replacement plan will result in poorer health for Americans, including 1,400 additional deaths a year, but what matters is that the coal companies sell coal.

Republicans even plan to weaken standards on methane leaks. It doesn't matter that methane is an extremely potent greenhouse gas. What matters is that the oil and gas industry doesn't have to spend any money to prevent those leaks.

So there is lots of evidence that meaningful action on climate change in this country is unlikely. Yet on Friday I attended the Global Climate Action Summit, organized by California Governor Brown, to keep up progress reducing carbon emissions and fighting the effects of climate change.

At the summit, States, cities, Provinces, and companies from around the world—indeed, foreign nations—made new announcements about climate change and to reduce carbon emissions. Governor Brown himself signed a law requiring 100 percent of California's electricity to be carbon-free by 2045 and committed that California would be carbon-neutral by the same year. Plus, there is that satellite to measure carbon emissions.

New Jersey announced plans to install more than 3,000 megawatts of offshore wind.

States and cities in India announced plans for thousands of electric buses,

cool roofs, and solar-equipped public buildings.

IKEA, the furniture store, announced that all of its delivery services will be zero emissions by 2025.

That is just a small sample of the new commitments—evidence of the determination of Governors, mayors, CEOs, investors, and NGOs to combat climate change despite the failure of Republican leadership in Washington.

But if we are to have any hope of keeping global warming under 2 degrees Celsius—or better yet, 1.5 degrees—we are going to need leadership here. We are going to need a Federal price on carbon. That is why last week's announcement from the Climate Leadership Council was so important. The CLC has been working with former Republican Secretaries of State George Shultz and James Baker and former Treasury Secretary Hank Paulson for a $40-per-ton carbon fee and return all of the money raised by that carbon fee to American families in the form of a dividend. This plan shares a lot of similarities with the American Opportunity Carbon Fee Act, which I introduced with Senator SCHATZ of Hawaii. The CLC plan is supported by many corporations, business leaders, and former Republican officials.

Last week, the CLC announced that its $40-per-ton carbon fee would result in emissions reductions substantially better than our present national targets. The CLC also found that 56 percent of Americans—including majorities of Democrats, Independents, and Republicans—support it. Seventy-one percent of millennials support a carbon fee, which shows that carbon pricing is coming. The only question is how soon. Americans intuitively understand that it makes sense to impose a fee on something we want less of, whether it is carbon emissions or cigarettes. When the revenues from those fees are returned to the American people, it is better still.

Last week's climate summit featured a discussion on carbon pricing organized by the business community. The fossil fuel industry and its array of front groups will, of course, attack any effort to put a price on carbon emissions. So having companies like Gap, Exelon, Pacific Gas and Electric, and Steelcase speak out in favor of carbon pricing was a good start. When the business community shows broad-based support for carbon pricing, it will be very difficult to argue that it is bad for business, but let's remember that the fossil fuel companies bring heavy artillery to this fight.

Washington State has a carbon fee ballot initiative right now, which has provoked Big Oil to spend $20 million to defeat that initiative, including companies that claim they support a carbon price. Among the donors are BP, Phillips 66, and others that have contributed over $3 million each to oppose the carbon price initiative. So against that Big Oil blowback, it would sure be nice if Washington State's corporate leaders stood up on this.

Starbucks, after all, has a whole web page about climate change and has committed to purchasing 100 percent renewable energy. Amazon has a web page on its efforts to reduce its carbon footprint, and it, too, is aiming to go to 100 percent renewable.

Jeff Bezos, one of the world's richest people, is investing in clean energy, along with another corporate icon of Washington State, Microsoft's Bill Gates. In fact, Microsoft is hard at work reducing carbon emissions in its operations. It even has an internal carbon price to encourage reductions in carbon pollution.

Boeing has a web page cataloging its efforts to combat climate change by making its airplanes more efficient.

So where are they when it comes to their own home State's plan to actually do something about climate change? As we have seen so often here in Washington, DC, as well, it is radio silence. The interesting thing is that Big Oil is actually tiny compared to Microsoft, Amazon, Starbucks, Boeing, and the rest of the tech companies, Wall Street banks, insurance companies, consumer goods companies, retailers, and food and beverage companies that all claim to care about climate change—tiny.

The difference is that Big Oil shows up. It shows up here in Congress. It funds its armada of front groups and trade associations and phony think tanks to steer Republicans here in Congress away from anything limiting carbon pollution, just like it is showing up right now in Washington State to kill an initiative that would limit carbon pollution.

Here is the problem: The good guys aren't showing up. They don't show up here in Congress, and they are letting Big Oil outgun them even in Washington State. In my experience, if you don't show up to the game, you don't win. It is as simple as that.

That is the message I took to last week's summit. I truly appreciate business leaders who talk about the dangers of climate change and the value of carbon pricing. I truly appreciate business leaders who work on reducing carbon emissions within their corporate footprint. But it also matters what you do in the public arena. Show up to fight for the policy you already espouse. Show up here in Congress and in Washington State. Challenge Big Oil rather than forfeit the game before it even begins. This is a fight. There are hydraulics in politics. If no one pushes back, the only team on the field will win.

Well, we can't keep having the fossil fuel industry win this fight because we will all be losers in their win. We have to win, but to do that, we will need companies talking a good game to actually show up on game day.

It is not just time to wake up. It is time to show up.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

(The remarks of Mr. JONES pertaining to the introduction of S. 3467 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER (Mr. HOEVEN). The Senator from Alaska.

TRIBUTE TO STANLEY RILEY

Mr. SULLIVAN. Mr. President, it is Tuesday, and normally I come to the Senate floor on Thursdays, and I do what is the favorite part of the week for me. I do our series called the ''Alaskan of the Week.'' So we are going to talk about the Alaskan of the week, which is a great opportunity for me to talk about somebody in the great State of Alaska who has done something good for their community, their town, their State, or maybe their country, and I get to brag a little bit about what I think makes my State the best State in the country. It is the people. It is the community. It is people who are doing wonderful things and are an inspiration.

Today I want to transport you to a village called Anaktuvuk Pass in Alaska's North Slope Borough. It is about 500 miles north of Anchorage, way up north, beyond the Arctic Circle. It is smack-dab in the Brooks Range, surrounded by beautiful, rugged, majestic mountains. It is Alaska's real-life version of the mythical Shangri-La. Anaktuvuk Pass is the place that Stanley Riley, an amazing young Alaskan, calls home.

Stanley made his village proud recently by bringing home a gold and two second place finishes from his first World Eskimo-Indian Olympics. Let me spend a minute or two talking about the World Eskimo-Indian Olympics, another Alaskan institution. The games began in 1961. They test the skills, strength, ability, agility, and endurance of Alaskan Natives, who for millennia have needed to be able to survive in some of the harshest conditions in the world.

The games leave no part of the body untested. There is the seal hop, the four-man carry, the ear pull—that one is really popular—the high kicks, and the muktuk eating contest, which is whale blubber. They also reflect what is very unique about the great State of Alaska. Stanley won a gold for the head pull. It is another competition at these incredible World Eskimo-Indian Olympics.

Let me describe the head pull. You lie down on the ground, facing your competitor. Both of you are up on your hands, and you share a strap looped around each other's necks. Whoever is able to use enough neck and shoulder strength to pull the other over wins. That is the head pull.

He almost won the four-man carry, where you walk for as long as you can with four people clinging to all sides of you. That is the four-man carry. He spent all summer training for it, climbing up the mountains that surround his

village and hauling game back down the mountains that he had shot. It is a good way to train in Alaska. That honor went to Sido Evans from Fairbanks, Riley's best friend. He called him a ''mountain of a Koyukon man.''

Riley has his sights on gold for next year's World Eskimo-Indian Olympics. It seems like when he wants something badly enough, he gets it, particularly now, since he has found his calling.

What is his calling, you ask? His calling is to be a role model for his people, especially the young people.

Stanley has overcome incredible odds to get to where he is now. That is the inspiration part I was talking about. He had some rough times as a youngster, and he has overcome them and is now an example for so many Alaskans in his community and beyond.

As is the case for too many children across my State and across the country, Stanley grew up in a single-parent household without a father around. That took its toll. When he was 12, he left Anaktuvuk Pass and got bounced around in the foster care system. He had almost 20 foster care parents, he said, until he emancipated at 16 years old.

Then, he started to succeed. He was able to get his GED, and he had enough internal drive that along the way he had some good-paying jobs, but then again he had setbacks, as happens in the life of our young people, whether in Alaska or across the country, when drugs and alcohol get in the way.

Finally, about 4 years ago, he looked in the mirror and didn't like the person staring back at him. He was unhealthy, unfit, and had gained all kinds of weight—over 400 pounds. He lacked a purpose. He packed up and moved back to Anaktuvuk Pass, intent, he said, on changing his life for the better and on becoming a positive role model for his community, especially the youth in his community. He started to do this. Slowly his mind cleared, his soul brightened, and he began to get in shape.

Now he spends his summers climbing the mountains around his village and hunting. He guesses he has climbed up about 1,000 miles this summer. The man is in shape. He has lost all kinds of weight, and he works as a tour guide and is an inspiration to so many members of his community, including his nephew Jacob, who is a talented basketball player and the light of Stanley's life. He said:

> When you're with your community, it's easier to keep yourself together. You don't want to let those people [who you live with and are part of your community] down.

That is a great sentiment. Stanley is now a full-time student, and he is studying to be an Inupiak language and culture teacher. He wants the next generation to know where they came from and how strong they are and have pride in their culture and their heritage. He said:

> I want them to know that even though you have had a hard upbringing, you can do anything [you set your mind to].

He is also an amazing chef, mixing the old and new in Alaska. For instance, one of his signature dishes is fettuccini Alfredo with muktuk—whale blubber. People should try that. I am sure it is really good. I look forward to it.

His next goal is to compete in the Arctic Winter Games, something he has been training for every day. In Alaska, we certainly are rooting for him.

Stanley, thank you for being an inspiration, especially among the young people, showing them that when you have hard times, you can get up, brush yourself off, set high goals and standards, and then achieve them. Thank you for being our Alaskan of the week.

I yield the floor.

The PRESIDING OFFICER (Mr. YOUNG). The Senator from Wyoming.

AMERICA'S WATER INFRASTRUCTURE

Mr. BARRASSO. Mr. President, as the Presiding Officer knows, President Trump has called on Congress to take up major infrastructure legislation. Passing an infrastructure bill would create jobs, grow our economy, and help keep families safe. Water infrastructure is a key part of the President's call.

Drinking water systems, dams, levees, ports, reservoirs, and waste water systems matter to just about every community in the country. Infrastructure is an essential part of everyday life. Infrastructure brings water into our homes and protects us from flooding caused by catastrophic storms, like the one we had this past week on the east coast.

Many of these aging water systems are in need of significant attention. Several need to be repaired or fully replaced, while other, long-awaited projects need to get started. The time to upgrade our water infrastructure is now.

Last week, committee leaders from the Senate and the House of Representatives reached a deal of historic proportion on comprehensive water infrastructure legislation—now passed in the House and awaiting passage in the Senate. The name of the consensus bill is ''America's Water Infrastructure Act.'' As the chairman of the Senate Environment and Public Works Committee, I worked closely with Ranking Member CARPER, Infrastructure Subcommittee Chairman INHOFE, and Subcommittee Ranking Member CARDIN to reach this deal with the House. This is by far the most significant water infrastructure bill of this Congress and the most significant water infrastructure bill in decades. It is bipartisan, and it helps all 50 States.

The legislation does three big things: It grows the economy, it cuts Washington redtape, and it keeps communities safe. America's Water Infrastructure Act spurs economic growth by creating jobs and authorizing vital projects. This bill authorizes projects that deepen nationally significant ports, maintain inland shipping lanes, upgrade aging dams, and increase water storage in the arid West. These projects ensure that American-made goods can be shipped from the heartland to the coast and around the world.

Access to a consistent water supply is key for America's ranchers and farmers. They expect that their water will be delivered when they need it. Ranchers and farmers will directly benefit from this legislation, as crumbling irrigation systems will receive badly needed maintenance.

In my home State of Wyoming and across the West, water storage is a serious issue. This consensus bill will increase storage capacity and expand water reservoirs, such as the Fontenelle Reservoir in Wyoming.

The legislation cuts redtape by making it easier to get projects through the Army Corps of Engineers' process. It will give State and local leaders an increased role in prioritizing which Army Corps projects are built. When a local partner takes over an Army Corps of Engineers flood control project, that non-Federal partner will no longer need to worry about obtaining new permits. The bill mandates that the Army Corps transfer its authority to the local partner so new permits—and the time required to get them—will no longer be necessary.

We have also included important language to help smaller rural communities leverage Federal dollars so they can complete needed infrastructure projects. Leveraging Federal resources is an important component of President Trump's infrastructure plan. Federal programs, such as the Water Infrastructure Flexibility Act, can give taxpayers the most bang for the buck. In the past, smaller rural communities have had trouble accessing these dollars. The language in our consensus bill will give these rural areas the chance to compete for these funds and be able to participate in this very successful program. Cutting redtape and increasing access to leveraging programs will help us get projects done faster, better, cheaper, and smarter.

Finally, the bipartisan agreement will help keep communities safe. The critical infrastructure projects included in this package will help prevent damaging flood waters by maintaining dams, levees, and beach fronts. It will also create a permanent program to prevent floods caused by ice jams like we saw in Worland, WY.

The legislation allows the Army Corps of Engineers to more effectively assist communities recovering from devastating storms and surging rivers.

This bill isn't just about flood prevention. It is the most significant drinking water legislation in decades. This bill invests in repairing aging drinking water systems. For the first time since 1996, Congress will authorize the Drinking Water State Revolving

Funds. These funds give States certainty that they can meet their drinking water needs.

The bill is also fiscally responsible. The nonpartisan Congressional Budget Office said America's Water Infrastructure Act will authorize these important projects and reduce the deficit at the same time. America's Water Infrastructure Act has received broad bipartisan support from Democrats, Republicans, local governments, and stakeholders. It originally passed out of the Senate Environmental and Public Works Committee unanimously, by a vote of 21 to 0. After reaching this consensus agreement, the House of Representatives passed the updated bill unanimously by voice vote. Simply put, America's Water Infrastructure Act is good for the entire Nation.

President Trump called on Congress to pass major infrastructure legislation. America's Water Infrastructure Act answers that call. By reaching this bipartisan agreement, my home State of Wyoming and the Nation will see upgrades, reforms, and new initiatives that deliver on the President's commitment to rebuild our aging water system. Now is the time for the Senate to take up this important bill and send it to the President for his signature.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

FUNDING THE GOVERNMENT

Mrs. ERNST. Mr. President, I rise today disappointed and frustrated.

Once again, we passed an ill-advised continuing resolution to fund much of our government. Once again, folks, we have passed the buck. Once again, we have failed to do our job.

One of Congress's most essential roles is to fund a responsible government that runs efficiently and effectively. We have a duty to taxpayers to not just simply give a thumbs-up on spending their money but to debate and consider whether programs are working to serve their needs. Unfortunately, we have been negligent in this solemn duty. Like myself, Americans are tired of this shortsighted habit of kicking the can down the road.

How did we get to this point, you might be asking yourself. After all, we worked across the aisle in an open and collaborative way and found a path forward to fund our national defense and the vital Departments of Labor, Health and Human Services, and Education. We recently passed a similar bill related to Energy and Water, Legislative Branch, Military Construction, and Veterans Affairs.

As we have seen, a continuing resolution was attached to this legislation for the rest of the government, including our vital Department of Homeland Security. Worse, this continuing resolution doesn't fund the government fully until the end of the fiscal year. No, it simply punts the ball to December 7. That is it. We will be back here before Christmas, and if experience is any sort of guide, multiple times after that before we can get the government fully funded.

I ultimately chose to vote yes on this continuing resolution because of what it means for our national security and our servicemembers who risk their lives every day for our security. Also, the continuing resolution included the Violence Against Women Act, a bill I could not allow to lapse given that this bill provides services for our most vulnerable. VAWA addresses the scourge of domestic violence that is so prevalent in our communities—crimes that often hurt women and children the most, often requiring them to be displaced from the only homes they know.

I believe we can strengthen this act in several ways by addressing changing circumstances since its last reauthorization 5 years ago by tailoring its language to better fit the needs of our communities. There are provisions we need to change and to work on, but we are not afforded that opportunity.

Tying our Nation's security and the Violence Against Women Act to the CR made it both the carrot and the stick. We are leaving services and programs that the American people rely upon open to partisan delay and political gerrymandering.

The people of Iowa elected me to come to Washington to be their voice and to instill much needed fiscal responsibility. Rather than pushing, procrastinating, and postponing for another 3 months, we should buckle down and build upon the great progress we have made this year by getting the remaining appropriations bills across the finish line.

We should debate the Violence Against Women Act in regular order so we can strengthen it and provide protections for those who need it the most. There are items I support in this continuing resolution, but we need to do our job. We need to fund the government. If we don't take action now, we will be back here month after month, year after year, doing the exact same thing.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

SUICIDE PREVENTION

Mr. DONNELLY. Mr. President, I come to the floor to bring attention to suicide prevention, an issue of tremendous importance to families and communities across Indiana and our country.

The Senate will be introducing a resolution very soon recognizing suicide as a serious public health problem and expressing support for designation of September as National Suicide Prevention Month.

Every year, we lose nearly 45,000 Americans to suicide. It is the 10th leading cause of death in this country and second leading cause for those ages 15 to 34. Think about that for a moment: 45,000 lives every year, 123 lives every day, 1 life every 12 minutes.

The American Foundation for Suicide Prevention champions the message: ''Be The Voice . . . Stop Suicide.''

Whether we are Senators or family or friends or coworkers or even strangers, we can all play a role in helping to prevent suicide. We all must ''be the voice.''

So what is our voice?

Formally recognizing Suicide Prevention Month is a start, and I am proud to have cosponsored that resolution. Yet it can't just be about a day or a week or a month on which we pause to reflect. This is a heartbreaking challenge for our communities, and we must be working year-round and across the aisle—there are no Democrats or Republicans in this—to find the solutions that provide Americans with the help they need to get through their most trying times.

Over the past several years, Congress has found a number of bipartisan solutions to help address this tragic problem, but our work is far from done. There are still 45,000 Americans every year and their families and their friends who need our help. They need our action.

As I started my time in the Senate, I made it a focus to find bipartisan approaches to suicide prevention. In Indiana, suicide claims over 1,000 lives every year. That is one Hoosier lost every 8 hours. In 2013, my fellow Hoosier Jeff Sexton reached out to me to share the tragic story of his son Jake. Specialist Jacob Sexton, an Indiana National Guardsman, tragically took his own life in 2009 while on leave from a deployment to Afghanistan.

His story is far too familiar for Active, Guard, and Reserve servicemembers and for veterans as well. Despite representing less than 10 percent of the population, these Americans comprise almost 20 percent of the suicides. Their communities lose over 7,000 members every year as they struggle with the stresses of the military service that we as a nation and as a Congress ask of them.

So the question is, What can we do to help them and to prevent these tragedies?

Hoping to answer that question, the first bill I introduced in the Senate focused on suicide prevention in the military and in our veteran communities. Introduced in 2013 and signed into law in the 2014 National Defense Authorization Act, my Jacob Sexton Military Suicide Prevention Act addressed a critical gap in mental healthcare for our troops. All too often, many of our

servicemembers would go years without having any mental health assessment, without having a medical professional ask: How are you doing? How are you feeling? If you are feeling a little off or a little unsure, we have all the means you need to get help.

Congress worked together to pass that bill into law, and now we have ensured that every servicemember, Active, Guard, and Reserve alike, receives an annual mental health assessment—a professional look to make sure the member isn't fighting a battle he or she can't win on his or her own. That is why I was pleased to hear from every service Secretary and Chief last fall that annual mental health assessments have been 100 percent implemented throughout the services.

Even with an avenue for help, though, many servicemembers were cautious about reaching out for assistance. They feared the stigma could hurt them professionally or personally. They feared repercussions to their deployability, their promotions, or their security clearances. We also made sure to include privacy protections as a part of the Sexton act. It is critically important that these brave men and women who come forward can get the support they need without suffering professionally for just seeking help.

In building upon the Sexton act, my Servicemember and Veteran Mental Health Care Package, which was signed into law as part of the national defense bill in 2015, is a three-part, bipartisan effort to ensure servicemembers and vets have access to quality mental healthcare, whether they seek it through providers in their communities, the Department of Defense, or the Department of Veterans Affairs.

First, the Military and Veterans Mental Health Provider Assessment Act guarantees that the Department of Defense's primary care and mental health providers are trained to recognize signs of suicide risk and other mental healthcare best practices.

Next, the Community Provider Readiness Recognition Act developed a new designation for community healthcare providers that demonstrates a strong knowledge of military culture and mental treatments that are focused on servicemembers and veterans, specifically pertaining to mental health.

Finally, the Frontline Mental Health Provider Training Act helped the Department of Defense establish a pilot program to expand the availability of physician assistants to meet the increasing need for mental healthcare evaluations and services for servicemembers and military families.

I am proud to have helped pass each of these efforts, and I believe they are some of the Senate's most important achievements in the past 5 years as the demand for military mental health services has never been greater. It is extremely important that we leverage all of our assets in support of our veterans, servicemembers, and military families through legislation like the Sexton act and the Care Package. It is critical that our support for mental health extends beyond Active, Guard, and Reserve duty and that we continue to honor this commitment to our veterans.

Another piece of bipartisan legislation that I was proud to work on was the Clay Hunt Suicide Prevention for American Veterans Act, which was signed into law in 2015. This law is key to getting timely and effective mental healthcare to prevent suicide in our veteran communities. The bill's namesake, Clay Hunt, was a decorated veteran of Iraq and Afghanistan who tragically took his own life after he struggled with PTSD and depression. The Clay Hunt SAV Act requires annual third-party evaluations of VA mental health and suicide prevention programs. It creates a centralized website that provides information on VA mental health services, and it requires the VA to collaborate on suicide prevention efforts with nonprofit mental health organizations.

As our country still faces a rate of more than 20 veterans who take their lives every day, we must continue to find opportunities like these to help prevent veteran suicide and improve the mental healthcare services that are available to our heroes.

It shouldn't come as a surprise that the law enforcement officers who keep our communities safe often face some of the same stresses that affect our servicemembers and our veterans. It is becoming increasingly common for them to repeatedly experience challenging and even horrific situations on the job. Protecting the psychological health and well-being of those who serve our communities is a critically important issue.

With fellow Hoosier Senator TODD YOUNG, I was proud to introduce the Law Enforcement Mental Health and Wellness Act in early April 2017, to help get it through the Senate unanimously in May of 2017, and signed into law by President Trump this past January. This bill was inspired, in part, by Lebanon, IN, Police Officer Taylor Nielsen, who, in 2016, was called to a horrific crime scene. With the gruesome images of the scene etched in her mind, Taylor began to suffer from posttraumatic stress disorder and, at one point, sought to take her own life. Fortunately, her fellow officers recognized her situation, sought help for her, and saved her life before it was too late.

The Law Enforcement Mental Health and Wellness Act helps our law enforcement officers get access to the mental healthcare they need as they keep our communities safe every day. The law authorizes grants to initiate peer-mentoring pilot programs. It directs the Departments of Justice and Health and Human Services to develop resources for mental health providers based on the specific mental health challenges that are faced by law enforcement, and it studies the effectiveness of crisis hotlines and annual mental health checks. It also directs the Departments of Defense and Justice and Veterans Affairs to confer about existing DOD and VA mental health practices and services that could be adopted by our law enforcement agencies.

In working together with my colleagues, I am proud of these successes, but mental health issues and suicide impact every part of our Nation; they don't discriminate. We must look for ways to ensure that our workplaces, our schools, and our rural communities have the mental health care and treatment resources they need.

One critical resource is the national suicide hotline. By calling 1–800–273–8255, every American can access free and confidential emotional support 24 hours a day, 7 days a week. It is a wonderful service, and we are working to make it even better.

The bipartisan National Suicide Hotline Improvement Act, which I introduced with my friend Senator HATCH, was signed into law a month ago. It will increase the effectiveness of the current suicide prevention lifeline system and the Veterans Crisis Line by requiring the Federal Communications Commission to study the system and to make recommendations on how we can improve it. One of these improvements is in seeing whether we can include a three-digit hotline number that would better connect folks to crucial crisis resources.

Now, in the time I have been on the Senate floor today—just in this short time—we have likely lost another American life to suicide. At the current rate, in 12 more minutes, we will, heartbreakingly, lose another. As a parent, this is so heartbreaking and so tragic that we have to do whatever we can to prevent these tragedies—123 Americans every day, 45,000 every year—of people who can make our lives and our country so much brighter and so much better every day. It doesn't have to be that way—that they will be gone.

It is incumbent on all of us to harness the sobering reminder of this National Suicide Prevention Month and ensure that every American knows there is hope and that support is just a call or a conversation away.

There are people and there are resources that are available to help you get through any challenges that you have. You are loved, and you are cared about. We want to make sure you have everything you need to get through whatever difficult time you may be facing.

I am proud of these efforts—proud that we have put aside any party politics to address this issue that affects all of us. Our job is not done though. We have to exhaust every avenue to provide all Americans the support they need to prevent suicide. Let's tackle this program together. Let's ''be the voice.''

I yield the floor.

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

The PRESIDING OFFICER (Mr. HOEVEN). Without objection, it is so ordered.

NOMINATION OF BRETT KAVANAUGH

Mr. CORNYN. Mr. President, last night, the Senate Judiciary Committee announced that there would be an additional public hearing to address the allegations of misconduct that had been made against Judge Brett Kavanaugh, who has been nominated to the U.S. Supreme Court. So far, all we have is an accusation—one that, frankly, has a lot of holes in it as far as the time and circumstances under which this alleged event occurred. Nonetheless, it is a very serious allegation about misconduct that one claims happened about 36 years ago when she, Judge Kavanaugh, and others were involved as teenagers.

Judge Kavanaugh and the other individual allegedly involved have said that this incident did not happen. They unequivocally deny the claim, and, thus far, no other individuals have corroborated the accuser's statement.

The reason we find ourselves in this very unusual situation, where we have actually had the confirmation hearing of the nominee and we find it necessary to have a supplemental or additional hearing is that our Democratic colleagues failed to raise this accusation so that it could be handled in a bipartisan, regular manner in which the Judiciary Committee handles background investigations, understanding that when somebody goes through a background investigation, sometimes information comes up that is particularly sensitive, sometimes embarrassing; maybe it is about financial matters or other personal matters. So the practice of the Judiciary Committee is to have those background investigations handled with great care by specially cleared individuals. Then, following the hearing, the open hearing, that information will be shared with members of the committee, and they can then ask any questions they may want to ask in a closed session.

We did not have that opportunity because the ranking member did not even alert members of her own party about the existence of this accusation that she had had for some 6 weeks. So we weren't able to do the sort of due diligence that has come to be the practice of the Judiciary Committee on a bipartisan basis. The ranking member, who was forwarded the allegation, did not even attend the closed session where we considered the background investigation that had been done on Judge Kavanaugh, and, as I said, she didn't do anything with the allegation for almost 2 months.

What is clear is that this allegation has been handled—or I should say egregiously mishandled—up until now. But that is no excuse for us to continue to do the same. We need to return this process to its ordinary rules and procedures. We will take these accusations with the seriousness they deserve, and that is in a way that is fair to both the alleged victim and the judge himself.

Because of our friends on the other side's fondness for gotcha moments and political theater throughout the confirmation process, so far that fairness has mostly been lost. It has been denied the victim, who said that she wanted privacy, and it has been denied Judge Kavanaugh, who has flatly disavowed the claims. He had no opportunity during his confirmation hearing, either in open or in closed session, to answer questions about these allegations. This has really been a driveby attack on the character of this judge.

Again, it is a serious accusation that we will take—and have taken—seriously, but, unfortunately, this process has gotten away from being about getting to the truth and has been more about gamesmanship and delay. The timing and the way in which this allegation was sprung attest to that. That is why, initially, I was somewhat skeptical about rewarding this bad behavior by calling for another public hearing. I had confidence in the committee's usual process for dealing with situations like this, which would ensure that both sides would be heard and that sensitive matters would be handled with the sensitivity they deserve.

When I spoke to him yesterday, Judge Kavanaugh's commitment to transparency and eagerness to address these false allegations head-on was clear.

When members of the committee met yesterday to discuss a possible path forward, we agreed that a supplemental hearing was in order. I went along with that consensus point of view.

I want to commend Chairman GRASSLEY for his leadership, and I certainly support his decision to hold an additional hearing next Monday. As he said yesterday, anyone who comes forward under circumstances like this deserves to be heard in an ''appropriate, precedented and respectful manner.'' How our colleagues across the aisle conduct themselves will prove whether they are actually interested in getting to the truth of these allegations or whether this is just an exercise in character assassination.

OPIOID CRISIS RESPONSE ACT

Mr. CORNYN. Mr. President, on another matter, last night we voted on a very important piece of legislation called the Opioid Crisis Response Act, which came to us from the HELP Committee; that is, the Health, Education, Labor, and Pensions Committee.

Thanks to Chairman ALEXANDER, the chairman of the HELP Committee, and as a result of his hard work and the contributions of 70 Senators and 5 standing committees, we were able to come up with a package that had overwhelming support. I believe it was 99 to 1, if I am not mistaken.

The House has already passed its version of this legislation, so it was important that we do the same and get the bill to the President soon. I am happy to report that we have now done that.

Included in this Opioid Crisis Response Act was something called the STOP Act, which is a bipartisan piece of legislation that imposes new requirements on the U.S. Postal Service and Customs and Border Protection. It will close loopholes that are currently being exploited by drug traffickers to evade detection when shipping synthetic opioids, like fentanyl, because so few of those postal packages are actually inspected to find out whether they include drugs like fentanyl.

The package we voted on also includes a bill I sponsored with the senior Senator from California called the Substance Abuse Prevention Act, believing that we need to do something, not only about the supply side of the problem but the demand side as well. This piece of legislation is important because it will reauthorize the Office of National Drug Control Policy. We need a strategy, and we need an Office of National Drug Control Policy, not only to articulate but also to help execute that strategy.

This bill will also seek to reduce demand for illegal drugs in a variety of ways: education for medical providers, expanding drug awareness campaigns, and funding drug courts and nonprofits that provide interventions to people struggling with addiction.

I have seen drug courts in action, and they actually work. People who commit offenses involving illegal drugs can actually be monitored and given wraparound care and support not only to help them deal with their addiction but also to help them reenter a productive society.

Unfortunately, Texas is no stranger when it comes to illegal drugs. In fact, one in three Texans responded to a recent poll saying that they knew somebody addicted to painkillers. One in three said they knew somebody addicted to painkillers. Last year, close to 3,000 Texans died from drug overdoses. That is nearly triple the number in 2000. That is simply unacceptable. Eighteen years have passed, and the number is three times higher.

Experts have said it is estimated to rise again by 6 percent this year. Those numbers are about real human beings and are a tragedy. Clearly, something is not working.

That suspicion is confirmed by the researchers who are saying that overdoses are now the leading cause of maternal deaths in my State. In Texas, emergency room personnel have said that they are seeing younger and younger children gaining access to these addictive opioids, and patients

are making violent threats when they are not given the prescriptions they need to address their addiction.

I wish I could say that this was just some bad movie or an episode of ''Breaking Bad'' and that we could turn it off or change the channel, but we simply can't.

This spike in drug use has occurred across the entire Nation, and it has multiple causes. There are enterprising drug entrepreneurs, some of them in China with new equipment and labs and marketing schemes and sales platforms.

Then there is the role of the drug cartels, primarily south of the border. These drug cartels' operations are increasingly sophisticated, and their income streams have become diversified, including fuel theft. In the words of one person with knowledge of this matter, they are commodity agnostics. These cartels will ship drugs; they will ship people; and they will traffic children for sex. They will do anything to make money, and they care nothing about their victims.

Then we know there is also the social isolation and breakdown in American communities that help contribute to this crisis. There are those men and women who, for their own reasons, turn to drugs for relief, either unaware of the dangers they pose or naively thinking that perhaps they are strong enough to avoid the attraction of addiction.

In many places, illegal drugs are now resulting in more deaths than criminal homicides, car crashes, or HIV. We know we have a jaw-dropping, society-wide problem on our hands. According to the Centers for Disease Control and Prevention, 72,000 Americans died last year as a result of drug overdoses—72,000. It is incumbent on us to do everything we can, including passing this opioid legislation and working in tandem with State and local governments, as well as nonprofit groups and religious ministries.

In the Texas capital of Austin, where I live, one of these groups is called Bridge of Angels. Every Sunday, it meets under an overpass right where Interstate Highway 35 cuts through the heart of Austin. Drug users and others struggling go there, and they find people who will listen and people who will help. But if you stay on Interstate Highway 35 and, instead of exiting, head south for 3½ hours, eventually you will hit Mexico. I–35 proceeds all the way to Laredo and, of course, Nuevo Laredo, all the way on the other side of the border. Unfortunately, that interstate and others are some of the conduits used to transport drugs from Mexico right to America's doorstep.

U.S. Customs and Border Protection, led by leaders like my friend, Rio Grande Valley Sector Chief Manny Padilla, and the new, very impressive Border Patrol Chief, Carla Provost, whom I met with last week, do everything in their power to detect these poisons before they can make it over to the U.S. side. Many times, they are successful, but the smugglers are cunning, and they are driven by a ruthless profit motive. They hide drugs inside of food and drink containers, luggage, metal panels and equipment, and their cars and trucks. They are quite clever about when and how they cross the border, so sometimes these drugs get through, and then they spread.

As Chief Provost testified recently, one of the ways drugs make their way across the border is that the cartels, who are moving people from Central America, both unaccompanied minors and family units—because they know that it is such a labor-intensive job to process these children and these family units at the border because they require special procedures, many times the drug cartels will use that as a diversionary tactic to move drugs through another part of the border. So we are more vulnerable than I think perhaps most of our people recognize.

Of course, we know these drugs are hawked to children, to teenagers, and they are sold and distributed all across the country. What starts south of the border doesn't stay south of the border; it ends up in our neighborhoods, our schools, our hospitals, and, unfortunately, in our funeral parlors.

The point I want to make is the point I tried to emphasize last week, which is that our War on Drugs is Mexico's War on Drugs too.

I was in Mexico City about 3 weeks ago. Many of our outstanding professionals at the American Embassy say that many of the people in Mexico regard the drug and the immigration problem as our problem, not their problem. Well, it is their problem when more people have died of violence in Mexico—drug-related cartel violence—from 2007 to today than have died in Afghanistan and Iraq combined, and it is getting worse. To me, that is not just an American problem; that is a Mexican and American problem.

In 2006, Felipe Calderon, the President of Mexico, initiated an armed response to the cartels that were wreaking havoc in his country and, based on some estimates, now control more than a third of the country's geographical territory. Let me pause and reemphasize that. Now, according to some estimates, the drug cartels control a third or more of Mexico itself—a country of 125 million people, with a 1,200-mile common border with the United States of America, and that is just the Texas portion. Because of their success in displacing traditional authorities and usurping the role of law enforcement and government in many parts of the country, these cartels have sometimes created what has been referred to as a ''parallel state'' in Mexico—ungoverned by anyone except for the drug cartels. As a matter of fact, law enforcement can't even get into these areas for fear of being wiped out.

The Mexican legal system tries to keep up, and certainly the country has developed laws and institutions that certainly I in no way want to denigrate, but because of corruption and these powerful criminal organizations, a genuine rule of law is missing in many large swaths of the country and has been for generations.

Again, our Mexican friends say: Well, if it weren't for the demand for these drugs in the United States, it wouldn't fuel these cartels and the violence that goes along with it. They have a very important point. But this is not just an American problem; this is, as I said, a Mexican and an American problem.

I hope that I have been able to sketch how difficult these deep-seated drug-related problems are for us to resolve, but we can't—we don't have the luxury of ignoring them or pretending they don't exist. They are real, and they are taking the lives of Americans on a daily, hourly, minute-by-minute basis, and they affect all segments of our society.

Thankfully, the United States has partnered with Mexico in recent years through programs like the Merida Initiative and directed funds toward strengthening communities and empowering the Mexican criminal justice system and judicial system so that a culture of impunity no longer exists. What I mean by that is if criminals feel that they can commit crimes, including murder, and that they will never be charged and convicted and imprisoned, then there is no deterrence, and so the killings continue. We have also collaborated on intelligence matters and have cooperated in a variety of ways on providing security.

But we have to do even more, I believe, together, on our side of the border—the drug demand—and on the Mexican side. At least based on the criminal violence last year rising to perhaps its highest levels ever before seen, our investments aren't paying off, and we need to double down, working with our Mexican partners in the commitment not only to provide the rule of law and eliminate impunity but to slow down and hopefully ultimately stop the flow of these illegal drugs that are killing so many Americans.

The consumption of these drugs in Mexico, at least, is not as high as it is in our country, but it is growing. Their people are suffering severe harm in that country—harm due to cartel violence and criminals targeting politicians, the clergy, journalists, and innocent civilians, in addition to the addictions. In the United States, as I mentioned, overdose levels have skyrocketed.

My point is that the opioids package we have now passed is one way we show our commitment to address these developments. It is how we say enough is enough. Again, I wish I could be confident that our efforts will stop and fix this problem once and for all, but they do represent a significant step in the right direction.

With this legislation, we will reduce the use and supply of illicit drugs and encourage recovery of those suffering

from addiction. We will support caregivers, and we will drive innovation and long-term solutions. It is a powerful first step as we continue, with our friends in Mexico, to work together hand in hand to fight this terrible scourge.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. LEE). Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 766 and 868.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nominations.

The bill clerk read the nominations of John E. Whitley, of Virginia, to be an Assistant Secretary of the Army and Charles P. Verdon, of California, to be Deputy Administrator for Defense Programs, National Nuclear Security Administration.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Whitley and Verdon nominations en bloc?

The nominations were confirmed.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

BIPARTISANSHIP

Mr. HATCH. Mr. President, for more than four decades, I have had the distinct privilege of serving in the U.S. Senate, what some have called the world's greatest deliberative body. Speaking on the Senate floor, debating legislation in committee, corralling the support of my colleagues on compromise legislation—these are the moments I will miss. These are the memories I will cherish forever.

To address this body is to experience a singular feeling, a sense that you are a part of something bigger than yourself, a minor character in the grand narrative that is America.

No matter how often I come to speak at this lectern, I experience that feeling, again and again, but today, if I am being honest, I also feel sadness. Indeed, my heart is heavy. It aches for the times when we actually lived up to our reputation as the world's greatest deliberative body. It longs for the days in which Democrats and Republicans would meet on middle ground rather than retreat to their partisan trenches.

Now, some may say I am waxing nostalgic, yearning—as old men often do—for some golden age that never existed. They would be wrong.

The Senate I have described is not some fairytale but the reality we once knew. Having served as a Senator for nearly 42 years, I can tell you this: Things weren't always as they are now.

I was here when this body was at its best. I was here when regular order was the norm, when legislation was debated in committee, and when members worked constructively with one another for the good of the country. I was here when we could say, without any hint of irony, that we were Members of the world's greatest deliberative body.

Times have certainly changed.

Over the last several years, I have witnessed the subversion of Senate rules, the abandonment of regular order, and the full-scale deterioration of the judicial confirmation process. Polarization has ossified. Gridlock is the new norm. Like the humidity here, partisanship permeates everything we do.

On both the left and the right, the bar of decency has been set so low that jumping over it is no longer the objective. Limbo is the new name of the game. How low can you go? The answer, it seems, is always lower.

All the evidence points to an unsettling truth: The Senate, as an institution, is in crisis. The committee process lies in shambles. Regular order is a relic of the past. Compromise—once the guiding credo of this great institution—is now synonymous with surrender.

Since I first came to the Senate in 1978, the culture of this place has shifted fundamentally and not for the better. Here, there used to be a level of congeniality and kinship among colleagues that was hard to find anywhere else. In those days, I counted Democrats among my very best friends. One moment, we would be locking horns on the Senate floor; the next, we would be breaking bread together over family dinner.

My unlikely friendship with the late Senator Kennedy embodied the spirit of goodwill and collegiality that used to thrive here. Teddy and I were a case study in contradictions. He was a dyed-in-the-wool Democrat; I was a resolute Republican. But by choosing friendship over party loyalty, we were able to pass some of the most significant bipartisan achievements of modern times, from the Americans with Disabilities Act and the Religious Freedom Restoration Act to the Ryan White bill and the State Children's Health Insurance Program.

Nine years after Teddy's passing, it is worth asking: Could a relationship like this even exist in today's Senate? Could two people with polar opposite beliefs and from vastly different walks of life come together as often as Teddy and I did for the good of the country? Or are we too busy vilifying each other to even consider friendship with the other side?

Many factors contribute to the current dysfunction, but if I were to identify the root of our crisis, it would be this: the loss of comity and genuine good feeling among Senate colleagues.

Comity is the cartilage of the Senate, the soft connective tissue that cushions impact between opposing joints, but in recent years, that cartilage has been ground to a nub. All movement has become bone on bone. Our ideas grate against each other with increasing frequency and with nothing to absorb the friction. We hobble to get any bipartisan legislation to the Senate floor, much less to the President's desk. The pain is excruciating, and it is felt by the entire Nation.

We must remember that our dysfunction is not confined to the Capitol. It ripples far beyond these walls, to every State, to every town, and to every street corner in America.

The Senate sets the tone of American civic life. We don't mirror the political culture as much as we make it. It is incumbent on us, then, to move the culture in a positive direction, keeping in mind that everything we do here has a trickle-down effect. If we are divided, then the Nation is divided. If we abandon civility, then our constituents will follow.

To mend the Nation, we must first mend the Senate. We must restore the culture of comity, compromise, and mutual respect that used to exist here. Both in our personal and public conduct, we must be the very change we want to see in the country. We must not be enemies but friends.

''Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory will swell when again touched, as surely they will be, by the better angels of our nature.''

These are not my words but the words of President Abraham Lincoln. They come from a heartfelt plea he made to the American people long ago on the eve of the Civil War. Lincoln's admonition is just as timely today as

it was then. If ever there were a time in our history to heed the better angels of our nature, it is now.

How can we answer Lincoln's call to our better angels? Over the last several months, I have devoted significant time and resources to answering this question. In a series of essays and floor speeches, I have sought to put flesh on the bones of Lincoln's appeal. These writings provide a blueprint for fixing our broken politics. They include: an essay on civility—the indispensable political norm—and how to restore it to the public discourse; a speech entitled ''A Tale of Two Cities,'' which draws from the tragedies of Charlottesville and Houston in the summer of 2017 to issue a call for unity and strength; a well-reasoned critique of identity politics, specifically, the threat it poses to the American experiment and how we can heal age-old divisions by embracing the politics of ideas, not identity; a discourse on the invaluable worth of the individual and how affirming this worth can help us curb the suicide epidemic among LGBTQ youth and create a stronger, more civil society; a proposal to establish Geneva Conventions for the culture wars, a new set of norms that can ease partisan tensions and help us contain the worst excesses of political warfare; and finally, an oped on pluralism and how embracing this forgotten virtue can help us overcome tribal tolerance and effect meaningful change.

These writings appeal to the humanity, grace, and inherent goodness in each of us. The purpose of this project is to remind readers of the singularity of the American experiment and how we can preserve this great Nation only by heeding the higher virtues within us.

As a parting gift, I plan to share a copy of this compilation with each of my Senate colleagues, as well as our friends in the House and leaders in the executive branch. I sincerely ask that each of you take the time to study these writings. Please, ponder their words and ask yourself how we can apply these ideas to restore our Nation's civic health.

When we heed our better angels—when we hearken to the voices of civility and reason native to our very nature—we can transcend our tribal instincts and preserve our democracy for future generations. That we may do so is my humble prayer.

THE UNITED STATES-UNITED KINGDOM FULBRIGHT COMMISSION

Mr. LEAHY. Mr. President, as a member of the British-American Parliamentary Group, I would like to take a moment to recognize the 70th anniversary of the creation of the United States-United Kingdom Fulbright Commission.

In the aftermath of the Second World War, Congress took steps aimed at creating a more peaceful and prosperous world. The Fulbright Program, along with the World Bank and the IMF, are reminders of the importance of collective action for the common good. Since 1946, the Fulbright Program has fostered bilateral relationships through educational exchanges with postgraduate and postdoctoral scholarships. In the words of Senator J. William Fulbright, ''the vital mortar to seal the bricks of world order is education across international boundaries, not with the expectation that knowledge would make us love each other, but in the hope that it would encourage empathy between nations . . . .'' Those words are as relevant today as they were back then.

Over the last 70 years, thousands of students from the United States and the United Kingdom have crossed the Atlantic to deepen their understanding of each other's countries and cultures. Fulbright scholarships have not only been the catalysts for great artists, journalists, scientists, lawyers, independent scholars, and many others; they have cemented friendships around the globe for generations.

I invite my fellow Senators to celebrate the many Fulbright scholars and emerging leaders who have worked in countless ways to foster tolerance and understanding in their communities, countries, and around the world. In my 44 years in the Senate, I cannot think of a time when those attributes were more needed than they are today.

OPIOID EPIDEMIC

Mr. GRASSLEY. Mr. President, last night was a great moment for the Senate.

We have been able to pass a broad legislative package that will address the opioid epidemic in many ways.

As we all know, the opioid crisis is not nearing its end.

We are seeing more and more Americans abuse opioid drugs every year.

In 2016, there were 64,000 overdose deaths, and this number rose to a staggering 72,000 deaths in 2017.

Right now, more than 115 people in the United States die from opioid overdoses every day.

In Iowa last year, more than 200 people died from opioid misuse.

If there is one thing we have learned, it is that no segment of society has been left untouched.

The crisis has affected people all over this country. Communities throughout the United States are desperate for answers.

While overcoming this crisis cannot be accomplished overnight, the passage of the Opioid Crisis Response Act is a huge step in the right direction.

This legislation is a collection of more than 70 proposals from four different committees here in the Senate, including Judiciary, where I led six different bills through committee.

It is important to highlight how well we worked together on both sides of the aisle—and across the aisle—to get to this point. This was a massive bipartisan effort.

On behalf of Judiciary, not a single bill passed through committee without wide bipartisan support. The Judiciary Committee contributed six separate bills—each with different sponsors, to this larger piece of legislation.

I worked with my Judiciary colleagues to get near-unanimous backing for each of the bills. That takes a lot of time and hard work. It takes some compromise. But we were able to get it done.

Several of the bills relate to Drug Enforcement Administration authorities. Those bills will help empower DEA to better identify and stop suspicious orders, gather more information when setting annual quotas for opioids, and facilitate the flow of information among drug manufacturers and distributors to enable better reporting decisions to warn DEA of potential problems.

I teamed up with my fellow Iowan, Senator ERNST, to promote higher participation in drug take-back programs so that unused, forgotten opioids don't find their way from the medicine cabinet into unauthorized hands.

Another bill successfully reported out of the Judiciary Committee reauthorizes the Office of National Drug Control Policy. ONDCP directs, crafts, and coordinates the drug policy strategy for the entire Nation.

Its reauthorization sends a message to other Federal agencies and the country that we will continue to have strong leadership guiding us through this crisis.

Yet another bill closes a loophole addressing illegal actors peddling synthetic drugs, allowing law enforcement to better investigate and prosecute cases involving synthetics.

Outside of the Judiciary Committee legislation, this bill also includes several priorities of mine, including requiring drug manufacturers to publicly disclose payments made to nurse practitioners and physician assistants, just like doctors; increasing access to substance abuse treatment in rural areas via telehealth; and better data collection to make sure taxpayer dollars are spent helping people who need help and not lining the pockets of crooks who take advantage of common people.

While I cosponsored a number of bills in the opioid package, it is important to remember that this legislation is a team effort.

The combination of bills from the Judiciary Committee, Commerce Committee, Finance Committee, and the HELP Committee broadly address the multiple facets of the epidemic.

As we have learned through several Judiciary Committee hearings, we can't focus on single issues as we combat this drug crisis.

Rather, this legislation looks at the epidemic as a whole.

From prevention, treatment, recovery, and enforcement efforts, the bill runs the gamut. It contains provisions on transparency in opioid prescribing, family-focused residential treatment

options, education on drug abuse for youth, and tools for prosecuting peddlers of synthetic drugs.

The Opioid Crisis Response Act addresses the front end of the problem through education and prevention and also tackles the back end through treatment and law enforcement solutions.

I would like to recognize my colleagues and thank them for their cooperative spirit and determined efforts to help develop and move this legislation forward.

Without reaching across the aisle and working together, we wouldn't be here.

In particular, I would like to thank Senator ALEXANDER and his staff for their leadership in making this happen.

I am proud of the work we have done so far and look forward to continuing our bipartisan effort.

Hopefully, this bill crosses the finish line, and we get the President's signature on a major piece of legislation.

We certainly haven't solved all of our drug problems, but I will continue to work hard to look for more ways that Congress can help, but for today, we can take a brief moment to recognize what we have done in passing this bill.

It is truly an important step in the right direction. This bill will serve Iowans and all Americans in our continued fight against the opioid crisis.

OPERATION TWIN LINKS

Mr. NELSON. Mr. President, on the 11th of November 2018, the world celebrates the 100th anniversary of the end of World War I. America entered the Great War 2 years, 8 months, and 9 days after it started, but with our allies and through great sacrifice, defeated the Central Powers.

In honor of the Great War centennial, two men have served as thankful ambassadors from our oldest ally: France. Mr. Christophe de Goulaine and Mr. Pierre Lauvergeat have undertaken a historic effort named Operation Twin Links. In tribute to American World War I veterans and their families, the two men traveled almost 5,000 miles of American countryside on a fully restored 1918 Harley Davidson 1000 18–J motorcycle. This is the very model our servicemembers rode throughout the Western Front. It is also the same model that Corporal Roy Holtz of Chippewa Falls, WI, rode into Germany on November 12, 1918, in the famous photograph titled, ''The first Yank and Harley to enter Germany.'' The motorcycle is named Bony, after the French commune which is home to Somme American Cemetery and Memorial, the final resting place for 1,844 American soldiers.

Operation Twin Link's historic journey of remembrance and thanks began at Fort Caroline National Memorial in Jacksonville, FL, which shares a special linkage as twin city to Nantes, France. From there, Bony traveled to the Harley Davidson Headquarters in Milwaukee, WI, then to Las Vegas, NV. Along the way, these ambassadors made numerous stops, thanking Americans for their support during those dark times in history and reminding us all of the links shared between our two great nations. Bony's trip concluded on September 10, 2018, in Jacksonville, FL, where Mr. de Goulaine's ancestor, French explorer Rene de Goulaine de Laudonniere, founded the first European settlement in America.

As we near the 100th anniversary of the end of World War I, I invite all Americans to remember the sacrifice of our great generation and our enduring allies in Europe. Furthermore, it is with gratitude and appreciation that I thank Mr. de Goulaine and Mr. Lauvergeat for reminding us of the deep friendship of the people of France and for undertaking this feat to bring home a symbol of American ingenuity, steadfastness, and resolve from World War I.

RECOGNIZING THE TRANSIENT REACTOR TEST FACILITY RESTART

Mr. CRAPO. Mr. President, along with my colleagues Senator JAMES RISCH and Representative MIKE SIMPSON, today I wish to call attention to an important event taking place today at the U.S. Department of Energy's, DOE, 890–square-mile site in Idaho. Today, Idaho National Laboratory, INL, personnel ran the first experiments in the Transient Reactor Test, TREAT, facility in nearly a quarter century.

Idaho National Laboratory is our Nation's lead nuclear energy research, development, and demonstration laboratory, the place where 52 original nuclear reactors were constructed and demonstrated. One of those reactors was the TREAT facility, which operated from 1959–1994, and remained fully fueled while on standby status. Transient testing focuses upon testing nuclear fuel under accident conditions. TREAT is one of the most capable and flexible transient test reactors in the world.

Following the accident at the Fukushima-Daiichi Power Plant in Japan 7 years ago, Congress directed the DOE to develop reactor fuels that could better withstand accident conditions. During TREAT's 35 operating years, the reactor performed 6,604 reactor startups and 2,884 transient irradiations. Given this history, it made more sense to restart the facility than build a new reactor. That decision paid off when, on August 31, 2017, the Resumption of Transient Testing Program was completed more than 1 year ahead of schedule and approximately $17 million under budget.

This highly successful restart at the TREAT facility was recognized in August, when a joint DOE-INL team won the Secretary of Energy Award. This award recognizes DOE employees or contractors who accomplish significant achievements. It is the highest nonmonetary internal recognition that can be achieved at the DOE. U.S. Secretary of Energy Rick Perry highlighted the TREAT restart team's effort and efficiency, and recognized the importance of the facility to nuclear energy scientists and engineers as they work to develop advanced nuclear fuels and reactor technologies.

Congratulations, INL and DOE, on the TREAT restart and for bringing back online an important national asset in the effort to develop the advanced nuclear reactors so vital to our economy, environment, and national security.

ADDITIONAL STATEMENTS

TRIBUTE TO CALEB FRARE

● Mr. DAINES, Mr. President, this week I have the honor of recognizing Caleb Frare of Custer County for becoming the most recent Montanan to play Major League Baseball.

Born in Billings, MT, Caleb, like most boys, dreamt of becoming a professional baseball player. Throughout his adolescent life, Caleb advanced in all levels of baseball. As a standout of the Miles City Outlaws baseball club, Caleb was on track to a promising career in baseball.

After graduation from Custer County High School in 2012, Caleb was drafted by the New York Yankees in the 11th round. Caleb was recently traded by the New York Yankees to the Chicago White Sox, where he played on their triple-A team out of Charlotte, NC. Caleb received the phone call he had so patiently been awaiting his whole life. The White Sox had called him up for his first Major League debut. In his debut, Caleb pitched a perfect inning in the Chicago White Sox's 8–0 win over the Boston Red Sox.

I congratulate Caleb on such a tremendous achievement and look forward to the many more milestones he will complete during his baseball career.●

TRIBUTE TO GARY JOHNSON

● Mr. INHOFE. Mr. President, I am pleased to recognize Mr. Gary Johnson on the occasion of his retirement. Gary has served as the airport director for the city of Stillwater Regional Airport, SWO for the past 32 years and has a lifelong dedication to the aviation community. Under his steady leadership, Stillwater Regional Airport has grown into one of Oklahoma's best general aviation and commercial airports. Earlier this year, Stillwater Regional Airport celebrated its 100,000th commercial passenger in less than 2 years—made possible because Gary brought regular commercial service back to the airport.

Gary began his career in aviation by graduating from Southeastern Oklahoma State University with a bachelor's of science in professional aviation-business. In addition to being a pilot, he started his own fixed based operator, the Stillwater Flight Center,

before becoming the airport director at Stillwater. As airport director, Gary has been a fixture in the Oklahoma aviation community, even serving as president of the Oklahoma Airport Operators Association twice. Gary was awarded the Airport Manager of the Year in 2017, the same year that Stillwater Regional Airport was recognized as Oklahoma Airport of the Year by the Oklahoma Airport Operators Association and the Federal Aviation Administration.

At the Federal level, Gary has been a passionate advocate for aviation, serving on the board of the American Association of Airport Executives and as a vocal member of the U.S. Contract Tower Association, ensuring that all Members of Congress are aware of the importance of general aviation to their constituents and to their communities.

I know that I join his family, the Stillwater Regional Airport, and the city of Stillwater community in thanking Gary for his years of service and contributions to the aviation community.

Congratulations on your retirement.●

REMEMBERING PETE CLEMONS

● Mr. NELSON. Mr. President, I would like to recognize the legacy of an extraordinary fourth generation Floridian and friend who passed away last weekend.

Otis Odell ''Pete'' Clemons died on September 16, 2018, at the age of 91. He was a well-known Florida cowboy. In fact, he won the Best All Around Cowboy honors at Silver Spurs Rodeo a record eight times. His rodeo skills inspired artist Buster Kenton to create a cartoon character named Cowboy Jake.

Pete served his country in the U.S. Navy during World War II. After the war, he attended the University of Florida and earned his bachelor's degree in 1950.

He became the owner and operator of the Okeechobee Livestock Market. The market continues to operate today under the management of his two sons, Jeff and Todd Clemons.

Notably, Pete is the only person to be inducted into the Florida Agriculture Hall of Fame and the Florida Sports Hall of Fame. In 2009, he received the Florida Folk Heritage Award in recognition of his successful rodeo career, as well as his contributions to the State's cattle-ranching community.

Pete was a longtime member of the Okeechobee Cattlemen's Association and served as honorary director of the Florida Cattlemen's Association. He was an active member of the First United Methodist Church.

I extend my deepest condolences to his family, particularly his wife Susanne and his children: Jeff Clemons and his wife Debbie and Todd Clemons and his wife Tina. Pete is also survived by his siblings, Billie Jean Reynolds and her husband Mark and Bud Clemons and his wife Kathy, as well as his grandchildren and great-grandchildren.●

RECOGNIZING BATESVILLE TOOL & DIE, INC.

● Mr. YOUNG. Mr. President, I wish to rise today to extend my heartfelt congratulations to the Fledderman family and the employees at Batesville Tool & Die, Inc., BTD, as they celebrate their 40th anniversary. Headquartered in Batesville, IN, BTD has become a global manufacturer of superior metal stampings for appliance, industrial, and automotive markets.

Founded in 1978 by Ron Fledderman, BTD started with a single press and a small tool room. The current second-generation president and CEO, Jody Fledderman, took the reins in 1989 with the same promise to his customers: to provide quality, low-cost products with technical expertise. Today the company is estimated to be a multimillion-dollar business with nearly 1,000 employees. As a member of the Committee on Small Business and Entrepreneurship, it is important that we recognize the value small and medium-sized businesses have in rural communities like Batesville, IN.

I ask that my colleagues join me in honoring the Fledderman family and the workers at Batesville Tool & Die, Inc., for their 40 years of dedicated customer service and economic innovation.●

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 18, 2018, she had presented to the President of the United States the following enrolled bill:

S. 994. An act to amend title 18, United States Code, to provide for the protection of community centers with religious affiliation, and for other purposes.

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–6519. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Establishing a Performance Standard for Authorizing the Importation and Interstate Movement of Fruits and Vegetables'' (RIN0579–AD71) received in the Office of the President of the Senate on September 17, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6520. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–443, ''Fiscal Year 2018 Revised Local Budget Temporary Adjustment Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–6521. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–444, ''Anacostia River Toxics Remediation Temporary Amendment Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–6522. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–445, ''Credit Protection Fee Waiver Temporary Amendment Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–6523. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–446, ''At-Risk Tenant Protection Clarifying Temporary Amendment Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–6524. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–447, ''Southwest Waterfront Park Bus Prohibition Temporary Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–6525. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–448, ''Southwest Waterfront Parking Enforcement Temporary Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–6526. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–452, ''Campaign Finance Reform and Transparency Temporary Amendment Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–6527. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–438, ''Vital Records Modernization Amendment Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–6528. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–439, ''Omnibus Alcoholic Beverage Regulation Amendment Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–6529. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–440, ''Redevelopment of the Center Leg Freeway (Interstate 395)''; to the Committee on Homeland Security and Governmental Affairs.

EC–6530. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–441, ''Homeless Shelter Replacement Amendment Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–6531. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–442, ''Fair Elections Implementation Amendment Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–6532. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–449, ''Traffic and Parking Ticket Penalty Amendment Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–6533. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–450, ''East End Certificate of Need Maximum Fee Establishment Amendment Act of 2018''; to the Committee on

Homeland Security and Governmental Affairs.

EC–6534. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–451, ''Youth Rehabilitation Amendment Act of 2018''; to the Committee on Homeland Security and Governmental Affairs.

EC–6535. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–453, ''Birth-to-Three for All DC Amendment Act of 2019''; to the Committee on Homeland Security and Governmental Affairs.

EC–6536. A communication from the Regulation Policy Development Coordinator, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''VA Acquisition Regulation: Contract Cost Principles and Procedures; Protests, Disputes and Appeals'' (RIN2900–AQ02) received in the Office of the President of the Senate on September 17, 2018; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–303. A joint resolution adopted by the Legislature of the State of California urging the President of the United States and the United States Congress to work together to implement grid hardening measures and to help ensure our nation's critical electrical infrastructure is protected from threats from electromagnetic pulses and physical attacks on the infrastructure; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 20

Whereas, Geomagnetic storms are natural phenomena involving disturbances in the earth's geomagnetic field caused by solar activity; and

Whereas, Disruptions of electrical power caused by geomagnetic storms, such as the collapse of the Hydro-Quebec grid during the geomagnetic storm of 1989, have occurred many times in the past; and

Whereas, The congressionally mandated Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack found, in its report delivered in July of 2004, that an enemy using a low-yield nuclear weapon detonated at a high altitude above the United States could carry out an electromagnetic pulse (EMP) attack against the United States, and that an EMP attack has the potential to place our society at risk and to defeat the Armed Forces of the United States; and

Whereas, Congress has commissioned numerous other hearings and reports on this issue, including the House of Representatives National Security Committee hearing on the EMP threat in 1997, the House of Representatives Military Research and Development Subcommittee hearing on the threat to the United States of potential EMP attacks in 1999, the creation of the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack in 2001, the congressional commission report, ''Critical National Infrastructures,'' issued in 2008, the United States Navy Naval Sea Systems Command EMP program in 2010, the North American Electric Reliability Corporation/federal Department of Energy report, ''High-Impact, Low-Frequency Event Risk to the North American Bulk Power System,'' issued in 2010, and the federal Department of Homeland Security testimony to the House of Representatives Committee on Homeland Security, ''The Electromagnetic Pulse (EMP) Threat: Examining the Consequences,'' in 2012; and

Whereas, In April 2013, an electrical substation in San Jose, California, was attacked with gunfire, leaving transformers disabled for nearly four weeks in an apparent attempt to disrupt power to Silicon Valley, raising questions about the vulnerability of power grids across the United States; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature urges the President and the Congress of the United States to work together to implement grid hardening measures and to help ensure our nation's critical electrical infrastructure is protected from threats from electromagnetic pulses and physical attacks on the infrastructure; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from California in the Congress of the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BARRASSO, from the Committee on Environment and Public Works, without amendment:

S. 593. A bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States.

S. 1537. A bill to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act.

S. 1857. A bill to establish a compliance deadline of May 15, 2023, for Step 2 emissions standards for new residential wood heaters, new residential hydronic heaters, and forced-air furnaces.

By Mr. BARRASSO, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1934. A bill to prevent catastrophic failure or shutdown of remote diesel power engines due to emission control devices, and for other purposes.

By Mr. BARRASSO, from the Committee on Environment and Public Works, without amendment:

S. 2461. A bill to allow for judicial review of certain final rules relating to national emission standards for hazardous air pollutants for brick and structural clay products or for clay ceramics manufacturing before requiring compliance with the rules by existing sources.

By Mr. BARRASSO, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 2827. A bill to amend the Morris K. Udall and Stewart L. Udall Foundation Act.

By Mr. GRASSLEY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2961. A bill to reauthorize subtitle A of the Victims of Child Abuse Act of 1990.

By Mr. GRASSLEY, from the Committee on the Judiciary, without amendment:

S. 3170. A bill to amend title 18, United States Code, to make certain changes to the reporting requirement of certain service providers regarding child sexual exploitation visual depictions, and for other purposes.

S. 3354. A bill to amend the Missing Children's Assistance Act, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. CORKER for the Committee on Foreign Relations.

Lynda Blanchard, of Alabama, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Slovenia.

Nominee: Lynda C. Blanchard.

Post: Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Slovenia.

(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: $2,700.00, 11/5/2016, Martha Roby for Congress; $2,500.00, 10/31/2016, Reaching for a Brighter America PAC; $5,000.00, 9/30/2016, Common Sense Common Solutions PAC; $40,725.00, 11/30/2017, Republican National Committee; $9,275.00, 11/30/2017, Republican National Committee; $5,000.00, 10/26/2017, HALPAC; $24,625.00, 8/29/2017, Republican National Committee; $1,200.00, 8/29/2017, Kay Granger Campaign Fund; $2,700.00, 8/29/2017, Kay Granger Campaign Fund; $50,000.00, 8/1/2017, Strengthen Majority Committee ($25,000 went to NRSC and $24,625 went to RNC, $1,200 to Kay Granger Campaign Fund, and $2,700 to Kay Granger Campaign Fund); $25,000.00, 8/1/2017, NRSC; $2,700.00, 5/9/2018, Martha Roby for Congress.

2. Children and Spouses: Christopher John Blanchard—deceased; Benjamin Nicholas Blanchard $1,000.00, 8/11/2017, Kay Granger Campaign Fund; Haleyann Denise Blanchard $0, Keren Cesia Blanchard $0, Jennifer Ruth Blanchard $0, Gracie Mae Blanchard $0, Lizbeth Lucero Blanchard $0.

3. Parents: Peggy Cleveland Powell $0, Dwight Merrill Cleveland—deceased, John Miller Powell (step) $0.

4. Grandparents: Oscar Hale—deceased; Stella Hale—deceased; Richard Scales (step)—deceased; Ann Scales—deceased; Mr. Cleveland—deceased when father was a child, did not know him.

5. Brothers and Spouses: Mitchell Tyson Powell (step), Michelle Brenny Powell, $6,000.00, 7/19/2017, Kay Granger Campaign Fund.

6. Sisters and Spouses: Yvonne Annette Schneckenberger, $0, Donald Michael Schneckenberger, $0, Cynthia Cleveland Burnside, $0, Sheldon John Burnside, $0.

Daniel N. Rosenblum, of Maryland, a Career Member of the Senior Executive Service, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uzbekistan.

Nominee: Daniel N. Rosenblum.

Post: Republic of Uzbekistan.

(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: $0, N/A, N/A.

2. Spouse: $2,700, 2/21 & 3/14/2016, Hillary for America (Primary); $1,750, 7/5 & 9/18/2016, Hillary Victory Fund (Primary); $1,675, 7/5, 8/17 & 9/30/2016, Hillary for America (General); $1,000, 9/18/2016, Hillary Victory Fund (General); $250, 12/23/2017, Tammy Baldwin for Senate; $250, 2/8/2018, Soderberg for Congress.

3. Children: Jonah Rosenblum: $0, N/A, N/A; Liana Rosenblum: $0, N/A, N/A.

4. Parents: Louis Rosenblum: $0, N/A, N/A.
5. Grandparents: Deceased.
6. Brothers and Spouses: None.
7. Sisters and Spouses: Janet Metz: $0, N/A, N/A; Miriam Rosenblum: $0, N/A, N/A; Sheldon Benjamin: $0, N/A, N/A. Diane Rosenblum: $10, 10/22/14, Alaskans for Begich; $35, 10/22 & 29/14, Udall for Colorado; $10, 10/22/14, Progressives United; $10, 10/22/14, Braley for Iowa; $500 (total), 7 periodic contribs. between 12/20/15 and 5/7/16, Bernie 2016; $296 (total), 24 periodic contribs. between 12/29/15 and 5/26/18, Act Blue; $50 (total), 9/28 & 9/30/16, Americans for Responsible Solutions PAC; $165 (total), 5 periodic contribs. between 10/16/16 and 11/5/16, Deborah Ross for United States Senate; $150 (total) 5 periodic contribs. between 10/17/16 and 11/5/16, Russ for Wisconsin; $150 (total), 4 periodic contribs. between 11/15/16 and 12/3/16, Foster Campbell for United States Senate; $15, 2/8/17, Elizabeth for MA, Inc.; $40 (total), 4/13 & 14/17, Jon Osoff for Congress; $50, 7/6/17, Friends of Bernie Sanders; $25, 8/3/17, Amy McGrath for Congress. Henry Gordon: $266, 23 periodic contribs. between 2/15/14 & 2/5/18, Act Blue; $17.50, 7/4/14, 8/7/15 & 5/25/16, Progressive Change Campaign Committee; $70, 4 periodic contribs. between 2/15/14 and 10/21/14, Committee to Elect Alan Grayson; $1,007, 28 periodic contribs. between 4/30/15 & 5/25/16, Bernie 2016; $55.19, 4 periodic contribs. between 1/21/16 & 10/21/16, Russ for Wisconsin; $27.69, 1/21/16 & 10/21/16, Catherine Cortez Masto for Senate; $47.50, 4 periodic contribs. between 4/13/16 & 10/21/16, Flores for Congress; $35.19, 3 periodic contribs. between 4/13/16 & 10/21/16, Pramila for Congress; $35.20, 3 periodic contribs. between 4/13/16 & 10/21/16, Zephyr Teachout for Congress; $27.70, 10/21/16 & 10/23/16, Deborah Ross for Senate; $7.69, 10/21/16, Clements for Congress; $7.69, 10/21/16, Committee to Elect Chase Iron Eyes; $7.69, 10/21/16, Nolan for Congress Volunteer Committee; $7.69, 10/21/16, Berragan for Congress; $7.69, 10/21/16, Maggie for NH; $7.69, 10/21/16, Carroll for Colorado; $7.69, 10/21/16, Nelson for Wisconsin; $7.69, 10/21/16, Katie McGinty for Senate.

Karen L. Williams, of Missouri, 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 Suriname.

Nominee: Karen Lynn Williams.

Post: Suriname

(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: N/A.
3. Children and Spouses: N/A.
4. Parents: Homer Donald Williams, None; Norma Frances Williams, None.
5. Paternal Grandparents: Homer Allen Williams—Deceased; Dorothy Baldwin Williams—Deceased. Maternal grandparents (UK citizens): Sidney Edward Crane—Deceased; Elizabeth Frances Crane—Deceased.
6. Brothers and Spouses: Donald Paul Williams, None; Stephen Lee Williams, None; Jeannie Williams (spouse), None.
7. Sisters and Spouses: N/A.

Kevin K. Sullivan, of Ohio, 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 Nicaragua.

Nominee: Kevin King Sullivan.

Post: Managua.

(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: Kevin K. Sullivan: None.
2. Spouse: Mariangeles Quinto: None; Daughter: Sophie E. Sullivan: None.
3. Parents: Daniel K. Sullivan—Deceased; Marlene F. Sullivan—Deceased.
4. Grandparents: Raymond Sullivan—Deceased; Lilian Sullivan—Deceased; Thomas J. Frain—Deceased; Lucille Frain—Deceased.
5. Brothers and Spouses: Patrick K. Sullivan, None.
6. Sisters and Spouses: Kathryn K. Sullivan, None.

Kip Tom, of Indiana, for the rank of Ambassador during his tenure of service as U.S. Representative to the United Nations Agencies for Food and Agriculture.

Nominee: Kip Tom.

Post: UN Agencies for Food and Agriculture—Rome.

(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:

Self: $150,000, Apr-2016, Kip Tom for Congress; $1,000, Dec-2017, Steve Braun for Congress; $1,000, Jun-2016, Roger Marshall for Congress; $1,300, Jun-2016, Growth Energy PAC; $5,400, Mar-2015, Todd Young for Senate; $5,400, Jun-2016, Todd Young for Senate; $1,000, Apr-2014, Todd Rokita for Congress; $1,876, Aug-2014, Jackie Walorski for Congress; $1,500, Sep-2016, Todd Young Victory Fund; $1,500, Oct-2015, Ind. Republican Fund; $1,000, Oct-2017, Kyle Dukes for Sheriff.

Spouse: None.

Children and Spouses: Kyle and Angie Tom: $5,400, Sep-2015, Kip Tom For Congress; Mark and Kandi Dunwiddie: $5,400, Sep-2015, Kip Tom For Congress; Greg and Kassi Rowland: $5,400, Sep-2015, Kip Tom For Congress; Kris Tom: $2,700, Sep-2015, Kip Tom For Congress; Jon and Katie Fussel: $5,400, Sep-2015, Kip Tom for Congress.

Parents: Everett and Marie Tom: $5,400, Sep-2015, Kip Tom For Congress.

Grandparents: Everett and Violet Tom—deceased; Ellis and Francis Eby—deceased.

Brothers and Spouses: Kevin Tom:—deceased.

Sisters and Spouses: Melinda and Russell Woda: $5,400, Nov-2015, Kip Tom for Congress; Melodie and Scott Thompson: $1,000, Oct-2015, Kip Tom for Congress; Melissa and Ray Gerber: none.

Donald Y. Yamamoto, of Washington, 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 Federal Republic of Somalia.

Nominee: Donald Yukio Yamamoto.

Post: Somalia.

(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: Nothing to report.
2. Spouse: Nothing to report.
3. Children and Spouses: Michael H. Yamamoto, nothing to report; Laura S. Yamamoto, nothing to report.
4. Parents: None.
5. Grandparents: None.
6. Brothers and Spouses: None.
7. Sisters and Spouses: None.

Earl Robert Miller, of Michigan, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bangladesh.

Nominee: Earl Robert Miller.

Post: U.S. Embassy, Gaborone, Botswana.

(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: N/A.
3. Children and spouses: Andrew Robert Miller: none; Alexander James Miller: none; Kendra Elaine Dexter: none.
4. Parents: Robert James Miller—deceased; Wanda Morgan Miller: none.
5. Grandparents: Earl Miller—deceased; Elsie Miller—deceased; Walter Lee Morgan—deceased; Mertie Alberta Morgan—deceased.
6. Brothers and spouses: David Gene Keltner, none.
7. Sisters and spouses: Kara Maria Miller, none; Dena Diane Garrison, none; Donald Garrison (spouse), none; Aimery Liseli Trynt, none; Tara Tene Gilles, none; Patrick Gilles (spouse), none.

Mark Rosen, of Connecticut, to be United States Executive Director of the International Monetary Fund for a term of two years.

By Mr. BARRASSO for the Committee on Environment and Public Works.

*Harold B. Parker, of New Hampshire, to be Federal Cochairperson of the Northern Border Regional Commission.

By Mr. HATCH for the Committee on Finance.

*Elizabeth Darling, of Texas, to be Commissioner on Children, Youth, and Families, Department of Health and Human Services.

*Michael Faulkender, of Maryland, to be an Assistant Secretary of the Treasury.

By Mr. ISAKSON for the Committee on Veterans' Affairs.

*Tamara Bonzanto, of New Jersey, to be an Assistant Secretary of Veterans Affairs (Office of Accountability and Whistleblower Protection).

*James Paul Gfrerer, of Virginia, to be an Assistant Secretary of Veterans Affairs (Information and Technology).

*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 (for himself, Mr. VAN HOLLEN, Ms. COLLINS, Mr. WARNER, Mr. LANKFORD, and Ms. WARREN):

S. 3455. A bill to require the Secretary of Commerce to ensure that ZTE Corporation

complies with all probationary conditions set forth in the settlement agreement entered into between ZTE Corporation and the Bureau of Industry and Security of the Department of Commerce; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NELSON (for himself and Mr. RUBIO):

S. 3456. A bill to redesignate Hobe Sound National Wildlife Refuge as the Nathaniel P. Reed Hobe Sound National Wildlife Refuge, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CASEY (for himself, Mrs. MCCASKILL, Mrs. GILLIBRAND, Ms. CORTEZ MASTO, and Mrs. MURRAY):

S. 3457. A bill to amend title II of the Social Security Act to increase survivors benefits for disabled widows, widowers, and surviving divorced spouses, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mr. CASSIDY):

S. 3458. A bill to amend title XVIII of the Social Security Act to improve home health payment reforms under the Medicare program; to the Committee on Finance.

By Ms. DUCKWORTH (for herself, Mr. CASEY, Ms. HASSAN, and Ms. KLOBUCHAR):

S. 3459. A bill to amend the Internal Revenue Code of 1986 to expand the credit for expenditures to provide access to disabled individuals, and for other purposes; to the Committee on Finance.

By Ms. WARREN (for herself, Ms. MURKOWSKI, Mr. UDALL, Ms. HEITKAMP, Ms. CORTEZ MASTO, Mr. MERKLEY, Mr. SANDERS, Mr. BLUMENTHAL, Mr. KING, Ms. DUCKWORTH, Ms. KLOBUCHAR, Mr. TESTER, Ms. HIRONO, Mr. SULLIVAN, Ms. SMITH, Mr. HEINRICH, and Mr. SCHATZ):

S. 3460. A bill to amend section 520E of the Public Health Service Act to require States and their designees receiving grants for development and implementation of statewide suicide early intervention and prevention strategies to collaborate with each Federally recognized Indian tribe, tribal organization, urban Indian organization, and Native Hawaiian health care system in the State; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHATZ (for himself and Ms. MURKOWSKI):

S. 3461. A bill to amend the PROTECT Act to expand the national AMBER Alert system to territories of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. PORTMAN (for himself, Mr. DURBIN, Mr. BROWN, Ms. COLLINS, Mr. BOOKER, and Mr. KING):

S. 3462. A bill to amend title XIX of the Social Security Act to provide States with the option to provide medical assistance for substance use disorder treatment services to individuals between the ages of 21 and 64 with substance use disorders, and for other purposes; to the Committee on Finance.

By Mr. TOOMEY (for himself and Mr. JONES):

S. 3463. A bill to gather information about the illicit production of illicit fentanyl in foreign countries and to withhold bilateral assistance from countries that do not have emergency scheduling procedures for new illicit drugs, cannot prosecute criminals for the manufacture or distribution of controlled substance analogues, or do not require the registration of tableting machines and encapsulating machines; to the Committee on Foreign Relations.

By Mr. CORNYN (for himself and Ms. HASSAN):

S. 3464. A bill to amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to establish a continuous diagnostics and mitigation program at the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. INHOFE (for himself and Mr. SANDERS):

S. 3465. A bill to amend title XVIII of the Social Security Act to cover screening computed tomography colonography as a colorectal cancer screening test under the Medicare program; to the Committee on Finance.

By Ms. BALDWIN (for herself and Mr. JOHNSON):

S. 3466. A bill to designate the facility of the United States Postal Service located at 2650 North Dr. Martin Luther King Jr. Drive in Milwaukee, Wisconsin, as the ''Vel R. Phillips Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. JONES (for himself, Ms. CORTEZ MASTO, Mr. CARDIN, Mr. BROWN, Mr. BOOKER, Ms. WARREN, Ms. HIRONO, Mr. BENNET, Mr. VAN HOLLEN, Ms. KLOBUCHAR, Ms. HARRIS, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. SMITH, Ms. DUCKWORTH, Ms. BALDWIN, Mr. MARKEY, Mr. UDALL, Mr. COONS, Mr. SANDERS, Mr. CARPER, Mr. CASEY, Mr. DURBIN, Mr. TESTER, and Mrs. FEINSTEIN):

S. 3467. A bill to permanently reauthorize mandatory funding programs for historically Black colleges and universities and other minority-serving institutions; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MARKEY (for himself, Ms. WARREN, Ms. HASSAN, and Mrs. SHAHEEN):

S. 3468. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Nashua, Squannacook, and Nissitissit Rivers as components of the Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TOOMEY (for himself and Mrs. GILLIBRAND):

S. 3469. A bill to provide for the inclusion on the Vietnam Veterans Memorial of the names for the crew members of the U.S.S. Frank E. Evans killed on June 3, 1969; to the Committee on Energy and Natural Resources.

By Mr. CARDIN (for himself and Mr. SULLIVAN):

S. 3470. A bill to promote United States-Mongolia trade by authorizing duty-free treatment for certain imports from Mongolia, and for other purposes; to the Committee on Finance.

By Mr. SCHATZ:

S. 3471. A bill to direct the National Science Foundation to support STEM education research focused on early childhood; to the Committee on Commerce, Science, and Transportation.

By Mr. LEE (for himself and Mr. HATCH):

S. 3472. A bill to authorize the Secretary of the Interior to convey certain lands and facilities of the Big Sand Wash Project, Utah; to the Committee on Energy and Natural Resources.

By Mr. SASSE:

S. 3473. A bill to amend the Internal Revenue Code of 1986 to expand permissible distributions from an employee's health flexible spending account or health reimbursement arrangement to their health savings account; to the Committee on Finance.

By Mr. PORTMAN (for himself, Mr. BLUMENTHAL, Mr. LANKFORD, and Mr. CARPER):

S. 3474. A bill to clarify responsibilities related to unaccompanied alien children, to provide additional protections and tracking mechanisms for such children, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S. 3475. A bill to require a report on multi-agency use of airspace and environmental review; to the Committee on Commerce, Science, and Transportation.

By Mr. CORKER (for himself and Mr. MENENDEZ):

S. 3476. A bill to extend certain authorities relating to United States efforts to combat HIV/AIDS, tuberculosis, and malaria globally, and for other purposes; to the Committee on Foreign Relations.

By Mr. COTTON:

S. 3477. A bill to amend title 18, United States Code, to prohibit awarding credit toward service of sentences for satisfactory behavior for certain drug offenses; to the Committee on the Judiciary.

By Mr. JOHNSON:

S. 3478. A bill to require the Secretary of Homeland Security to develop a comprehensive strategy for maintaining situational awareness and operational control of high traffic areas along the borders, to address the protective custody of alien children accompanied by parents, to strengthen accountability for deployment of border security technology at the Department of Homeland Security, to encourage Federal agencies to coordinate on research and the development of technology to combat illicit opioid importation, to establish a narcotic drug screening technology pilot program to combat illicit opioid importation, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ISAKSON (for himself and Mr. TESTER):

S. 3479. A bill to amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, and for other purposes; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. KLOBUCHAR (for herself and Mr. UDALL):

S. Res. 631. A resolution recognizing the 50th anniversary of the Indian Civil Rights Act and voting rights for American Indian and Alaska Native communities across the country; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. HATCH, Ms. BALDWIN, and Mr. ENZI):

S. Res. 632. A resolution designating September 2018 as ''National Workforce Development Month''; to the Committee on the Judiciary.

By Mrs. MCCASKILL (for herself, Mr. KING, Mr. SANDERS, Mr. COONS, Mr. VAN HOLLEN, Mr. BOOKER, Mr. SULLIVAN, Mr. JONES, Ms. WARREN, Mr. PETERS, Ms. HEITKAMP, Mr. REED, Mrs. SHAHEEN, Mr. MORAN, Mr. TESTER, Ms. HARRIS, Ms. MURKOWSKI, Ms. HASSAN, Ms. HIRONO, Mr. BLUNT, Mr. WHITEHOUSE, Ms. COLLINS, Ms. BALDWIN, Ms. DUCKWORTH, Mr. CARPER, Mr. KAINE, Ms. SMITH, and Mr. UDALL):

S. Res. 633. A resolution expressing the sense of the Senate that Congress should take all appropriate measures to ensure that the United States Postal Service remains an independent establishment of the Federal Government and is not subject to privatization; to the Committee on Homeland Security and Governmental Affairs.

By Mr. RISCH (for himself, Mrs. SHAHEEN, and Mr. JOHNSON):

S. Res. 634. A resolution commemorating the 70th anniversary of the Berlin Airlift and honoring the veterans of Operation Vittles; to the Committee on Foreign Relations.

By Mr. MERKLEY (for himself, Mr. RUBIO, Mr. YOUNG, Ms. WARREN, Mr. COONS, Mr. DURBIN, Mr. CARDIN, Mr. LANKFORD, Mr. WYDEN, Ms. COLLINS, and Mr. MARKEY):

S. Res. 635. A resolution calling for the immediate release of unjustly imprisoned Myanmar journalists Wa Lone and Kyaw Soe Oo, and expressing concern over the overall deterioration in freedom of the press in Myanmar; to the Committee on Foreign Relations.

By Mr. CASSIDY (for himself, Mr. MURPHY, Mr. KENNEDY, Mr. SCHUMER, Mr. REED, and Mr. DONNELLY):

S. Res. 636. A resolution recognizing suicide as a serious public health problem and expressing support for the designation of September as ''National Suicide Prevention Month''; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself, Mr. HATCH, Ms. BALDWIN, Mr. GRASSLEY, Ms. HEITKAMP, Mr. DAINES, Mr. VAN HOLLEN, Mr. ROBERTS, Mr. JONES, Mr. BROWN, Ms. KLOBUCHAR, Mr. KAINE, Mr. KING, Mr. CASEY, and Mr. SCHUMER):

S. Res. 637. A resolution designating September 2018 as ''National Kinship Care Month''; to the Committee on the Judiciary.

By Ms. COLLINS (for herself and Mr. CASEY):

S. Res. 638. A resolution designating September 22, 2018, as ''National Falls Prevention Awareness Day'' to raise awareness and encourage the prevention of falls among older adults; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. CORNYN, Mr. BENNET, Ms. CORTEZ MASTO, Mrs. FEINSTEIN, Mr. HEINRICH, Mr. HELLER, Mrs. MURRAY, Mr. NELSON, Mr. SANDERS, Mr. DURBIN, Ms. HARRIS, and Mr. RUBIO):

S. Res. 639. A resolution designating the week beginning September 17, 2018, as ''National Hispanic-Serving Institutions Week''; considered and agreed to.

By Ms. KLOBUCHAR (for herself and Mr. BLUNT):

S. Res. 640. A resolution recognizing September 25, 2018, as ''National Voter Registration Day''; considered and agreed to.

By Mr. NELSON (for himself, Mr. RUBIO, Mr. MENENDEZ, Mr. CASEY, Ms. CORTEZ MASTO, Mrs. GILLIBRAND, Mr. WYDEN, Mr. DURBIN, Ms. WARREN, Ms. HARRIS, Mr. SANDERS, Mr. SCHUMER, Mr. PETERS, Mr. BOOKER, and Mr. BLUMENTHAL):

S. Res. 641. A resolution marking 1 year since the landfall of Hurricane Maria in Puerto Rico and the United States Virgin Islands; to the Committee on the Judiciary.

By Mr. WHITEHOUSE (for himself, Ms. COLLINS, Ms. CANTWELL, Mr. REED, Mrs. SHAHEEN, Mr. CARPER, Ms. HARRIS, Mr. MURPHY, Ms. HASSAN, Mrs. FEINSTEIN, Mr. PORTMAN, Mr. NELSON, Mr. WYDEN, Mr. MARKEY, Mr. BOOKER, Mr. BLUMENTHAL, Mr. WARNER, Mr. COONS, Mr. VAN HOLLEN, Mr. CASSIDY, Mr. MENENDEZ, Mr. MERKLEY, Mr. KING, Ms. HIRONO, Mr. CARDIN, Mr. PETERS, and Ms. BALDWIN):

S. Res. 642. A resolution designating the week of September 15 through September 22, 2018, as ''National Estuaries Week''; to the Committee on the Judiciary.

By Mr. SHELBY:

S. Con. Res. 47. A concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 6157; considered and agreed to.

ADDITIONAL COSPONSORS

S. 337

At the request of Mrs. GILLIBRAND, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 337, a bill to provide paid family and medical leave benefits to certain individuals, and for other purposes.

S. 352

At the request of Mr. CORKER, the names of the Senator from New Hampshire (Ms. HASSAN), the Senator from Wisconsin (Ms. BALDWIN), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from South Dakota (Mr. ROUNDS) were added as cosponsors of S. 352, a bill to award a Congressional Gold Medal to Master Sergeant Rodrick ''Roddie'' Edmonds in recognition of his heroic actions during World War II.

S. 384

At the request of Mr. BLUNT, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 384, a bill to amend the Internal Revenue Code of 1986 to permanently extend the new markets tax credit, and for other purposes.

S. 445

At the request of Mr. CARDIN, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 445, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 479

At the request of Mr. BROWN, the names of the Senator from Illinois (Ms. DUCKWORTH) and the Senator from Iowa (Mrs. ERNST) were added as cosponsors of S. 479, a bill to amend title XVIII of the Social Security Act to waive coinsurance under Medicare for colorectal cancer screening tests, regardless of whether therapeutic intervention is required during the screening.

S. 497

At the request of Ms. CANTWELL, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 497, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 635

At the request of Mrs. SHAHEEN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 635, a bill to amend title 28, United States Code, to prohibit the exclusion of individuals from service on a Federal jury on account of sexual orientation or gender identity.

S. 793

At the request of Mr. BOOKER, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 793, a bill to prohibit sale of shark fins, and for other purposes.

S. 802

At the request of Mr. BROWN, the names of the Senator from Kansas (Mr. MORAN), the Senator from Idaho (Mr. RISCH), the Senator from Hawaii (Mr. SCHATZ), the Senator from Arizona (Mr. FLAKE) and the Senator from Louisiana (Mr. KENNEDY) were added as cosponsors of S. 802, a bill to award a Congressional Gold Medal in honor of Lawrence Eugene ''Larry'' Doby in recognition of his achievements and contributions to American major league athletics, civil rights, and the Armed Forces during World War II.

S. 928

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 928, a bill to prohibit, as an unfair or deceptive act or practice, commercial sexual orientation conversion therapy, and for other purposes.

S. 1143

At the request of Mrs. MURRAY, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Indiana (Mr. DONNELLY) were added as cosponsors of S. 1143, a bill to amend the Equal Credit Opportunity Act to prohibit discrimination on account of sexual orientation or gender identity when extending credit.

S. 1328

At the request of Mr. KAINE, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1328, a bill to extend the protections of the Fair Housing Act to persons suffering discrimination on the basis of sexual orientation or gender identity, and for other purposes.

S. 1652

At the request of Mrs. MURRAY, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of 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.

S. 1730

At the request of Ms. COLLINS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1730, a bill to implement policies to end preventable maternal, newborn, and child deaths globally.

S. 1879

At the request of Mr. BARRASSO, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 1879, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 2051

At the request of Mr. BENNET, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2051, a bill to amend title XVIII of the Social Security Act to modernize the physician self-referral prohibitions to promote care coordination in the merit-based incentive payment system and to facilitate physician practice participation in alternative payment models under the Medicare program, and for other purposes.

S. 2169

At the request of Mr. WYDEN, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 2169, a bill to establish a new higher education data system to allow for more accurate, complete, and secure data on student retention, graduation, and earnings outcomes, at all levels of postsecondary enrollment, and for other purposes.

S. 2252

At the request of Mr. TESTER, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2252, a bill to amend the Animal Health Protection Act to support State and Tribal efforts to develop and implement management strategies to address chronic wasting disease among deer, elk, and moose populations, to support research regarding the causes of chronic wasting disease and methods to control the further spread of the disease, and for other purposes.

S. 2432

At the request of Mr. DONNELLY, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 2432, a bill to amend the charter of the Future Farmers of America, and for other purposes.

S. 2568

At the request of Mr. BROWN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2568, a bill to amend section 5000A of the Internal Revenue Code of 1986 to provide an additional religious exemption from the individual health coverage mandate, and for other purposes.

S. 2572

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2572, a bill to amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

S. 2745

At the request of Mr. BLUMENTHAL, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 2745, a bill to establish a grant program to provide assistance to prevent and repair damage to structures due to pyrrhotite.

S. 2823

At the request of Mr. HATCH, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2823, a bill to modernize copyright law, and for other purposes.

S. 2852

At the request of Mr. BURR, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2852, a bill to reauthorize certain programs under the Pandemic and All-Hazards Preparedness Reauthorization Act.

S. 2918

At the request of Ms. HARRIS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2918, a bill to amend the Religious Freedom Restoration Act of 1993 to protect civil rights and otherwise prevent meaningful harm to third parties, and for other purposes.

S. 2940

At the request of Mr. SCOTT, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2940, a bill to provide for the consideration of a definition of anti-Semitism for the enforcement of Federal antidiscrimination laws concerning education programs or activities.

S. 2957

At the request of Mr. CRAPO, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 2957, a bill to amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, and for other purposes.

S. 2971

At the request of Mr. BOOKER, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 2971, a bill to amend the Animal Welfare Act to prohibit animal fighting in the United States territories.

S. 3020

At the request of Mr. MARKEY, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Indiana (Mr. DONNELLY) were added as cosponsors of S. 3020, a bill to establish in the Bureau of Democracy, Human Rights, and Labor of the Department of State a Special Envoy for the Human Rights of LGBTI Peoples, and for other purposes.

S. 3163

At the request of Mr. BURR, the names of the Senator from North Carolina (Mr. TILLIS) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 3163, a bill to amend the Intercountry Adoption Act of 2000 to require the Secretary of State to report on intercountry adoptions from countries which have significantly reduced adoption rates involving immigration to the United States, and for other purposes.

S. 3194

At the request of Ms. WARREN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3194, a bill to amend the Patient Protection and Affordable Care Act to cap prescription drug cost-sharing, and for other purposes.

S. 3298

At the request of Mr. DAINES, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 3298, a bill to extend the authority of the Vietnam Veterans Memorial Fund, Inc. , to establish a visitor center for the Vietnam Veterans Memorial.

S. 3369

At the request of Ms. BALDWIN, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Ohio (Mr. BROWN) and the Senator from New Jersey (Mr. BOOKER) were added as cosponsors of S. 3369, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a congenital anomaly or birth defect.

S. 3440

At the request of Mr. SCHUMER, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of S. 3440, a bill to require the Bureau of Economic Analysis of the Department of Commerce to provide estimates relating to the distribution of aggregate economic growth across specific percentile groups of income.

S. 3449

At the request of Mr. MERKLEY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3449, a bill to amend the Internal Revenue Code of 1986 to extend certain tax credits related to electric cars, and for other purposes.

S. RES. 220

At the request of Mr. MENENDEZ, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. Res. 220, a resolution expressing solidarity with Falun Gong practitioners who have lost lives, freedoms, and rights for adhering to their beliefs and practices and condemning the practice of non-consenting organ harvesting, and for other purposes.

S. RES. 610

At the request of Mr. BLUMENTHAL, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. Res. 610, a resolution urging the release of information regarding the September 11, 2001, terrorist attacks upon the United States.

S. RES. 626

At the request of Mr. WYDEN, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. Res. 626, a resolution designating September 2018 as ''National Voting Rights Month'' .

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself and Ms. HASSAN):

S. 3464. A bill to amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to establish a continuous diagnostics and mitigation program at the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental 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. 3464

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 ''Advancing Cybersecurity Diagnostics and Mitigation Act''.

SEC. 2. ESTABLISHMENT OF CONTINUOUS DIAGNOSTICS AND MITIGATION PROGRAM IN DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Section 230 of the Homeland Security Act of 2002 (6 U.S.C. 151) is amended by adding at the end the following new subsection:

''(g) CONTINUOUS DIAGNOSTICS AND MITIGATION.—

''(1) PROGRAM.—

''(A) IN GENERAL.—The Secretary shall deploy, operate, and maintain a continuous diagnostics and mitigation program. Under such program, the Secretary shall—

''(i) develop and provide the capability to collect, analyze, and visualize information relating to security data and cybersecurity risks;

''(ii) make program capabilities available for use, with or without reimbursement;

''(iii) employ shared services, collective purchasing, blanket purchase agreements, and any other economic or procurement models the Secretary determines appropriate to maximize the costs savings associated with implementing an information system;

''(iv) assist entities in setting information security priorities and managing cybersecurity risks; and

''(v) develop policies and procedures for reporting systemic cybersecurity risks and potential incidents based upon data collected under such program.

''(B) REGULAR IMPROVEMENT.—The Secretary shall regularly deploy new technologies and modify existing technologies to the continuous diagnostics and mitigation program required under subparagraph (A), as appropriate, to improve the program.

''(2) ACTIVITIES.—In carrying out the continuous diagnostics and mitigation program under paragraph (1), the Secretary shall ensure, to the extent practicable, that—

''(A) timely, actionable, and relevant cybersecurity risk information, assessments, and analysis are provided in real time;

''(B) share the analysis and products developed under such program;

''(C) all information, assessments, analyses, and raw data under such program is made available to the national cybersecurity and communications integration center of the Department; and

''(D) provide regular reports on cybersecurity risks.''.

(b) CONTINUOUS DIAGNOSTICS AND MITIGATION STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall develop a comprehensive continuous diagnostics and mitigation strategy to carry out the continuous diagnostics and mitigation program required under subsection (g) of section 230 of the Homeland Security Act of 2002 (6 U.S.C. 151), as added by subsection (a).

(2) SCOPE.—The strategy required under paragraph (1) shall include the following:

(A) A description of the continuous diagnostics and mitigation program, including efforts by the Secretary of Homeland Security to assist with the deployment of program tools, capabilities, and services, from the inception of the program referred to in paragraph (1) to the date of the enactment of this Act.

(B) A description of the coordination required to deploy, install, and maintain the tools, capabilities, and services that the Secretary of Homeland Security determines to be necessary to satisfy the requirements of such program.

(C) A description of any obstacles facing the deployment, installation, and maintenance of tools, capabilities, and services under such program.

(D) Recommendations and guidelines to help maintain and continuously upgrade tools, capabilities, and services provided under such program.

(E) Recommendations for using the data collected by such program for creating a common framework for data analytics, visualization of enterprise-wide risks, and real-time reporting.

(F) Recommendations for future efforts and activities, including for the rollout of new tools, capabilities and services, proposed timelines for delivery, and whether to continue the use of phased rollout plans, related to securing networks, devices, data, and information technology assets through the use of such program.

(3) FORM.—The strategy required under subparagraph (A) shall be submitted in an unclassified form, but may contain a classified annex.

(c) REPORT.—Not later than 90 days after the development of the strategy required under subsection (b), the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representative a report on cybersecurity risk posture based on the data collected through the continuous diagnostics and mitigation program under subsection (g) of section 230 of the Homeland Security Act of 2002 (6 U.S.C. 151), as added by subsection (a).

By Mr. JONES (for himself, Ms. CORTEZ MASTO, Mr. CARDIN, Mr. BROWN, Mr. BOOKER, Ms. WARREN, Ms. HIRONO, Mr. BENNET, Mr. VAN HOLLEN, Ms. KLOBUCHAR, Ms. HARRIS, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. SMITH, Ms. DUCKWORTH, Ms. BALDWIN, Mr. MARKEY, Mr. UDALL, Mr. COONS, Mr. SANDERS, Mr. CARPER, Mr. CASEY, Mr. DURBIN, Mr. TESTER, and Mrs. FEINSTEIN):

S. 3467. A bill to permanently reauthorize mandatory funding programs for historically Black colleges and universities and other minority-serving institutions; to the Committee on Health, Education, Labor, and Pensions.

Mr. JONES. Mr. President, I rise today to talk about an issue that, quite frankly, I do not think gets enough attention on the floor of the Senate or on the floor of the House of Representatives, and that is the state of historically Black colleges and universities, or, as they are commonly known, HBCUs.

Alabama is home to 14 of these institutions, the most of any State in the country. With all due respect to my colleagues, we don't just have the most HBCUs. I believe we have the best.

Tuskegee University is the only HBCU with a college of veterinary medicine. The school produces over 75 percent of African-American veterinarians in the world. It has also just hired its first female university president, Dr. Lily McNair.

Alabama A&M University is the only 1890 land grant university offering four Ph.D. programs. It is also the leading producer of African Americans with Ph.Ds in physics.

Oakwood University is the Nation's fifth highest producer of undergraduate African-American applicants to our country's medical schools.

Alabama State University, whose president, my friend Dr. Quinton Ross, has joined us in the Gallery today, is home to the National Center for the Study of Civil Rights and African-American Culture. ASU is currently doing preservation work on some never-before-seen documents, such as court pleadings, bond documents, and other official papers that are connected to the Montgomery bus boycott.

Lawson State Community College was also named a Champion of Change in 2011 by then-President Barack Obama.

There are over 100 accredited HBCUs today across the country, both public and private. They are in 19 States, the District of Columbia, and the U.S. Virgin Islands. They enroll approximately 300,000 students—80 percent of whom are African American and 70 percent of whom are from low-income families.

While HBCUs only make up 3 percent of the country's colleges and universities today, they produce nearly 20 percent of all African-American graduates. Among HBCU graduates, there are countless trailblazing Americans who have, quite literally, changed the course of our Nation's history: Dr. Martin Luther King, Thurgood Marshall, Marian Wright Edelman, Langston Hughes, Katherine Johnson, amongst so many others.

According to the National Science Foundation, between 2002 and 2011, the top eight institutions at which African-American Ph.Ds in science and engineering earned their bachelor's degrees were all HBCUs. HBCUs annually generate $14.8 billion in economic impact and add more than 134,000 jobs for local and regional economies, and 2014 Alabama HBCU graduates can expect total earnings of $130 billion over their lifetimes.

I could go on and on with these remarkable statistics for these remarkable colleges and universities. For all of these incredible achievements, though—for every achievement I have

just named—HBCUs in Alabama and across the country are working against the strong headwinds of serious financial struggles.

The Government Accountability Office recently investigated the capital finance needs of HBCUs at the request of my colleagues Senator PATTY MURRAY and Senator CASEY, also of Congressman BOBBY SCOTT and Congressman G.K. BUTTERFIELD. The report estimates that 46 percent of all HBCU buildings are in need of replacement or repair. This is due to deferred maintenance, the evolution of higher education and technology, and the fact that many of these buildings are State or federally registered historic places. For example, Tuskegee University is designated as a National Historic Site by Congress. That is a remarkable figure—46 percent—of all buildings in need of repair or replacement. It is one that, I hope, all of my colleagues will agree is wholly unacceptable.

This is not a surprise, though, for those who understand the challenges these institutions have long faced. HBCUs lack a plethora of revenue sources. Public HBCUs rely heavily on State and Federal grants, appropriations, and bonds. Private HBCUs have to rely on private or alumni giving and tuition and fees. On top of that, the GAO found that an HBCU's average endowment is half the size of a similarly sized non-HBCU. That is half the size not of all non-HBCUs but half the size of similarly situated non-HBCUs.

None of the 90 institutions of higher education in this country with endowments greater than $1 billion is an HBCU. This results in an endless cycle for these schools that have contributed so greatly to our country and the talented students they serve. With their limited revenue resources and the discrimination they face in the bond market, it is difficult to maintain campus buildings that attract higher enrollment. Lower enrollment just leads to even less tuition and fewer fees that are collected by each institution. Thus, the cycle continues.

I didn't just come to talk about the problems our HBCUs face without offering some type of solution. I introduce today the Strengthening Minority-Serving Institutions Act, which will permanently extend and increase Federal funds to all minority-serving institutions. These Federal funds are currently set to expire after fiscal year 2019.

My bill goes beyond just supporting HBCUs and is inclusive of other minority-serving schools, like those that primarily admit Asian Americans, Pacific Islanders, Alaska Natives and Native Hawaiians, Native Americans, and Hispanic Americans, among others. With this legislation, we will increase mandatory funding from $255 million to $300 million for each of these institutions. They will be able to put that money to good use for infrastructure improvements, technology upgrades, and other critical needs that have gone unfulfilled.

While I had hoped we could make this a bipartisan effort, I haven't yet heard back from any of my Republican colleagues. My Republican colleagues represent a fair share of these institutions, and I hope we will still gain some support from across the aisle and move this bill through the Senate.

This bill will not solve all of the challenges HBCUs face—all of the challenges they are working so hard to overcome. Yet I submit it is a step in the right direction. More importantly, it is the right thing to do for these schools that are part of the very foundation of our higher education system in Alabama and across the country.

By Mr. ISAKSON (for himself and Mr. TESTER):

S. 3479. A bill to amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, and for other purposes; considered and passed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Department of Veterans Affairs Expiring Authorities Act of 2018''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act 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 title 38, United States Code.

TITLE I—EXTENSIONS OF AUTHORITY

Subtitle A—Health Care Matters

SEC. 101. EXTENSION OF AUTHORITY FOR COLLECTION OF COPAYMENTS FOR HOSPITAL CARE AND NURSING HOME CARE.

Section 1710(f)(2)(B) is amended by striking ''September 30, 2019'' and inserting ''September 30, 2020''.

SEC. 102. EXTENSION OF REQUIREMENT TO PROVIDE NURSING HOME CARE TO CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES.

Section 1710A(d) is amended by striking ''September 30, 2019'' and inserting ''September 30, 2020''.

SEC. 103. REMOVAL OF AUTHORIZATION OF APPROPRIATIONS TO PROVIDE ASSISTANCE AND SUPPORT SERVICES FOR CAREGIVERS.

Section 1720G is amended by striking subsection (e).

SEC. 104. MAKING PERMANENT AUTHORITY FOR RECOVERY FROM THIRD PARTIES OF COST OF CARE AND SERVICES FURNISHED TO VETERANS WITH HEALTH-PLAN CONTRACTS FOR NON-SERVICE-CONNECTED DISABILITY.

Section 1729(a)(2)(E) is amended, in the matter preceding clause (i), by striking ''before September 30, 2019,''.

SEC. 105. EXTENSION OF AUTHORITY FOR TRANSFER OF REAL PROPERTY.

Section 8118(a)(5) is amended by striking ''December 31, 2018'' and inserting ''September 30, 2020''.

SEC. 106. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON ASSISTANCE FOR CHILD CARE FOR CERTAIN VETERANS RECEIVING HEALTH CARE.

(a) EXTENSION.—Subsection (e) of section 205 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1144; 38 U.S.C. 1710 note) is amended by striking ''September 30, 2019'' and inserting ''September 30, 2020''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (h) of such section is amended by striking ''and 2019'' and inserting ''2019, and 2020''.

SEC. 107. EXTENSION OF AUTHORITY TO MAKE GRANTS TO VETERANS SERVICE ORGANIZATIONS FOR TRANSPORTATION OF HIGHLY RURAL VETERANS.

Section 307(d) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1154; 38 U.S.C. 1710 note) is amended by striking ''2019'' and inserting ''2020''.

SEC. 108. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON COUNSELING IN RETREAT SETTINGS FOR WOMEN VETERANS NEWLY SEPARATED FROM SERVICE.

(a) EXTENSION.—Subsection (d) of section 203 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1143; 38 U.S.C. 1712A note) is amended by striking ''September 30, 2019'' and inserting ''September 30, 2020''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (f) of such section is amended by striking ''and 2019'' and inserting ''2019, and 2020''.

SEC. 109. EXTENSION OF TEMPORARY EXPANSION OF PAYMENTS AND ALLOWANCES FOR BENEFICIARY TRAVEL IN CONNECTION WITH VETERANS RECEIVING CARE FROM VET CENTERS.

Section 104(a) of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 (Public Law 112–154; 126 Stat. 1169), as amended by section 109(a) of the Department of Veterans Affairs Expiring Authorities Act of 2017 (Public Law 115–62; 131 Stat. 1162), is amended by striking ''September 30, 2018'' and inserting ''September 30, 2019''.

Subtitle B—Benefits Matters

SEC. 121. MAKING PERMANENT AUTHORITY FOR TEMPORARY EXPANSION OF ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING ASSISTANCE FOR CERTAIN VETERANS WITH DISABILITIES CAUSING DIFFICULTY AMBULATING.

Section 2101(a)(4) is amended by striking ''(A) Except'' and all that follows through ''(B) In each of fiscal years 2014 through 2018, the Secretary'' and inserting ''In any fiscal year, the Secretary''.

SEC. 122. EXTENSION OF AUTHORITY FOR SPECIALLY ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM.

Section 2108(g) is amended by striking ''September 30, 2018'' and inserting ''September 30, 2020''.

SEC. 123. MAKING PERMANENT AUTHORITY TO GUARANTEE PAYMENT OF PRINCIPAL AND INTEREST ON CERTIFICATES OR OTHER SECURITIES.

Section 3720(h) is amended—
(1) by striking paragraph (2); and
(2) by striking ''(1)''.

SEC. 124. MAKING PERMANENT AUTHORITY FOR CALCULATING NET VALUE OF REAL PROPERTY AT TIME OF FORECLOSURE.

Section 3732(c) is amended by striking paragraph (11).

SEC. 125. EXTENSION OF AUTHORITY RELATING TO VENDEE LOANS.

Section 3733(a)(7) is amended—
(1) in the matter preceding subparagraph (A), by striking ''September 30, 2018'' and inserting ''September 30, 2019''; and
(2) in subparagraph (C), by striking ''September 30, 2018,'' and inserting ''September 30, 2019,''.

SEC. 126. MAKING PERMANENT AUTHORITY TO PROVIDE REHABILITATION AND VOCATIONAL BENEFITS TO MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

Section 1631(b) of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) is amended—
(1) by striking paragraph (2); and
(2) by striking ''(1) IN GENERAL.—''.

SEC. 127. EXTENSION OF AUTHORITY TO ENTER INTO AGREEMENT WITH THE NATIONAL ACADEMY OF SCIENCES REGARDING ASSOCIATIONS BETWEEN DISEASES AND EXPOSURE TO DIOXIN AND OTHER CHEMICAL COMPOUNDS IN HERBICIDES.

Section 3(i) of the Agent Orange Act of 1991 (Public Law 102–4; 38 U.S.C. 1116 note) is amended by striking ''September 30, 2018'' and inserting ''September 30, 2020''.

Subtitle C—Homeless Veterans Matters

SEC. 141. EXTENSION OF AUTHORITY FOR HOMELESS VETERANS REINTEGRATION PROGRAMS.

Section 2021(e)(1)(F) is amended by striking ''2018'' and inserting ''2020''.

SEC. 142. EXTENSION OF AUTHORITY FOR HOMELESS WOMEN VETERANS AND HOMELESS VETERANS WITH CHILDREN REINTEGRATION PROGRAM.

Section 2021A(f)(1) is amended by striking ''2018'' and inserting ''2020''.

SEC. 143. EXTENSION OF AUTHORITY FOR REFERRAL AND COUNSELING SERVICES FOR VETERANS AT RISK OF HOMELESSNESS TRANSITIONING FROM CERTAIN INSTITUTIONS.

Section 2023(d) is amended by striking ''September 30, 2018'' and inserting ''September 30, 2020''.

SEC. 144. EXTENSION OF AUTHORITY FOR TREATMENT AND REHABILITATION SERVICES FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.

(a) GENERAL TREATMENT.—Section 2031(b) is amended by striking ''September 30, 2019'' and inserting ''September 30, 2020''.

(b) ADDITIONAL SERVICES AT CERTAIN LOCATIONS.—Section 2033(d) is amended by striking ''September 30, 2019'' and inserting ''September 30, 2020''.

SEC. 145. EXTENSION OF AUTHORITY FOR FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.

Section 2044(e)(1) is amended by striking subparagraph (F) and inserting the following:

''(F) $340,000,000 for fiscal year 2018.

''(G) $380,000,000 for fiscal year 2019.''.

SEC. 146. EXTENSION OF AUTHORITY FOR GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.

Section 2061(d)(1) is amended by striking ''2019'' and inserting ''2020''.

SEC. 147. EXTENSION OF AUTHORITY FOR THE ADVISORY COMMITTEE ON HOMELESS VETERANS.

Section 2066(d) is amended by striking ''September 30, 2018'' and inserting ''September 30, 2022''.

Subtitle D—Other Matters

SEC. 161. EXTENSION OF AUTHORITY FOR TRANSPORTATION OF INDIVIDUALS TO AND FROM DEPARTMENT OF VETERANS AFFAIRS FACILITIES.

Section 111A(a)(2) is amended by striking ''September 30, 2019'' and inserting ''September 30, 2020''.

SEC. 162. EXTENSION OF AUTHORITY FOR OPERATION OF THE DEPARTMENT OF VETERANS AFFAIRS REGIONAL OFFICE IN MANILA, THE REPUBLIC OF THE PHILIPPINES.

Section 315(b) is amended by striking ''September 30, 2018'' and inserting ''September 30, 2019''.

SEC. 163. EXTENSION OF AUTHORITY FOR MONTHLY ASSISTANCE ALLOWANCES UNDER THE OFFICE OF NATIONAL VETERANS SPORTS PROGRAMS AND SPECIAL EVENTS.

Section 322(d)(4) is amended by striking ''2019'' and inserting ''2020''.

SEC. 164. EXTENSION OF REQUIREMENT TO PROVIDE REPORTS TO CONGRESS REGARDING EQUITABLE RELIEF IN THE CASE OF ADMINISTRATIVE ERROR.

Section 503(c) is amended by striking ''December 31, 2018'' and inserting ''December 31, 2020''.

SEC. 165. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR ADAPTIVE SPORTS PROGRAMS FOR DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES.

Section 521A is amended—

(1) in subsection (g)(1), by striking ''2019'' and inserting ''2020''; and

(2) in subsection (l), by striking ''2019'' and inserting ''2020''.

SEC. 166. EXTENSION OF AUTHORITY FOR ADVISORY COMMITTEE ON MINORITY VETERANS.

(a) EXTENSTION OF AUTHORITY.—Subsection (e) of section 544 is amended by striking ''September 30, 2018'' and inserting ''September 30, 2022''.

(b) MODIFICATION OF REPORTING REQUIREMENT.—Subsection (c)(1) of such section is amended, in the matter preceding subparagraph (A), by striking ''each year'' and inserting ''every other year''.

TITLE II—IMPROVEMENT OF HEALTH CARE FROM DEPARTMENT OF VETERANS AFFAIRS

SEC. 201. TREATMENT OF MODIFICATIONS OF CONTRACTS UNDER VETERANS COMMUNITY CARE PROGRAM.

(a) IN GENERAL.—Section 1703(h)(1) is amended—

(1) by striking ''The Secretary shall'' and inserting ''(A) The Secretary shall''; and

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

''(B) For purposes of subparagraph (A), the requirement to enter into consolidated, competitively bid contracts shall not restrict the authority of the Secretary under other provisions of law when modifying such a contract after entering into the contract.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the effective date specified in section 101(b) of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182).

SEC. 202. MODIFICATION OF PROVISION REQUIRING RECOGNITION AND ACCEPTANCE, ON AN INTERIM BASIS, OF CREDENTIALS AND QUALIFICATIONS OF HEALTH CARE PROVIDERS UNDER COMMUNITY CARE PROGRAM.

Section 1703(h)(5)(A) is amended by striking ''the date of the enactment'' and inserting ''the effective date specified in section 101(b)''.

SEC. 203. EXPANSION OF COVERAGE OF VETERANS CARE AGREEMENTS.

(a) IN GENERAL.—Section 1703A is amended by adding at the end the following new subsection:

''(l) COVERED INDIVIDUAL DEFINED.—In this section, the term 'covered individual' means any individual eligible for hospital care, medical services, or extended care services under this title or any other law administered by the Secretary.''.

(b) CONFORMING AMENDMENTS.—Section 1703A is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking ''veteran'' each place it appears and inserting ''covered individual''; and

(B) in subparagraph (C)—

(i) by striking ''veteran'' and inserting ''covered individual''; and

(ii) by striking ''veteran's'' and inserting ''covered individual's'';

(2) in subsection (e)(2)(B), by striking ''veteran'' each place it appears and inserting ''covered individual'';

(3) in subsection (f)(2)—

(A) in subparagraph (C), by striking ''veterans'' and inserting ''covered individuals''; and

(B) in subparagraph (D), by striking ''veteran'' and inserting ''covered individual'';

(4) in subsection (g), by striking ''to veterans'' and inserting ''to covered individuals''; and

(5) in subsection (j)—

(A) by striking ''any veteran'' and inserting ''any covered individual''; and

(B) by striking ''to veterans'' each place it appears and inserting ''to covered individuals''.

SEC. 204. MODIFICATION OF AUTHORITY FOR DEDUCTION OF OVERPAYMENTS FOR HEALTH CARE.

Section 1703D(e)(1) is amended—

(1) by striking ''shall'' and inserting ''may''; and

(2) by inserting before the period at the end the following: ''and may use any other means authorized by another provision of law to correct or recover overpayments''.

SEC. 205. MODIFICATION OF ELIGIBILITY OF FORMER MEMBERS OF THE ARMED FORCES FOR MENTAL AND BEHAVIORAL HEALTH CARE FROM THE DEPARTMENT OF VETERANS AFFAIRS.

Section 1720I(b)(3) is amended by striking ''is not otherwise eligible to enroll'' and inserting ''is not enrolled''.

SEC. 206. ACCESS OF HEALTH CARE PROVIDERS OF THE DEPARTMENT OF VETERANS AFFAIRS TO DRUG MONITORING PROGRAMS THAT DO NOT PARTICIPATE IN THE NATIONAL NETWORK.

Section 1730B is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting '', or any individual State or regional prescription drug monitoring program,'' after ''programs'';

(B) in paragraph (2)(A), by striking ''such network'' and inserting ''the national network of State-based prescription monitoring programs, or, if providing care in a State that does not participate in such national network, an individual State or regional prescription drug monitoring program,''; and

(C) in paragraph (3), by inserting '', or any individual State or regional prescription drug monitoring program,'' after programs; and

(2) in subsection (c)(2) by inserting '', or any individual State or regional prescription drug monitoring program,'' after ''programs''.

SEC. 207. ELIMINATION OF REPORT ON ACTIVITIES AND PROPOSALS INVOLVING CONTRACTING FOR PERFORMANCE BY CONTRACTOR PERSONNEL OF WORK PREVIOUSLY PERFORMED BY DEPARTMENT EMPLOYEES.

Section 8110 is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

SEC. 208. ADDITIONAL REPORT ON INCREASED AVAILABILITY OF OPIOID RECEPTOR ANTAGONISTS.

Section 911(e)(2) of the Jason Simcakoski Memorial and Promise Act (Public Law 114–198; 38 U.S.C. 1701 note) is amended by inserting ''and not later than one year after the date of the enactment of the Department of Veterans Affairs Expiring Authorities Act of 2018'' before ''the Secretary shall''.

SEC. 209. EXPANSION OF HEALTH CARE ASSESSMENT TO INCLUDE ALL TERRITORIES OF THE UNITED STATES AND THE ASSESSMENT OF EXTENDED CARE SERVICES.

Section 213 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended—

(1) in the section header, by striking ''**PACIFIC TERRITORIES**'' and inserting ''**TERRITORIES OF THE UNITED STATES**'';

(2) in subsection (a)—

(A) by striking ''180 days'' and inserting ''270 days''; and

(B) by striking ''Pacific territories'' and inserting ''territories of the United States'';

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''Pacific territories'' and inserting ''territories of the United States''; and

(ii) by adding at the end the following:

''(E) Extended care.''; and

(B) in paragraph (2)—

(i) by striking ''community-based outpatient clinic'' and inserting ''medical facility''; and

(ii) by striking ''Pacific territory'' and inserting ''territory of the United States''; and

(4) in subsection (c)—

(A) by striking ''Pacific territories'' and inserting ''territories of the United States'';

(B) by striking ''and''; and

(C) by inserting before the period at the end the following: '', Puerto Rico, and the United States Virgin Islands''.

SEC. 210. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECT AT DEPARTMENT OF VETERANS AFFAIRS WEST LOS ANGELES MEDICAL CENTER.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the major medical facility project described in subsection (b) in fiscal year 2019, in an amount not to exceed $35,000,000.

(b) MAJOR MEDICAL FACILITY PROJECT.—The major medical facility project described in this subsection is the construction of a new regional food services facility building on the campus of the medical center of the Department of Veterans Affairs in West Los Angeles, California, to replace the seismically deficient Building 300, Regional Food Service Facility, which is located on the north campus of the medical center as of the date of the enactment of this Act.

SEC. 211. TECHNICAL AMENDMENTS TO VA MISSION ACT OF 2018 AND AMENDMENTS MADE BY THAT ACT.

(a) TITLE 38.—

(1) ANNUAL REPORT ON PERFORMANCE AWARDS AND BONUSES.—Section 726(c)(3) is amended by striking '', United States Code''.

(2) VETERANS CARE AGREEMENTS.—Section 1703A(h)(4) is amended by striking '', United States Code''.

(3) ACCESS STANDARDS.—Section 1703B(i) is amended—

(A) by striking ''(1) The term'' and inserting ''In this section:

''(1) The term'';

(B) in paragraph (1), by moving subparagraphs (A) and (B) two ems to the right;

(C) by moving paragraph (2) two ems to the right; and

(D) in paragraph (2), by striking ''refers to'' and inserting ''means''.

(4) STANDARDS FOR QUALITY.—Section 1703C(c) is amended—

(A) by striking ''(c)(1) The term'' and inserting ''(c) DEFINITIONS.— In this section:

''(1) The term'';

(B) in paragraph (1), by moving subparagraphs (A) and (B) two ems to the right;

(C) by moving paragraph (2) two ems to the right; and

(D) in paragraph (2), by striking ''refers to'' and inserting ''means''.

(5) PROMPT PAYMENT STANDARD.—Section 1703D(g)(3) is amended by striking ''of this Act, as amended by the Caring for Our Veterans Act of 2018,'' and inserting ''of this title''.

(6) REMEDIATION OF MEDICAL SERVICE LINES.—Section 1706A is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by inserting ''of this title'' after ''section 1703(e)(1)''; and

(B) in subsection (d)(1), by striking ''paragraph (1)'' and inserting ''subsection (a)''.

(7) WALK-IN CARE.—Section 1725A is amended—

(A) in subsection (c), by striking ''or other agreement'' and inserting ''agreement, or other arrangement''; and

(B) in subsection (f)(4), by striking ''Section 8153(c)'' and inserting ''Sections 8153(c) and 1703A(j)''.

(8) AUTHORITY TO RECOVER THE COST OF SERVICES FURNISHED FOR NON-SERVICE-CONNECTED DISABILITIES.—Section 1729(a)(2)(D) is amending by striking the period at the end and inserting ''; or''.

(9) AGREEMENTS WITH STATE HOMES.—Section 1745(a)(4)(B)(ii)(III) is amended by striking ''subchapter V of chapter 17 of this title'' and inserting ''this subchapter''.

(10) TRANSPLANT PROCEDURES WITH LIVE DONORS AND RELATED SERVICES.—Section 1788(c) is amended by striking ''this chapter'' and inserting ''this title''.

(11) QUADRENNIAL VETERANS HEALTH ADMINISTRATION REVIEW.—Section 7330C is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''Secretary of Veterans Affairs'' and inserting ''Secretary'';

(ii) in paragraph (2)—

(I) in subparagraph (B), by striking ''Department of Veterans Affairs'' and inserting ''Department'';

(II) in subparagraph (C), by striking ''of title 38, as added by section 102'' and inserting ''of this title''; and

(III) in subparagraph (H)(i), by striking ''Department of Veterans Affairs'' and inserting ''Department'';and

(iii) in paragraph (4)—

(I) in subparagraph (A)(iii), by inserting ''of this title'' after ''section 1703C''; and

(II) in subparagraph (B), by inserting ''of this title'' after ''section 1703(b)'';

(B) in subsection (b)(2)(I), by inserting ''of this title'' after ''section 1706A''; and

(C) in subsection (c)—

(i) in paragraph (1), by striking ''such high performing'' and inserting ''a high-performing''; and

(ii) in paragraph (3), by inserting ''such'' before ''a high-performing''.

(12) DEPARTMENT OF VETERANS AFFAIRS SPECIALTY EDUCATION LOAN REPAYMENT PROGRAM.—Section 7693(a)(1) is amended by striking ''is hired'' and inserting ''will be eligible for appointment''.

(b) VA MISSION ACT.—

(1) TRAINING PROGRAM FOR ADMINISTRATION OF NON-DEPARTMENT HEALTH CARE.—Section 122(a)(2) of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended by striking ''such title'' and inserting ''title 38, United States Code''.

(2) PROCESSES FOR SAFE OPIOID PRESCRIBING PRACTICES BY NON-DEPARTMENT PROVIDERS.— Section 131 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended—

(A) in subsection (c)(1)—

(i) by inserting ''of title 38, United States Code,'' after ''section 1703(a)(2)(A)'';

(ii) by striking ''of this title'' each place it appears and inserting ''of this Act''; and

(iii) by inserting ''of such title'' after ''section 1703A(e)(2)(F)''; and

(B) in subsection (d), by striking ''covered veterans'' each place it appears and inserting ''veterans''.

(3) PLANS FOR SUPPLEMENTAL APPROPRIATIONS.—Section 141 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended by striking ''Whenever the Secretary'' and inserting ''Whenever the Secretary of Veterans Affairs''.

(4) TELEMEDICINE REPORTING REQUIREMENT.—Section 151(c)(1) of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended by striking ''section 1730B'' and inserting ''section 1730C''.

(5) EXPANSION OF FAMILY CAREGIVER PROGRAM.—Section 161(a)(1)(B) of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended by striking ''such title'' and inserting ''title 38, United States Code''.

(6) SPECIALTY EDUCATION LOAN REPAYMENT PROGRAM.—Section 303 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended—

(A) in subsection (d), by inserting ''of Veterans Affairs'' after ''Department''; and

(B) in subsection (e), in the matter preceding paragraph (1), by striking ''established'' and inserting ''under subchapter VIII of chapter 76 of title 38, United States Code, as enacted''.

(7) VETERANS HEALING VETERANS MEDICAL ACCESS AND SCHOLARSHIP PROGRAM.—Section 304 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended—

(A) in subsection (a), by striking ''covered medical schools'' and inserting ''covered medical school''; and

(B) in subsection (b)—

(i) in paragraph (2), by striking ''entitled to'' and inserting ''concurrently receiving'';

(ii) in paragraph (3), by striking ''2019'' and inserting ''2020''; and

(iii) in paragraph (6), by striking ''subsection (e)'' and inserting ''subsection (d)'';

(C) in subsection (c)—

(i) in paragraph (1), by striking ''2019'' and inserting ''2020''; and

(ii) in paragraph (3), by striking ''2019'' and inserting ''2020'';

(D) in subsection (e), by striking ''2019'' and inserting ''2020''; and

(E) in subsection (f), by striking ''December 31, 2020'' and inserting ''December 31, 2021''.

(8) DEVELOPMENT OF CRITERIA FOR DESIGNATION OF CERTAIN MEDICAL FACILITIES AS UNDERSERVED FACILITIES AND PLAN TO ADDRESS PROBLEM OF UNDERSERVED FACILITIES.—Section 401 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended—

(A) in subsection (b)(5), by adding ''or the applicable access standards developed under section 1703B of title 38, United States Code'' after ''the wait-time goals of the Department''; and

(B) in subsection (d)(2)(A), by striking ''section 407'' and inserting ''section 402''.

(9) PILOT PROGRAM ON GRADUATE MEDICAL EDUCATION AND RESIDENCY.—Section 403(b)(4) of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended by inserting ''under'' after ''an agreement''.

(10) DEPARTMENT OF VETERANS AFFAIRS MEDICAL SCRIBE PILOT PROGRAM.—Section 507 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended—

(A) in subsection (b)(3), by striking ''as determine'' and inserting ''as determined''; and

(B) in subsection (c)(2)(C), by striking ''speciality'' and inserting ''specialty''.

TITLE III—OTHER MATTERS

SEC. 301. APPROVAL OF COURSES OF EDUCATION PROVIDED BY PUBLIC INSTITUTIONS OF HIGHER EDUCATION FOR PURPOSES OF TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES CONDITIONAL ON IN-STATE TUITION RATE FOR VETERANS.

(a) IN GENERAL.—Section 3679(c) is amended—

(1) in paragraph (1), by striking ''chapter 30 or 33'' and inserting ''chapter 30, 31, or 33'';

(2) in paragraph (2), by adding at the end the following new subparagraph:

''(C) An individual who is entitled to rehabilitation under section 3102(a) of this title.'';

(3) in paragraph (3), by striking ''paragraph (2)(A) or (2)(B)'' and inserting ''paragraph (2)(A), (2)(B), or (2)(C)''; and

(4) in paragraph (6), by striking ''chapters 30 and 33'' and inserting ''chapters 30, 31, and 33''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to courses of education provided during a quarter, semester, or term, as applicable, that begins after March 1, 2019.

SEC. 302. CORRECTIVE ACTION FOR CERTAIN DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES FOR CONFLICTS OF INTEREST WITH EDUCATIONAL INSTITUTIONS OPERATED FOR PROFIT.

(a) IN GENERAL.—Section 3683 of title 38, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) DEPARTMENT OFFICERS AND EMPLOYEES.—(1) An officer or employee of the Department shall receive corrective action or disciplinary action if such officer or employee—

''(A) has, while serving as such an officer or employee, owned any interest in, or received any wage, salary, dividend, profit, or gift from, any educational institution operated for profit; or

''(B) has, while serving as a covered officer or employee of the Department, received any service from any educational institution operated for profit.

''(2) In this subsection, the term 'covered officer or employee of the Department' means an officer or employee of the Department who—

''(A) works on the administration of benefits under chapter 30, 31, 32, 33, 34, 35, or 36 of this title; or

''(B) has a potential conflict of interest involving an educational institution operated for profit, as determined by the Secretary.'';

(2) in subsection (b)—

(A) by striking ''If the Secretary'' and inserting the following:

''(b) STATE APPROVING AGENCY EMPLOYEES.—If the Secretary'';

(B) by striking ''wages, salary, dividends, profits, gratuities, or services'' and inserting ''wage, salary, dividend, profit, or gift'';

(C) by striking ''in which an eligible person or veteran was pursuing a program of education or course under this chapter or chapter 34 or 35 of this title'';

(D) by striking ''terminate the employment of'' and inserting ''provide corrective action or disciplinary action with respect to''; and

(E) by striking ''while such person is an officer or employee of the State approving agency, or State department of veterans' affairs or State department of education'' and inserting ''until the completion of such corrective action or disciplinary action'';

(3) in subsection (c)—

(A) by striking ''A State approving agency'' and inserting the following:

''(c) DISAPPROVAL OF COURSES.—A State approving agency'';

(B) by striking ''of Veterans Affairs''; and

(C) by striking ''wages, salary, dividends, profits, gratuities, or services'' and inserting ''wage, salary, dividend, profit, or gift''; and

(4) in subsection (d)—

(A) by striking ''The Secretary may'' and inserting the following:

''(d) WAIVER AUTHORITY.—(1) The Secretary may'';

(B) by striking ''of Veterans Affairs'';

(C) by striking '', after reasonable notice and public hearings,''; and

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

''(2) The Secretary shall provide public notice of any waiver granted under this subsection by not later than 30 days after the date on which such waiver is granted.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to conflicts of interest that occur on or after that date.

SEC. 303. MODIFICATION OF COMPLIANCE REQUIREMENTS FOR PARTICULAR LEASES RELATING TO DEPARTMENT OF VETERANS AFFAIRS WEST LOS ANGELES CAMPUS.

Section 2(h)(1) of the West Los Angeles Leasing Act of 2016 (Public Law 114–226) is amended by striking ''any lease or land-sharing agreement at the Campus'' and inserting ''any new lease or land-sharing agreement at the Campus that is not in compliance with such laws''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 631—RECOGNIZING THE 50TH ANNIVERSARY OF THE INDIAN CIVIL RIGHTS ACT AND VOTING RIGHTS FOR AMERICAN INDIAN AND ALASKA NATIVE COMMUNITIES ACROSS THE COUNTRY

Ms. KLOBUCHAR (for herself and Mr. UDALL) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 631

Whereas American Indians and Alaska Natives have historically been denied the right to vote;

Whereas, after serving in World War II and returning home, many American Indian veterans were not able vote;

Whereas, on July 15, 1946, in Harrison v. Laveen, Chief Justice Levi S. Udall of the Arizona Supreme Court ruled that Maricopa County, Arizona, must allow Mohave-Apache Indians to register to vote, overruling decades of precedent in which the State of Arizona prohibited American Indians from voting;

Whereas, in holding that American Indians were entitled to the franchise, Chief Justice Udall noted that, ''[i]n a democracy suffrage is the most basic civil right, since its exercise is the chief means whereby other rights may be safeguarded. To deny the right to vote, where one is legally entitled to do so, is to do violence to the principles of freedom and equality.'';

Whereas, in New Mexico in 1948, Miguel Trujillo, a Marine Corps veteran and Isleta Pueblo tribal member, was turned away from registering to vote because he was living on a reservation;

Whereas, in 1948, the United States District Court for the District of New Mexico struck down limitations in the State Constitution of New Mexico that prevented those who lived on reservations from voting;

Whereas, prior to 1968, American Indians were not provided the same protections as other citizens under the United States Constitution;

Whereas, in 1968, Congress passed the Indian Civil Rights Act ''to ensure that the American Indian is afforded the broad constitutional rights secured to other Americans'';

Whereas Alaska was the last state to enfranchise American Indian voters in 1970;

Whereas, even though American Indians and Alaska Natives currently have the lawful right to vote across the United States, they continue to face barriers and obstacles to voting;

Whereas some American Indians and Alaska Natives in Alaska, Arizona, Nevada, Minnesota, South Dakota, and other states may have to travel 50 to 400 miles to vote;

Whereas the Native American vote continues to play a significant role in local, State, and national elections;

Whereas, in states such as Alaska, New Mexico, Oklahoma, and South Dakota, American Indians and Alaska Natives comprise 10 percent or more of the voting-age population;

Whereas American Indians and Alaska Natives serve in the United States military at a higher per capita rate than any other ethnic group; and

Whereas American Indians and Alaska Natives are an important part of the history of the United States, and vibrant contributors to the social and political fabric of the United States; Now, therefore, be it

Resolved, That the Senate—

(1) honors the 50th anniversary of title II of the Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.; commonly known as the ''Indian Civil Rights Act of 1968''); and

(2) recognizes the important contributions of Native Americans to expanding voting rights for all citizens of the United States.

SENATE RESOLUTION 632—DESIGNATING SEPTEMBER 2018 AS ''NATIONAL WORKFORCE DEVELOPMENT MONTH''

Mrs. FEINSTEIN (for herself, Mr. HATCH, Ms. BALDWIN, and Mr. ENZI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 632

Whereas investment in the education, training, and career advancement of the workforce in the United States, known as ''workforce development'', is crucial to the ability of the United States to compete in the global economy;

Whereas collaboration among Governors, local governments, State and local education, workforce, and human services agencies, community colleges, local businesses, employment service providers, community-based organizations, and workforce development boards provides for long-term, sustainable, and successful workforce development across traditional sectors and emerging industries;

Whereas middle-skill jobs, which require more than a high school diploma but not a 4-year degree, comprise 53 percent of the labor market, but only 43 percent of workers in the United States are trained at that level, creating a discrepancy that may limit growth in changing industries such as health care, manufacturing, and information technology;

Whereas, in 2014, Congress reauthorized the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) with overwhelming bipartisan support in recognition of the need to strengthen the focus of the United States on the skills necessary to fill jobs in local and regional industries;

Whereas the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) supports employment, training, and support services for individuals with barriers to employment, including—

(1) individuals who are low-income;

(2) individuals who are out of work;

(3) individuals displaced by outsourcing;

(4) individuals looking to learn new skills; and

(5) individuals with disabilities;

Whereas the more than 550 workforce development boards and 2,500 American Job Centers are a driving force behind growing regional economies by providing training, resources, and assistance to workers who aim to compete in the 21st century economy;

Whereas ongoing State and local implementation of the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) provides unprecedented opportunities to develop the skills of workers in the United States through access to effective workforce education and training, including the development and delivery of proven strategies such as sector partnerships, career pathways, integrated education and training, work-based learning models, and paid internships;

Whereas, in 2016, programs authorized under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.)—

(1) served more than 7,000,000 young people and adults;

(2) exceeded employment targets across all programs; and

(3) helped more than 1,300,000 individuals, including English language learners, gain skills and credentials to help the individuals succeed in the labor market;

Whereas State programs established under the Wagner-Peyser Act (29 U.S.C. 49 et seq.)—

(1) ensured that more than 5,400,000 unemployed workers, including more than 800,000 veterans, had access to career services through American Job Centers in 2016; and

(2) are a foundational part of the workforce development system;

Whereas workforce development programs will play a critical role in addressing the expected 2,000,000 unfilled manufacturing jobs over the next decade;

Whereas community colleges and other workforce development training providers across the United States are well-situated—

(1) to train the next generation of workers in the United States; and

(2) to address the educational challenges created by emerging industries and technological advancements;

Whereas participation in a career and technical education (referred to in this preamble as ''CTE'') program decreases the risk of students dropping out of high school, and all 50 States and the District of Columbia report higher graduation rates for CTE students, as compared to other students;

Whereas community and technical colleges operate as open access institutions serving millions of students annually at a comparatively low cost;

Whereas the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) supports the development and implementation of high-quality CTE programs that—

(1) combine rigorous academic content with occupational skills; and

(2) served approximately 11,000,000 high school and college students from 2016 to 2017;

Whereas there are more than 500,000 registered apprentices in the United States, and there is growing and bipartisan support for expanding earn-and-learn strategies to help current and future workers gain skills and work experience;

Whereas the federally supported workforce system and partner programs—

(1) have helped rebuild the economy of the United States and provide increased economic opportunities; and

(2) provide a pathway into jobs that support families while ensuring that businesses in the United States find the skilled workforce needed to compete in the global economy; and

Whereas workforce development is crucial to sustaining economic security for workers in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2018 as ''National Workforce Development Month'';

(2) supports Federal initiatives to promote workforce development; and

(3) acknowledges that workforce development plays a crucial role in supporting workers and growing the economy.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce a resolution to recognize September as ''Workforce Development Month.'' I thank Senators Hatch, Enzi, and Baldwin for supporting this bipartisan resolution.

As technological advances reshape traditional fields and fuel the emergence of new industries, it is imperative that our workforce development system remain agile and flexible in order to educate and train the next generation of workers and those needing additional on-the-job training skills to stay competitive.

In addition, it is vital that we recognize the importance of all career pathways and professional development—whether an individual pursues a four year degree or seeks to further their education at a community college, through an industry recognized certificate program, or as an apprentice.

In an effort to face this challenge head on, Congress passed the Workforce Innovation and Opportunity Act in 2014 (WIOA) with overwhelming bipartisan support. WIOA was signed into law by President Obama and has helped streamline the workforce development system while increasing and strengthening partnerships between regional businesses, workforce development boards, and educational institutions.

And more recently, Congress passed the Strengthening Career and Technical Education for the 21st Century Act, which was later signed into law by President Trump. This law aims to increase collaboration between high schools, community colleges, and workforce development programs. In addition, this law supports work-based learning opportunities, provides industry-recognized credentials, and increases federal funding for CTE programs.

In fact, it is these partnerships that have proven to be key to regional success at addressing the workforce needs of businesses. By working together, local businesses and educators can ensure that not only do businesses have access to the talent they need to grow but that those seeking work can find it.

Nationwide, the more than 550 workforce development boards and 2,500 American Job Centers have become a driving force behind growing regional economies by providing training, resources, and assistance to workers aiming to compete in the 21st century economy.

These workforce development boards and American Job Centers work with job seekers and employers across industries ranging from healthcare and information technology to manufacturing and construction.

There are currently over half a million registered apprentices across the country, including nearly eighty-six thousand in California alone. Bipartisan support for earn-and-learn approaches, such as apprenticeships and paid internships, is critical for helping future workers gain the skills and experience they need while being able to provide for themselves and their families.

In recognition of workforce development month, Congress reaffirms its support for a comprehensive approach to workforce development, encourages partnerships between industry leaders and educators, and emphasizes the importance of all career pathways in pursuit of economic prosperity.

In closing, during this month it is essential that we acknowledge and commend the professionals who work every day to make these efforts a reality. America's workforce is the backbone of our economy and it is the expertise, dedication, and knowledge of these professionals that has helped develop such a robust system.

Mr. President, I hope this resolution will promptly pass the Senate. I hope my colleagues will join me in supporting this resolution to ensure its passage and encouraging the continued growth of our workforce development system. Thank you. I yield the floor.

SENATE RESOLUTION 633—EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD TAKE ALL APPROPRIATE MEASURES TO ENSURE THAT THE UNITED STATES POSTAL SERVICE REMAINS AN INDEPENDENT ESTABLISHMENT OF THE FEDERAL GOVERNMENT AND IS NOT SUBJECT TO PRIVATIZATION

Mrs. MCCASKILL (for herself, Mr. KING, Mr. SANDERS, Mr. COONS, Mr. VAN HOLLEN, Mr. BOOKER, Mr. SULLIVAN, Mr. JONES, Ms. WARREN, Mr. PETERS, Ms. HEITKAMP, Mr. REED, Mrs. SHAHEEN, Mr. MORAN, Mr. TESTER, Ms. HARRIS, Ms. MURKOWSKI, Ms. HASSAN, Ms. HIRONO, Mr. BLUNT, Mr. WHITEHOUSE, Ms. COLLINS, Ms. BALDWIN, Ms. DUCKWORTH, Mr. CARPER, Mr. KAINE, Ms. SMITH, and Mr. UDALL) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 633

Whereas Congress has the authority to establish post offices and post roads under clause 7 of section 8 of article I of the Constitution of the United States;

Whereas the United States Postal Service is a self-sustaining, independent establishment that relies on revenue derived from the sale of postal services and products, not on taxpayer funds;

Whereas the United States Postal Service and the more than 500,000 employees of the United States Postal Service are at the center of the $1,400,000,000,000 mailing industry, which employs a total of 7,500,000 individuals in the United States;

Whereas the United States Postal Service serves the needs of 157,000,000 business and residential customers not less than 6 days a week, maintains an affordable and universal network, and connects the rural, suburban, and urban communities of the United States;

Whereas the United States Postal Service is consistently the highest-rated agency of the Federal Government in nonpartisan opinion polls;

Whereas the United States Postal Service is the second largest employer of veterans in the United States;

Whereas the employees of the United States Postal Service—

(1) are dedicated public servants who do more than process and deliver the mail of the people of the United States; and

(2) serve as the eyes and ears of the communities of the United States and often respond first in situations involving health, safety, and crime in those communities; and

Whereas the privatization of the United States Postal Service would—

(1) result in higher prices and reduced services for the customers of the United States Postal Service, especially in rural communities;

(2) jeopardize the booming e-commerce sector; and

(3) cripple a major part of the critical infrastructure of the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should take all appropriate measures to ensure that the United States Postal Service remains an independent establishment of the Federal Government and is not subject to privatization in whole or in part.

SENATE RESOLUTION 634—COMMEMORATING THE 70TH ANNIVERSARY OF THE BERLIN AIRLIFT AND HONORING THE VETERANS OF OPERATION VITTLES

Mr. RISCH (for himself, Mrs. SHAHEEN, and Mr. JOHNSON) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 634

Whereas in the spring of 1948, Berlin was isolated within the Soviet occupation zone, and there were only 35 days' worth of food and 45 days' worth of coal remaining for the city;

Whereas military planners in the United States and the United Kingdom determined that—

(1) 1,534 tons of flour, wheat, fish, milk, and other food items would be required daily to feed the 2,000,000 residents of Berlin; and

(2) 3,475 tons of coal and gasoline would be required daily to keep the city of Berlin heated and powered;

Whereas on June 1, 1948, the United States Air Force created the Military Air Transport Service, the predecessor to the Air Mobility Command, to organize and conduct airlift missions;

Whereas on June 26, 1948, Operation Vittles began when 32 C–47 Dakotas of the United States Air Force departed West Germany for Berlin hauling 80 tons of cargo;

Whereas the first British aircraft involved in Operation Vittles launched on June 28, 1948;

Whereas Major General William H. Tunner, a veteran of the aerial supply line over the Himalayas during World War II, took command of Operation Vittles on July 28, 1948;

Whereas Major General Tunner pioneered many new and innovative tactics and procedures for the airlift, including creating air corridors for ingress and egress, staggering the altitudes at which aircraft flew, and implementing instrument flight rules that allowed aircraft to land as frequently as every 3 minutes;

Whereas one pilot, 1st Lieutenant Gail S. Halvorsen, who became known as the ''Candy Bomber'', initiated Operation Little Vittles to bring hope to the children of Berlin by dropping handkerchief parachutes containing chocolate and chewing gum as a symbol of the goodwill of the United States;

Whereas Operation Little Vittles ultimately dropped more than 3 tons of candy in more than 250,000 miniature parachutes;

Whereas on Easter Sunday, April 17, 1949, airlifters reached the pinnacle of Operation Vittles by delivering 13,000 tons of cargo, including the equivalent of 600 railroad cars full of coal, and setting the record for tonnage of cargo delivered in a single day during the Berlin Airlift;

Whereas 39 British airmen and 31 American airmen made the ultimate sacrifice during the Berlin Airlift and 8 British aircraft and 17 American aircraft were lost;

Whereas airlifters delivered more than 2,300,000 tons of food and supplies during 278,228 total flights into Berlin;

Whereas the Soviet Union was forced to lift the blockade of Berlin in light of the success of the 15-month airlift operation;

Whereas the Berlin Airlift marked the first use of airpower to provide hope and humanitarian assistance and to win a strategic victory against enemy aggression and intimidation;

Whereas the enormous effort and cooperation of the Berlin Airlift helped overcome years of animosity between the United States and Germany and laid the foundation for a deep and lasting friendship between the people of the two countries; and

Whereas today Germany is one of the closest and strongest allies of the United States in Europe, based on the close and vital relationship of the two countries as friends, trading partners, and allies sharing common values and institutions that promote stability in political, economic, and security matters: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 70th anniversary of the Berlin Airlift, the largest and longest running humanitarian airlift operation in history;

(2) honors the service and sacrifice of the men and women who participated in and supported the Berlin Airlift;

(3) applauds the men and women of the Air Mobility Command of the United States Air Force, who, in keeping with the best traditions of the Berlin Airlift, still work diligently to provide hope, save lives, and deliver freedom around the world in support of the foreign policy objectives of the United States; and

(4) commends the close friendship forged between the people of the United States and Germany through the Berlin Airlift, which helps sustain the transatlantic alliance to this day.

SENATE RESOLUTION 635—CALLING FOR THE IMMEDIATE RELEASE OF UNJUSTLY IMPRISONED MYANMAR JOURNALISTS WA LONE AND KYAW SOE OO, AND EXPRESSING CONCERN OVER THE OVERALL DETERIORATION IN FREEDOM OF THE PRESS IN MYANMAR

Mr. MERKLEY (for himself, Mr. RUBIO, Mr. YOUNG, Ms. WARREN, Mr. COONS, Mr. DURBIN, Mr. CARDIN, Mr. LANKFORD, Mr. WYDEN, Ms. COLLINS, and Mr. MARKEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 635

Whereas the first amendment to the Constitution of the United States enshrines press freedom as a foundational element of American democracy, declaring that ''Congress shall make no law . . . abridging the freedom of speech, or of the press'';

Whereas Article 19 of the United Nations Universal Declaration of Human Rights, adopted on December 10, 1948, by the United Nations General Assembly, enshrines press freedom as a vital aspect of universal human rights;

Whereas the Department of State's annual Human Rights Report on Burma for the year 2017 states that—

(1) ''legal provisions that allow the government to manipulate the courts for political ends, and these provisions were sometimes used to deprive citizens of due process and the right to a fair trial, particularly with regards to the freedom of expression'';

(2) ''The government continued to detain and arrest journalists, activists, and critics of the government and the military during the year.''; and

(3) ''Threats against and arrests of journalists increased . . . Freedom of expression was more restricted during the year compared with 2016. This included a higher number of detentions of journalists using various laws, including laws carrying more severe punishments than those used previously.'';

Whereas, according to PEN America, the discontinuation of Radio Free Asia's broadcasting in Myanmar on a domestic channel constitutes a further shrinking of the space for free expression in the country;

Whereas, additionally, PEN America reports that—

(1) there continues to be increased legal threats, imprisonment and physical harassment of journalists;

(2) there continues to be restrictions on the ability to report from and receive information on conflict areas; and

(3) the lack of reform of media laws and institutions driving a decline in media freedom;

Whereas, beginning in late August 2017, a concerted campaign directed by the Tatmadaw, the official name of the armed forces of Myanmar, was carried out to assault, kill, rape, burn villages, and force Rohingya to flee from Myanmar to Bangladesh;

Whereas approximately 700,000 Rohingya people have fled Myanmar in a period of almost 12 months;

Whereas a 160-page report issued July 19, 2018, by the human rights organization Fortify Rights finds that at least 27 Myanmar Army battalions, comprising up to 11,000 soldiers, along with at least three combat police battalions, comprising an estimated 900 police personnel, were involved in the attacks in northern Rakhine State beginning in August 2017, and further finds that these attacks constitute ''preparatory action for genocide and crimes against humanity'' and finds ''that there are 'reasonable grounds' to believe the Myanmar Army, Myanmar Police Force, border guards, and non-Rohingya civilian perpetrators committed atrocities that constitute genocide and crimes against humanity and should be held liable for those crimes'';

Whereas earlier Fortify Rights reports have documented the systematic use of torture by Myanmar authorities against Kachin civilians in Kachin State and northern Shan State from June 2011 to April 2014;

Whereas the August 2018 United Nations report of the Independent International Fact-Finding Mission on Myanmar Report states, in paragraph 87 that ''the Mission concluded [. . .] that there is sufficient information to warrant the investigation and prosecution of senior officials in the Tatmadaw chain of command, so that a competent court can determine their liability for genocide in relation to the situation in Rakhine State'';

Whereas, on August 28, 2018, United States Ambassador to the United Nations Nikki Haley reported to the United Nations Security Council that the Department of State had conducted interviews with 1,024 Rohingya refugees in camps throughout Cox's Bazar refugee camp and that the results of the interviews were consistent with the United Nations Independent international fact-finding mission on Myanmar;

Whereas, on September 2, 2017, as part of this brutal campaign, Myanmar security forces aided by local Buddhist villagers in the village of Inn Din in Rakhine state detained and then murdered 10 Rohingya men;

Whereas, Reuters, a highly reputable worldwide news gathering organization, discovered this atrocity as part of its ongoing

reporting on the Myanmar military's campaign against the Rohingya, and Reuters journalists Wa Lone and Kyaw Soe Oo were doing fact-checking and interviewing eyewitnesses to these and other events;

Whereas, on December 12, 2017, Wa Lone and Kyaw Soe Oo were arrested by police and later charged with illegally possessing secret government documents under the colonial era Official Secrets Act;

Whereas Wa Lone and Kyaw Soe Oo have been in custody from December 12, 2017, to the present, including before, during, and after their trial;

Whereas, one of the key prosecution witnesses in the trial, Police Captain Moe Yan Naing, said in open court on April 20, 2018, that he and others were ordered by the Myanmar police chief to ''trap'' Wa Lone by inviting the journalist to meet them at a restaurant and to give him ''secret documents''—a meeting that Wa Lone attended in the company of his colleague, Kyaw Soe Oo, which led to the immediate arrest of the two journalists;

Whereas Police Captain Moe Yan Naing was subsequently sentenced to one year in jail for violating police discipline;

Whereas, on September 3, 2018, Yangon northern district judge Ye Lwin ruled that Wa Lone and Kyaw Soe Oo breached the colonial-era Official Secrets Act and sentenced them each to seven years in prison with hard labor;

Whereas 83 Myanmar civil society organizations have signed a statement condemning the verdict;

Whereas the people of Myanmar, with assistance from the Department of State and the United States Agency for International Development, have successfully grown their cadre of ethical and hard hitting journalists, journalists who are adhering to the utmost professional standards and able to uncover the abuses being committed in their own country, and these journalists deserve the international community's support and praise for taking on the risky job of fostering press freedom in their country, however nascent it is;

Whereas United States Agency for International Development Administrator Mark Green released a statement calling the convictions ''an enormous setback for democracy and the rule of law in Burma'' and ''urge[d] the Government of Burma to protect journalists and press freedom, which are the bedrocks of democracy and peace'';

Whereas Vice President Mike Pence tweeted his concern over the sentence against Wa Lone and Kyaw Soe Oo for ''doing their job reporting on the atrocities being committed on the Rohingya people'';

Whereas United States Ambassador to the United Nations Nikki Haley described the conviction as ''another terrible stain on the Burmese government'' and called for ''their immediate and unconditional release'';

Whereas freedom of the press enhances public accountability and transparency and therefore promotes adherence to the rule of law and enforcement of universally recognized human rights by all people; and

Whereas freedom of the press is a key component of democratic governance and activism in civil society: Now, therefore, be it

Resolved, That the Senate—

(1) calls for all the convictions against Wa Lone and Kyaw Soe Oo to be nullified, for the similar changes against many other journalists currently awaiting trial to be dropped, and for the immediate and unconditional release of these journalists;

(2) expresses concern about the Government of Myanmar's crackdown on journalists and press freedom throughout the country;

(3) reaffirms the central role that independent and professional journalism plays in strengthening democratic governance, upholding the rule of law, mitigating conflict, and informing public opinion around the world;

(4) urges the Secretary of State to make a determination whether the actions by the Myanmar military constitute crimes against humanity or genocide and to work with interagency partners to impose targeted sanctions on Myanmar military officials responsible for these heinous acts through existing authorities; and

(5) calls on the President and the Secretary of State—

(A) to reaffirm the importance of a free press in strengthening democratic governance, upholding the rule of law, mitigating conflict, and informing public opinion around the world; and

(B) to engage immediately and at the highest levels with the Government of Myanmar, including by encouraging Aung San Suu Kyi to use her influence to secure the immediate and unconditional release of Wa Lone and Kyaw Soe Oo, as United States leadership is critical to this issue.

SENATE RESOLUTION 636—RECOGNIZING SUICIDE AS A SERIOUS PUBLIC HEALTH PROBLEM AND EXPRESSING SUPPORT FOR THE DESIGNATION OF SEPTEMBER AS ''NATIONAL SUICIDE PREVENTION MONTH''

Mr. CASSIDY (for himself, Mr. MURPHY, Mr. KENNEDY, Mr. SCHUMER, Mr. REED, and Mr. DONNELLY) submitted the following resolution; which was referred to the Committee on Health, Education , Labor, and Pensions:

S. RES. 636

Whereas suicide is the 10th leading cause of death in the United States and the second leading cause of death among individuals between the ages of 10 and 34;

Whereas, according to the Centers for Disease Control and Prevention (referred to in this preamble as the ''CDC''), 1 person dies by suicide every 12.3 minutes, resulting in nearly 45,000 deaths each year in the United States;

Whereas, according to the Department of Veterans Affairs, 20 members of the Armed Forces on active duty, members of the reserve components of the Armed Forces who are not on active duty, or veterans die by suicide each day, resulting in more than 7,000 deaths each year;

Whereas the suicide rate in the United States has steadily increased every year from 1999 through 2016;

Whereas it is estimated that there are more than 1,100,000 suicide attempts each year in the United States;

Whereas more than half of individuals who die by suicide did not have a known mental health condition;

Whereas, according to the CDC, many factors contribute to suicide among individuals with and without known mental health conditions, including challenges related to relationships, substance abuse, physical health, and stress regarding work, money, legal problems, or housing;

Whereas, according to the CDC, suicide results in an estimated $44,600,000,000 in combined medical and work-loss costs in the United States each year;

Whereas the stigma associated with mental health conditions and suicidality hinders suicide prevention by discouraging at-risk individuals from seeking life-saving help and further traumatizes survivors of suicide loss and people with lived experience of suicide; and

Whereas September is an appropriate month to designate as ''National Suicide Prevention Month'' because September 10 is World Suicide Prevention Day, a day recognized internationally and supported by the World Health Organization: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes suicide as a serious and preventable national and State public health problem;

(2) supports the designation of September as ''National Suicide Prevention Month'';

(3) declares suicide prevention as a priority;

(4) acknowledges that no single suicide prevention program or effort will be appropriate for all populations or communities;

(5) promotes awareness that there is no single cause of suicide; and

(6) supports strategies to increase access to high-quality mental health, substance abuse, and suicide prevention services.

SENATE RESOLUTION 637—DESIGNATING SEPTEMBER 2018 AS ''NATIONAL KINSHIP CARE MONTH''

Mr. WYDEN (for himself, Mr. HATCH, Ms. BALDWIN, Mr. GRASSLEY, Ms. HEITKAMP, Mr. DAINES, Mr. VAN HOLLEN, Mr. ROBERTS, Mr. JONES, Mr. BROWN, Ms. KLOBUCHAR, Mr. KAINE, Mr. KING, Mr. CASEY, and Mr. SCHUMER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 637

Whereas, in September 2018, ''National Kinship Care Month'' is observed;

Whereas, nationally, 2,700,000 children are living in kinship care with grandparents or other relatives;

Whereas, nationally, 140,000 children in foster care are placed with grandparents or other relatives, with more than 2,560,000 kinship children supported outside of the foster care system;

Whereas the percentage of kinship foster children has increased more than 11 percent since 2006;

Whereas the number of non-relative foster parents continues to decrease and child welfare agencies are increasingly reliant on kinship families;

Whereas children in kinship care experience improved placement stability, higher levels of permanency, and decreased behavioral problems;

Whereas kinship caregivers provide safety, promote well-being, and establish stable households for vulnerable children;

Whereas grandparents and relatives residing in urban, rural, and suburban households in every State and territory of the United States have stepped forward out of love and loyalty to care for children during times in which parents are unable to do so;

Whereas many kinship caregivers give up their retirement years to assume parenting duties for children;

Whereas grandparents and other relatives are increasingly providing caring homes for children because of the opioid crisis;

Whereas, because of parental substance use disorders and other adverse childhood experiences, children in kinship care frequently have trauma-related conditions;

Whereas kinship care homes offer a refuge for traumatized children;

Whereas kinship care enables a child—

(1) to maintain family relationships and cultural heritage; and

(2) to remain in the community of the child;

Whereas kinship care is a national resource that provides loving homes for children at risk;

Whereas the wisdom and compassion of kinship caregivers is a source of self-reliance and strength for countless children and for the entire United States;

Whereas kinship caregivers face daunting challenges to keep children from entering foster care;

Whereas the Senate is proud to recognize the many kinship care families in which a child is raised by grandparents or other relatives;

Whereas the first president of the United States, George Washington, and his wife Martha were themselves kinship caregivers, as were many other great people of the United States;

Whereas the Senate wishes to honor the many kinship caregivers, who throughout the history of the United States have provided loving homes for children;

Whereas National Kinship Care Month provides an opportunity to urge people in every State to join in recognizing and celebrating kinship caregiving families and the tradition of families in the United States to help kin;

Whereas, in 2018, Congress provided for kinship navigator programs and services in the Family First Prevention Services Act enacted under title VII of division E of the Bipartisan Budget Act of 2018 (Public Law 115–123; 132 Stat. 64) and the Consolidated Appropriations Act, 2018 (Public Law 115–141; 132 Stat. 348);

Whereas, in 2018, Congress provided for the formation of the Advisory Council to Support Grandparents Raising Grandchildren to examine supports for grandparents and other kinship caregivers in the Supporting Grandparents Raising Grandchildren Act (Public Law 115–196; 132 Stat. 1511); and

Whereas more remains to be done to support kinship caregiving and to ensure that all children have a safe, loving, nurturing, and permanent family, regardless of age or special needs: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2018 as ''National Kinship Care Month'';

(2) encourages Congress, States, local governments, and community organizations to continue to work to improve the lives of vulnerable children and families and to support the communities working together to lift them up; and

(3) honors the commitment and dedication of kinship caregivers and the advocates and allies who work tirelessly to provide assistance and services to kinship caregiving families.

SENATE RESOLUTION 638—DESIGNATING SEPTEMBER 22, 2018, AS ''NATIONAL FALLS PREVENTION AWARENESS DAY'' TO RAISE AWARENESS AND ENCOURAGE THE PREVENTION OF FALLS AMONG OLDER ADULTS

Ms. COLLINS (for herself and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 638

Whereas individuals who are 65 years of age or older (referred to in this preamble as ''older adults'') are the fastest growing segment of the population in the United States and the number of older adults in the United States will increase from 49,200,000 in 2016 to 94,700,000 in 2060;

Whereas more than 1 of 4 older adults in the United States falls each year;

Whereas falls are the leading cause of both fatal and nonfatal injuries among older adults;

Whereas, in 2016, approximately 3,000,000 older adults were treated in hospital emergency departments for fall-related injuries;

Whereas, in 2016, more than 29,000 older adults died from injuries related to unintentional falls and the death rate from falls of older adults in the United States has risen sharply in the last decade;

Whereas, in 2015, the total direct medical cost of fall-related injuries for older adults, adjusted for inflation, was $50,000,000,000;

Whereas, if the rate of increase in falls is not slowed, the annual cost of fall injuries will reach $100,000,000,000 by 2030; and

Whereas evidence-based programs reduce falls by utilizing cost-effective strategies, such as exercise programs to improve balance and strength, medication management, vision improvement, reduction of home hazards, and fall prevention education: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 22, 2018, as ''National Falls Prevention Awareness Day'';

(2) recognizes that there are proven, cost-effective falls prevention programs and policies;

(3) commends the 72 member organizations of the Falls Free Coalition and the falls prevention coalitions in 43 States and the District of Columbia for their efforts to work together to increase education and awareness about preventing falls among older adults;

(4) encourages businesses, individuals, Federal, State, and local governments, the public health community, and health care providers to work together to raise awareness of falls in an effort to reduce the incidence of falls among older adults in the United States;

(5) recognizes the Centers for Disease Control and Prevention for its work developing and evaluating interventions for all members of health care teams to make falls prevention a routine part of clinical care;

(6) recognizes the Administration for Community Living for its work to promote access to evidence-based programs and services in communities across the United States;

(7) encourages State health departments and State units on aging, which provide significant leadership in reducing injuries and related health care costs by collaborating with organizations and individuals, to reduce falls among older adults; and

(8) encourages experts in the field of falls prevention to share their best practices so that their success can be replicated by others.

SENATE RESOLUTION 639—DESIGNATING THE WEEK BEGINNING SEPTEMBER 17, 2018, AS ''NATIONAL HISPANIC-SERVING INSTITUTIONS WEEK''

Mr. MENENDEZ (for himself, Mr. CORNYN, Mr. BENNET, Ms. CORTEZ MASTO, Mrs. FEINSTEIN, Mr. HEINRICH, Mr. HELLER, Mrs. MURRAY, Mr. NELSON, Mr. SANDERS, Mr. DURBIN, Mr. HARRIS, and Mr. RUBIO) submitted the following resolution; which was considered and agreed to:

S. RES. 639

Whereas Hispanic-Serving Institutions are degree-granting institutions that have a full-time equivalent undergraduate enrollment comprised of at least 25 percent Hispanic students;

Whereas Hispanic-Serving Institutions play an important role in educating many underprivileged students and helping those students attain their full potential through higher education;

Whereas 492 Hispanic-Serving Institutions operate in the United States;

Whereas Hispanic-Serving Institutions represent just 14.9 percent of all nonprofit institutions of higher education, yet serve 24.5 percent of all students and 63 percent of all Hispanic students, enrolling more than 2,075,317 Hispanic students;

Whereas there are operating in 36 States and the District of Columbia 333 emerging Hispanic-Serving Institutions, which are institutions that do not meet the threshold of 25 percent Hispanic enrollment but serve a Hispanic student population of between 15 and 24 percent;

Whereas Hispanic-Serving Institutions are located in 21 States and the Commonwealth of Puerto Rico, and emerging Hispanic-Serving Institutions are located in 36 States and the District of Columbia;

Whereas Hispanic-Serving Institutions are actively involved in stabilizing and improving the communities in which the institutions are located;

Whereas Hispanic-Serving Institutions lead in efforts to increase Hispanic participation in science, technology, engineering, and mathematics;

Whereas celebrating the vast contributions of Hispanic-Serving Institutions to the United States strengthens the culture of the United States; and

Whereas the achievements and goals of Hispanic-Serving Institutions deserve national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievements and goals of Hispanic-Serving Institutions across the United States and in the Commonwealth of Puerto Rico;

(2) designates the week beginning September 17, 2018, as ''National Hispanic-Serving Institutions Week''; and

(3) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for Hispanic-Serving Institutions.

SENATE RESOLUTION 640—RECOGNIZING SEPTEMBER 25, 2018, AS ''NATIONAL VOTER REGISTRATION DAY''

Ms. KLOBUCHAR (for herself and Mr. BLUNT) submitted the following resolution; which was considered and agreed to:

S. RES. 640

Resolved, That the Senate—

(1) recognizes September 25, 2018, as ''National Voter Registration Day''; and

(2) encourages each voting-eligible citizen of the United States—

(A) to register to vote;

(B) to verify with the appropriate State or local election official that the name, address, and other personal information on record is current; and

(C) to go to the polls on election day and vote if the voting-eligible citizen would like to do so.

SENATE RESOLUTION 641—MARKING 1 YEAR SINCE THE LANDFALL OF HURRICANE MARIA IN PUERTO RICO AND THE UNITED STATES VIRGIN ISLANDS

Mr. NELSON (for himself, Mr. RUBIO, Mr. MENENDEZ, Mr. CASEY, Ms. CORTEZ MASTO, Mrs. GILLIBRAND, Mr. WYDEN, Mr. DURBIN, Ms. WARREN, Ms. HARRIS, Mr. SANDERS, Mr. SCHUMER, Mr. PETERS, Mr. BOOKER, and Mr. BLUMENTHAL) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 641

Whereas, on September 20, 2017, Hurricane Maria passed through the United States Virgin Islands as a category 5 hurricane and made landfall in Puerto Rico as a category 4 hurricane, causing significant devastation across those islands;

Whereas the people of Puerto Rico and the United States Virgin Islands have shown an incredible and resilient spirit in rebuilding after their record losses;

Whereas Hurricane Maria contributed to an estimated 2,975 deaths in Puerto Rico;

Whereas the National Oceanic and Atmospheric Administration estimates that Hurricane Maria caused an estimated $90,000,000,000 in damage to Puerto Rico and the United States Virgin Islands, making Hurricane Maria the third-costliest hurricane in United States history;

Whereas, as a result of Hurricane Maria—

(1) 3,300,000 residents of Puerto Rico were left without electrical power;

(2) 95 percent of cellular sites were knocked out;

(3) 80 percent of water service was inoperable; and

(4) thousands of Puerto Ricans were displaced from their homes and relocated to the mainland United States;

Whereas significant challenges remain in recovery and rebuilding efforts in Puerto Rico 1 year after Hurricane Maria hit;

Whereas Congress appropriated billions of dollars with the specific purpose of directly helping the citizens of Puerto Rico to rebuild their lives in the aftermath of the hurricane;

Whereas the electrical grid on the island of Puerto Rico remains unreliable and susceptible to intermittent brownouts and blackouts; and

Whereas many Puerto Ricans continue to be displaced without access to permanent housing both on the island of Puerto Rico and on the mainland: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that September 20, 2018, marks 1 year since the landfall of Hurricane Maria in Puerto Rico;

(2) honors the victims who lost their lives due to Hurricane Maria;

(3) commends the resiliency of those still rebuilding their lives after Hurricane Maria;

(4) recognizes the continued challenges facing Puerto Rico and the United States Virgin Islands in the wake of Hurricane Maria;

(5) commits to ensuring that survivors of Hurricane Maria have adequate resources to continue the recovery process;

(6) extols the work of first responders and citizens who contributed to saving countless lives in the aftermath of Hurricane Maria; and

(7) reaffirms the commitment of the Senate to support the people of Puerto Rico and the United States Virgin Islands as they continue to rebuild and recover from the devastation of Hurricane Maria.

SENATE RESOLUTION 642—DESIGNATING THE WEEK OF SEPTEMBER 15 THROUGH SEPTEMBER 22, 2018, AS ''NATIONAL ESTUARIES WEEK''

Mr. WHITEHOUSE (for himself, Ms. COLLINS, Ms. CANTWELL, Mr. REED, Mrs. SHAHEEN, Mr. CARPER, Ms. HARRIS, Mr. MURPHY, Ms. HASSAN, Mrs. FEINSTEIN, Mr. PORTMAN, Mr. NELSON, Mr. WYDEN, Mr. MARKEY, Mr. BOOKER, Mr. BLUMENTHAL, Mr. WARNER, Mr. COONS, Mr. VAN HOLLEN, Mr. CASSIDY, Mr. MENENDEZ, Mr. MERKLEY, Mr. KING, Ms. HIRONO, Mr. CARDIN, Mr. PETERS, and Ms. BALDWIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 642

Whereas estuary regions cover only 13 percent of land area in the continental United States but contain nearly 43 percent of the population, 40 percent of jobs, and nearly 50 percent of the economic output of the United States;

Whereas the commercial and recreational fishing industries support over 1,600,000 jobs in the United States;

Whereas in 2016—

(1) commercial fish landings in the United States were valued at $5,300,000,000;

(2) 9,600,000 recreational anglers took nearly 63,000,000 saltwater fishing trips; and

(3) consumers in the United States spent $93,200,000,000 on fishery products;

Whereas estuaries provide vital habitats for—

(1) countless species of fish and wildlife, including more than 68 percent of the commercial fish catch in the United States by value and 80 percent of the recreational fish catch in the United States by weight; and

(2) many species that are listed as threatened or endangered species;

Whereas estuaries provide critical ecosystem services that protect human health and public safety, including through water filtration, flood control, shoreline stabilization, erosion prevention, and the protection of coastal communities during hurricanes, storms, and other extreme weather events;

Whereas by the 1980s the United States had already lost more than 50 percent of the wetlands that existed in the original 13 colonies;

Whereas some bays in the United States that were once filled with fish and oysters have become dead zones filled with excess nutrients, chemical waste, and marine debris;

Whereas harmful algal blooms are hurting fish, wildlife, and human health, and are causing serious ecological and economic harm to estuaries along every coast and the Great Lakes;

Whereas changes in sea level can affect estuarine water quality and estuarine habitats;

Whereas the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly known as the ''Clean Water Act'') authorizes the development of comprehensive conservation and management plans to ensure that the designated uses of estuaries are protected and to restore and maintain—

(1) the chemical, physical, and biological integrity of estuaries;

(2) water quality;

(3) a balanced indigenous population of shellfish, fish, and wildlife; and

(4) recreational activities in estuaries;

Whereas the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) provides that the policy of the United States is to preserve, protect, develop, and, if possible, restore or enhance the resources of the coastal zone of the United States, including estuaries, for current and future generations;

Whereas 27 coastal and Great Lakes States and territories of the United States operate or contain a National Estuary Program or a National Estuarine Research Reserve;

Whereas scientific study leads to a better understanding of the benefits of estuaries to human and ecological communities;

Whereas the Federal Government, State, local, and Tribal governments, national and community organizations, and individuals work together to effectively manage the estuaries of the United States;

Whereas estuary restoration efforts restore natural infrastructure in local communities in a cost-effective manner, helping to create jobs and reestablish the natural functions of estuaries that yield countless benefits; and

Whereas the week of September 15 through September 22, 2018, is recognized as ''National Estuaries Week'' to increase awareness among all people of the United States, including Federal Government and State, local, and Tribal government officials, about the importance of healthy estuaries and the need to protect and restore estuaries: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 15 through September 22, 2018, as ''National Estuaries Week'';

(2) supports the goals and ideals of National Estuaries Week;

(3) acknowledges the importance of estuaries to sustaining employment in the United States and the economic well-being and prosperity of the United States;

(4) recognizes that persistent threats undermine the health of estuaries;

(5) applauds the work of national and community organizations and public partners that promote public awareness, understanding, protection, and restoration of estuaries;

(6) supports the scientific study, preservation, protection, and restoration of estuaries; and

(7) expresses the intent of the Senate to continue working to understand, protect, and restore the estuaries of the United States.

SENATE CONCURRENT RESOLUTION 47—DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE A CORRECTION IN THE ENROLLMENT OF H.R. 6157

Mr. SHELBY submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 47

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill H.R. 6157, the Clerk of the House of Representatives shall make the following corrections:

(1) Amend the long title so as to read: ''Making consolidated appropriations for the Departments of Defense, Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2019, and for other purposes.''.

(2) In section 101(4) of division C, strike ''31'' and insert ''141''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4021. Mr. HATCH (for Mr. ALEXANDER) proposed an amendment to amendment SA 4022 proposed by Mr. HATCH (for himself, Mr. GRASSLEY, Mrs. FEINSTEIN, Mr. ALEXANDER,

Mr. WHITEHOUSE, Mr. COONS, and Mr. WYDEN) to the bill H.R. 1551, to amend the Internal Revenue Code of 1986 to modify the credit for production from advanced nuclear power facilities.

SA 4022. Mr. HATCH (for himself, Mr. GRASSLEY, Mrs. FEINSTEIN, Mr. ALEXANDER, Mr. WHITEHOUSE, Mr. COONS, and Mr. WYDEN) proposed an amendment to the bill H.R. 1551, supra.

TEXT OF AMENDMENTS

SA 4021. Mr. HATCH (for Mr. ALEXANDER) proposed an amendment to amendment SA 4022 proposed by Mr. HATCH (for himself, Mr. GRASSLEY, Mrs. FEINSTEIN, Mr. ALEXANDER, Mr. WHITEHOUSE, Mr. COONS, and Mr. WYDEN) to the bill H.R. 1551, to amend the Internal Revenue Code of 1986 to modify the credit for production from advanced nuclear power facilities; as follows:

On page 1, line 5, strike ''Music Modernization Act'' and insert ''Orrin G. Hatch Music Modernization Act''.

SA 4022. Mr. HATCH (for himself, Mr. GRASSLEY, Mrs. FEINSTEIN, Mr. ALEXANDER, Mr. WHITEHOUSE, Mr. COONS, and Mr. WYDEN) proposed an amendment to the bill H.R. 1551, to amend the Internal Revenue Code of 1986 to modify the credit for production from advanced nuclear power facilities; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Music Modernization Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. CUSTOMS USER FEES.

Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(A)) is amended by striking ''October 13, 2027'' and inserting ''October 20, 2027''.

TITLE I—MUSIC LICENSING MODERNIZATION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Musical Works Modernization Act''.

SEC. 102. BLANKET LICENSE FOR DIGITAL USES AND MECHANICAL LICENSING COLLECTIVE.

(a) AMENDMENT.—Section 115 of title 17, United States Code, is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting ''IN GENERAL'' after ''AVAILABILITY AND SCOPE OF COMPULSORY LICENSE'';

(B) by striking paragraph (1) and inserting the following:

''(1) ELIGIBILITY FOR COMPULSORY LICENSE.—

''(A) CONDITIONS FOR COMPULSORY LICENSE.—A person may by complying with the provisions of this section obtain a compulsory license to make and distribute phonorecords of a nondramatic musical work, including by means of digital phonorecord delivery. A person may obtain a compulsory license only if the primary purpose in making phonorecords of the musical work is to distribute them to the public for private use, including by means of digital phonorecord delivery, and—

''(i) phonorecords of such musical work have previously been distributed to the public in the United States under the authority of the copyright owner of the work, including by means of digital phonorecord delivery; or

''(ii) in the case of a digital music provider seeking to make and distribute digital phonorecord deliveries of a sound recording embodying a musical work under a compulsory license for which clause (i) does not apply—

''(I) the first fixation of such sound recording was made under the authority of the musical work copyright owner, and the sound recording copyright owner has the authority of the musical work copyright owner to make and distribute digital phonorecord deliveries embodying such work to the public in the United States; and

''(II) the sound recording copyright owner, or the authorized distributor of the sound recording copyright owner, has authorized the digital music provider to make and distribute digital phonorecord deliveries of the sound recording to the public in the United States.

''(B) DUPLICATION OF SOUND RECORDING.—A person may not obtain a compulsory license for the use of the work in the making of phonorecords duplicating a sound recording fixed by another, including by means of digital phonorecord delivery, unless—

''(i) such sound recording was fixed lawfully; and

''(ii) the making of the phonorecords was authorized by the owner of the copyright in the sound recording or, if the sound recording was fixed before February 15, 1972, by any person who fixed the sound recording pursuant to an express license from the owner of the copyright in the musical work or pursuant to a valid compulsory license for use of such work in a sound recording.''; and

(C) in paragraph (2), by striking ''A compulsory license'' and inserting ''MUSICAL ARRANGEMENT.—A compulsory license'';

(2) by striking subsection (b) and inserting the following:

''(b) PROCEDURES TO OBTAIN A COMPULSORY LICENSE.—

''(1) PHONORECORDS OTHER THAN DIGITAL PHONORECORD DELIVERIES.—A person who seeks to obtain a compulsory license under subsection (a) to make and distribute phonorecords of a musical work other than by means of digital phonorecord delivery shall, before, or not later than 30 calendar days after, making, and before distributing, any phonorecord of the work, serve notice of intention to do so on the copyright owner. If the registration or other public records of the Copyright Office do not identify the copyright owner and include an address at which notice can be served, it shall be sufficient to file the notice of intention with the Copyright Office. The notice shall comply, in form, content, and manner of service, with requirements that the Register of Copyrights shall prescribe by regulation.

''(2) DIGITAL PHONORECORD DELIVERIES.—A person who seeks to obtain a compulsory license under subsection (a) to make and distribute phonorecords of a musical work by means of digital phonorecord delivery—

''(A) prior to the license availability date, shall, before, or not later than 30 calendar days after, first making any such digital phonorecord delivery, serve a notice of intention to do so on the copyright owner (but may not file the notice with the Copyright Office, even if the public records of the Office do not identify the owner or the owner's address), and such notice shall comply, in form, content, and manner of service, with requirements that the Register of Copyrights shall prescribe by regulation; or

''(B) on or after the license availability date, shall, before making any such digital phonorecord delivery, follow the procedure described in subsection (d)(2), except as provided in paragraph (3).

''(3) RECORD COMPANY INDIVIDUAL DOWNLOAD LICENSES.—Notwithstanding paragraph (2)(B), a record company may, on or after the license availability date, obtain an individual download license in accordance with the notice requirements described in paragraph (2)(A) (except for the requirement that notice occur prior to the license availability date). A record company that obtains an individual download license as permitted under this paragraph shall provide statements of account and pay royalties as provided in subsection (c)(2)(I).

''(4) FAILURE TO OBTAIN LICENSE.—

''(A) PHONORECORDS OTHER THAN DIGITAL PHONORECORD DELIVERIES.—In the case of phonorecords made and distributed other than by means of digital phonorecord delivery, the failure to serve or file the notice of intention required by paragraph (1) forecloses the possibility of a compulsory license under paragraph (1). In the absence of a voluntary license, the failure to obtain a compulsory license renders the making and distribution of phonorecords actionable as acts of infringement under section 501 and subject to the remedies provided by sections 502 through 506.

''(B) DIGITAL PHONORECORD DELIVERIES.—

''(i) IN GENERAL.—In the case of phonorecords made and distributed by means of digital phonorecord delivery:

''(I) The failure to serve the notice of intention required by paragraph (2)(A) or paragraph (3), as applicable, forecloses the possibility of a compulsory license under such paragraph.

''(II) The failure to comply with paragraph (2)(B) forecloses the possibility of a blanket license for a period of 3 years after the last calendar day on which the notice of license was required to be submitted to the mechanical licensing collective under such paragraph.

''(ii) EFFECT OF FAILURE.—In either case described in subclause (I) or (II) of clause (i), in the absence of a voluntary license, the failure to obtain a compulsory license renders the making and distribution of phonorecords by means of digital phonorecord delivery actionable as acts of infringement under section 501 and subject to the remedies provided by sections 502 through 506.'';

(3) by amending subsection (c) to read as follows:

''(c) GENERAL CONDITIONS APPLICABLE TO COMPULSORY LICENSE.—

''(1) ROYALTY PAYABLE UNDER COMPULSORY LICENSE.—

''(A) IDENTIFICATION REQUIREMENT.—To be entitled to receive royalties under a compulsory license obtained under subsection (b)(1) the copyright owner must be identified in

the registration or other public records of the Copyright Office. The owner is entitled to royalties for phonorecords made and distributed after being so identified, but is not entitled to recover for any phonorecords previously made and distributed.

''(B) ROYALTY FOR PHONORECORDS OTHER THAN DIGITAL PHONORECORD DELIVERIES.—Except as provided by subparagraph (A), for every phonorecord made and distributed under a compulsory license under subsection (a) other than by means of digital phonorecord delivery, with respect to each work embodied in the phonorecord, the royalty shall be the royalty prescribed under subparagraphs (D) through (F), paragraph (2)(A), and chapter 8. For purposes of this subparagraph, a phonorecord is considered 'distributed' if the person exercising the compulsory license has voluntarily and permanently parted with its possession.

''(C) ROYALTY FOR DIGITAL PHONORECORD DELIVERIES.—For every digital phonorecord delivery of a musical work made under a compulsory license under this section, the royalty payable shall be the royalty prescribed under subparagraphs (D) through (F), paragraph (2)(A), and chapter 8.

''(D) AUTHORITY TO NEGOTIATE.—Notwithstanding any provision of the antitrust laws, any copyright owners of nondramatic musical works and any persons entitled to obtain a compulsory license under subsection (a) may negotiate and agree upon the terms and rates of royalty payments under this section and the proportionate division of fees paid among copyright owners, and may designate common agents on a nonexclusive basis to negotiate, agree to, pay or receive such royalty payments. Such authority to negotiate the terms and rates of royalty payments includes, but is not limited to, the authority to negotiate the year during which the royalty rates prescribed under this subparagraph, subparagraphs (E) and (F), paragraph (2)(A), and chapter 8 shall next be determined.

''(E) DETERMINATION OF REASONABLE RATES AND TERMS.—Proceedings under chapter 8 shall determine reasonable rates and terms of royalty payments for the activities specified by this section during the period beginning with the effective date of such rates and terms, but not earlier than January 1 of the second year following the year in which the petition requesting the proceeding is filed, and ending on the effective date of successor rates and terms, or such other period as the parties may agree. Any copyright owners of nondramatic musical works and any persons entitled to obtain a compulsory license under subsection (a) may submit to the Copyright Royalty Judges licenses covering such activities. The parties to each proceeding shall bear their own costs.

''(F) SCHEDULE OF REASONABLE RATES.—The schedule of reasonable rates and terms determined by the Copyright Royalty Judges shall, subject to paragraph (2)(A), be binding on all copyright owners of nondramatic musical works and persons entitled to obtain a compulsory license under subsection (a) during the period specified in subparagraph (E), such other period as may be determined pursuant to subparagraphs (D) and (E), or such other period as the parties may agree. The Copyright Royalty Judges shall establish rates and terms that most clearly represent the rates and terms that would have been negotiated in the marketplace between a willing buyer and a willing seller. In determining such rates and terms for digital phonorecord deliveries, the Copyright Royalty Judges shall base their decision on economic, competitive, and programming information presented by the parties, including—

''(i) whether use of the compulsory licensee's service may substitute for or may promote the sales of phonorecords or otherwise may interfere with or may enhance the musical work copyright owner's other streams of revenue from its musical works; and

''(ii) the relative roles of the copyright owner and the compulsory licensee in the copyrighted work and the service made available to the public with respect to the relative creative contribution, technological contribution, capital investment, cost, and risk.

''(2) ADDITIONAL TERMS AND CONDITIONS.—

''(A) VOLUNTARY LICENSES AND CONTRACTUAL ROYALTY RATES.—

''(i) IN GENERAL.—License agreements voluntarily negotiated at any time between one or more copyright owners of nondramatic musical works and one or more persons entitled to obtain a compulsory license under subsection (a) shall be given effect in lieu of any determination by the Copyright Royalty Judges. Subject to clause (ii), the royalty rates determined pursuant to subparagraphs (E) and (F) of paragraph (1) shall be given effect as to digital phonorecord deliveries in lieu of any contrary royalty rates specified in a contract pursuant to which a recording artist who is the author of a nondramatic musical work grants a license under that person's exclusive rights in the musical work under paragraphs (1) and (3) of section 106 or commits another person to grant a license in that musical work under paragraphs (1) and (3) of section 106, to a person desiring to fix in a tangible medium of expression a sound recording embodying the musical work.

''(ii) APPLICABILITY.—The second sentence of clause (i) shall not apply to—

''(I) a contract entered into on or before June 22, 1995, and not modified thereafter for the purpose of reducing the royalty rates determined pursuant to subparagraphs (E) and (F) of paragraph (1) or of increasing the number of musical works within the scope of the contract covered by the reduced rates, except if a contract entered into on or before June 22, 1995, is modified thereafter for the purpose of increasing the number of musical works within the scope of the contract, any contrary royalty rates specified in the contract shall be given effect in lieu of royalty rates determined pursuant to subparagraphs (E) and (F) of paragraph (1) for the number of musical works within the scope of the contract as of June 22, 1995; and

''(II) a contract entered into after the date that the sound recording is fixed in a tangible medium of expression substantially in a form intended for commercial release, if at the time the contract is entered into, the recording artist retains the right to grant licenses as to the musical work under paragraphs (1) and (3) of section 106.

''(B) SOUND RECORDING INFORMATION.—Except as provided in section 1002(e), a digital phonorecord delivery licensed under this paragraph shall be accompanied by the information encoded in the sound recording, if any, by or under the authority of the copyright owner of that sound recording, that identifies the title of the sound recording, the featured recording artist who performs on the sound recording, and related information, including information concerning the underlying musical work and its writer.

''(C) INFRINGEMENT REMEDIES.—

''(i) IN GENERAL.—A digital phonorecord delivery of a sound recording is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506, unless—

''(I) the digital phonorecord delivery has been authorized by the sound recording copyright owner; and

''(II) the entity making the digital phonorecord delivery has obtained a compulsory license under subsection (a) or has otherwise been authorized by the musical work copyright owner, or by a record company pursuant to an individual download license, to make and distribute phonorecords of each musical work embodied in the sound recording by means of digital phonorecord delivery.

''(ii) OTHER REMEDIES.—Any cause of action under this subparagraph shall be in addition to those available to the owner of the copyright in the nondramatic musical work under subparagraph (J) and section 106(4) and the owner of the copyright in the sound recording under section 106(6).

''(D) LIABILITY OF SOUND RECORDING OWNERS.—The liability of the copyright owner of a sound recording for infringement of the copyright in a nondramatic musical work embodied in the sound recording shall be determined in accordance with applicable law, except that the owner of a copyright in a sound recording shall not be liable for a digital phonorecord delivery by a third party if the owner of the copyright in the sound recording does not license the distribution of a phonorecord of the nondramatic musical work.

''(E) RECORDING DEVICES AND MEDIA.—Nothing in section 1008 shall be construed to prevent the exercise of the rights and remedies allowed by this paragraph, subparagraph (J), and chapter 5 in the event of a digital phonorecord delivery, except that no action alleging infringement of copyright may be brought under this title against a manufacturer, importer or distributor of a digital audio recording device, a digital audio recording medium, an analog recording device, or an analog recording medium, or against a consumer, based on the actions described in such section.

''(F) PRESERVATION OF RIGHTS.—Nothing in this section annuls or limits—

''(i) the exclusive right to publicly perform a sound recording or the musical work embodied therein, including by means of a digital transmission, under paragraphs (4) and (6) of section 106;

''(ii) except for compulsory licensing under the conditions specified by this section, the exclusive rights to reproduce and distribute the sound recording and the musical work embodied therein under paragraphs (1) and (3) of section 106, including by means of a digital phonorecord delivery; or

''(iii) any other rights under any other provision of section 106, or remedies available under this title, as such rights or remedies exist before, on, or after the date of enactment of the Digital Performance Right in Sound Recordings Act of 1995.

''(G) EXEMPT TRANSMISSIONS AND RETRANSMISSIONS.—The provisions of this section concerning digital phonorecord deliveries shall not apply to any exempt transmissions or retransmissions under section 114(d)(1). The exemptions created in section 114(d)(1) do not expand or reduce the rights of copyright owners under paragraphs (1) through (5) of section 106 with respect to such transmissions and retransmissions.

''(H) DISTRIBUTION BY RENTAL, LEASE, OR LENDING.—A compulsory license obtained under subsection (b)(1) to make and distribute phonorecords includes the right of the maker of such a phonorecord to distribute or authorize distribution of such phonorecord, other than by means of a digital phonorecord delivery, by rental, lease, or lending (or by acts or practices in the nature of rental, lease, or lending). With respect to each nondramatic musical work embodied in the phonorecord, the royalty shall be a proportion of the revenue received by the compulsory licensee from every such act of distribution of the phonorecord under this clause equal to the proportion of the revenue received by the compulsory licensee from

distribution of the phonorecord under subsection (a)(1)(A)(ii)(II) that is payable by a compulsory licensee under that clause and under chapter 8. The Register of Copyrights shall issue regulations to carry out the purpose of this subparagraph.

''(I) PAYMENT OF ROYALTIES AND STATEMENTS OF ACCOUNT.—Except as provided in paragraphs (4)(A)(i) and (10)(B) of subsection (d), royalty payments shall be made on or before the twentieth day of each month and shall include all royalties for the month next preceding. Each monthly payment shall be made under oath and shall comply with requirements that the Register of Copyrights shall prescribe by regulation. The Register shall also prescribe regulations under which detailed cumulative annual statements of account, certified by a certified public accountant, shall be filed for every compulsory license under subsection (a). The regulations covering both the monthly and the annual statements of account shall prescribe the form, content, and manner of certification with respect to the number of records made and the number of records distributed.

''(J) NOTICE OF DEFAULT AND TERMINATION OF COMPULSORY LICENSE.—In the case of a license obtained under paragraph (1), (2)(A), or (3) of subsection (b), if the copyright owner does not receive the monthly payment and the monthly and annual statements of account when due, the owner may give written notice to the licensee that, unless the default is remedied not later than 30 days after the date on which the notice is sent, the compulsory license will be automatically terminated. Such termination renders either the making or the distribution, or both, of all phonorecords for which the royalty has not been paid, actionable as acts of infringement under section 501 and fully subject to the remedies provided by sections 502 through 506. In the case of a license obtained under subsection (b)(2)(B), license authority under the compulsory license may be terminated as provided in subsection (d)(4)(E).'';

(4) by amending subsection (d) to read as follows:

''(d) BLANKET LICENSE FOR DIGITAL USES, MECHANICAL LICENSING COLLECTIVE, AND DIGITAL LICENSEE COORDINATOR.—

''(1) BLANKET LICENSE FOR DIGITAL USES.—

''(A) IN GENERAL.—A digital music provider that qualifies for a compulsory license under subsection (a) may, by complying with the terms and conditions of this subsection, obtain a blanket license from copyright owners through the mechanical licensing collective to make and distribute digital phonorecord deliveries of musical works through one or more covered activities.

''(B) INCLUDED ACTIVITIES.—A blanket license—

''(i) covers all musical works (or shares of such works) available for compulsory licensing under this section for purposes of engaging in covered activities, except as provided in subparagraph (C);

''(ii) includes the making and distribution of server, intermediate, archival, and incidental reproductions of musical works that are reasonable and necessary for the digital music provider to engage in covered activities licensed under this subsection, solely for the purpose of engaging in such covered activities; and

''(iii) does not cover or include any rights or uses other than those described in clauses (i) and (ii).

''(C) OTHER LICENSES.—A voluntary license for covered activities entered into by or under the authority of 1 or more copyright owners and 1 or more digital music providers, or authority to make and distribute permanent downloads of a musical work obtained by a digital music provider from a sound recording copyright owner pursuant to an individual download license, shall be given effect in lieu of a blanket license under this subsection with respect to the musical works (or shares thereof) covered by such voluntary license or individual download authority and the following conditions apply:

''(i) Where a voluntary license or individual download license applies, the license authority provided under the blanket license shall exclude any musical works (or shares thereof) subject to the voluntary license or individual download license.

''(ii) An entity engaged in covered activities under a voluntary license or authority obtained pursuant to an individual download license that is a significant nonblanket licensee shall comply with paragraph (6)(A).

''(iii) The rates and terms of any voluntary license shall be subject to the second sentence of clause (i) and clause (ii) of subsection (c)(2)(A) and paragraph (9)(C), as applicable.

''(D) PROTECTION AGAINST INFRINGEMENT ACTIONS.—A digital music provider that obtains and complies with the terms of a valid blanket license under this subsection shall not be subject to an action for infringement of the exclusive rights provided by paragraphs (1) and (3) of section 106 under this title arising from use of a musical work (or share thereof) to engage in covered activities authorized by such license, subject to paragraph (4)(E).

''(E) OTHER REQUIREMENTS AND CONDITIONS APPLY.—Except as expressly provided in this subsection, each requirement, limitation, condition, privilege, right, and remedy otherwise applicable to compulsory licenses under this section shall apply to compulsory blanket licenses under this subsection.

''(2) AVAILABILITY OF BLANKET LICENSE.—

''(A) PROCEDURE FOR OBTAINING LICENSE.—A digital music provider may obtain a blanket license by submitting a notice of license to the mechanical licensing collective that specifies the particular covered activities in which the digital music provider seeks to engage, as follows:

''(i) The notice of license shall comply in form and substance with requirements that the Register of Copyrights shall establish by regulation.

''(ii) Unless rejected in writing by the mechanical licensing collective not later than 30 calendar days after the date on which the mechanical licensing collective receives the notice, the blanket license shall be effective as of the date on which the notice of license was sent by the digital music provider, as shown by a physical or electronic record.

''(iii) A notice of license may only be rejected by the mechanical licensing collective if—

''(I) the digital music provider or notice of license does not meet the requirements of this section or applicable regulations, in which case the requirements at issue shall be specified with reasonable particularity in the notice of rejection; or

''(II) the digital music provider has had a blanket license terminated by the mechanical licensing collective during the 3-year period preceding the date on which the mechanical licensing collective receives the notice pursuant to paragraph (4)(E).

''(iv) If a notice of license is rejected under clause (iii)(I), the digital music provider shall have 30 calendar days after receipt of the notice of rejection to cure any deficiency and submit an amended notice of license to the mechanical licensing collective. If the deficiency has been cured, the mechanical licensing collective shall so confirm in writing, and the license shall be effective as of the date that the original notice of license was provided by the digital music provider.

''(v) A digital music provider that believes a notice of license was improperly rejected by the mechanical licensing collective may seek review of such rejection in an appropriate district court of the United States. The district court shall determine the matter de novo based on the record before the mechanical licensing collective and any additional evidence presented by the parties.

''(B) BLANKET LICENSE EFFECTIVE DATE.—Blanket licenses shall be made available by the mechanical licensing collective on and after the license availability date. No such license shall be effective prior to the license availability date.

''(3) MECHANICAL LICENSING COLLECTIVE.—

''(A) IN GENERAL.—The mechanical licensing collective shall be a single entity that—

''(i) is a nonprofit entity, not owned by any other entity, that is created by copyright owners to carry out responsibilities under this subsection;

''(ii) is endorsed by, and enjoys substantial support from, musical work copyright owners that together represent the greatest percentage of the licensor market for uses of such works in covered activities, as measured over the preceding 3 full calendar years;

''(iii) is able to demonstrate to the Register of Copyrights that the entity has, or will have prior to the license availability date, the administrative and technological capabilities to perform the required functions of the mechanical licensing collective under this subsection and that is governed by a board of directors in accordance with subparagraph (D)(i); and

''(iv) has been designated by the Register of Copyrights, with the approval of the Librarian of Congress pursuant to section 702, in accordance with subparagraph (B).

''(B) DESIGNATION OF MECHANICAL LICENSING COLLECTIVE.—

''(i) INITIAL DESIGNATION.—Not later than 270 days after the enactment date, the Register of Copyrights shall initially designate the mechanical licensing collective as follows:

''(I) Not later than 90 calendar days after the enactment date, the Register shall publish notice in the Federal Register soliciting information to assist in identifying the appropriate entity to serve as the mechanical licensing collective, including the name and affiliation of each member of the board of directors described under subparagraph (D)(i) and each committee established pursuant to clauses (iii), (iv), and (v) of subparagraph (D).

''(II) After reviewing the information requested under subclause (I) and making a designation, the Register shall publish notice in the Federal Register setting forth—

''(aa) the identity of and contact information for the mechanical licensing collective; and

''(bb) the reasons for the designation.

''(ii) PERIODIC REVIEW OF DESIGNATION.—Following the initial designation of the mechanical licensing collective, the Register shall, every 5 years, beginning with the fifth full calendar year to commence after the initial designation, publish notice in the Federal Register in the month of January soliciting information concerning whether the existing designation should be continued, or a different entity meeting the criteria described in clauses (i) through (iii) of subparagraph (A) shall be designated. Following publication of such notice, the Register shall—

''(I) after reviewing the information submitted and conducting additional proceedings as appropriate, publish notice in the Federal Register of a continuing designation or new designation of the mechanical licensing collective, as the case may be, and the reasons for such a designation, with any new designation to be effective as of the first day of a month that is not less than 6 months and not longer than 9 months after the date

on which the Register publishes the notice, as specified by the Register; and

''(II) if a new entity is designated as the mechanical licensing collective, adopt regulations to govern the transfer of licenses, funds, records, data, and administrative responsibilities from the existing mechanical licensing collective to the new entity.

''(iii) CLOSEST ALTERNATIVE DESIGNATION.—If the Register is unable to identify an entity that fulfills each of the qualifications set forth in clauses (i) through (iii) of subparagraph (A), the Register shall designate the entity that most nearly fulfills such qualifications for purposes of carrying out the responsibilities of the mechanical licensing collective.

''(C) AUTHORITIES AND FUNCTIONS.—

''(i) IN GENERAL.—The mechanical licensing collective is authorized to perform the following functions, subject to more particular requirements as described in this subsection:

''(I) Offer and administer blanket licenses, including receipt of notices of license and reports of usage from digital music providers.

''(II) Collect and distribute royalties from digital music providers for covered activities.

''(III) Engage in efforts to identify musical works (and shares of such works) embodied in particular sound recordings, and to identify and locate the copyright owners of such musical works (and shares of such works).

''(IV) Maintain the musical works database and other information relevant to the administration of licensing activities under this section.

''(V) Administer a process by which copyright owners can claim ownership of musical works (and shares of such works), and a process by which royalties for works for which the owner is not identified or located are equitably distributed to known copyright owners.

''(VI) Administer collections of the administrative assessment from digital music providers and significant nonblanket licensees, including receipt of notices of nonblanket activity.

''(VII) Invest in relevant resources, and arrange for services of outside vendors and others, to support the activities of the mechanical licensing collective.

''(VIII) Engage in legal and other efforts to enforce rights and obligations under this subsection, including by filing bankruptcy proofs of claims for amounts owed under licenses, and acting in coordination with the digital licensee coordinator.

''(IX) Initiate and participate in proceedings before the Copyright Royalty Judges to establish the administrative assessment under this subsection.

''(X) Initiate and participate in proceedings before the Copyright Office with respect to activities under this subsection.

''(XI) Gather and provide documentation for use in proceedings before the Copyright Royalty Judges to set rates and terms under this section.

''(XII) Maintain records of the activities of the mechanical licensing collective and engage in and respond to audits described in this subsection.

''(XIII) Engage in such other activities as may be necessary or appropriate to fulfill the responsibilities of the mechanical licensing collective under this subsection.

''(ii) RESTRICTIONS CONCERNING LICENSING AND ADMINISTRATIVE ACTIVITIES.—With respect to the administration of licenses, except as provided in clauses (i) and (iii) and subparagraph (E)(v), the mechanical licensing collective may only—

''(I) issue blanket licenses pursuant to subsection (d)(1); and

''(II) administer blanket licenses for reproduction or distribution rights in musical works for covered activities, including collecting and distributing royalties, pursuant to blanket licenses.

''(iii) ADDITIONAL ADMINISTRATIVE ACTIVITIES.—Subject to paragraph (11)(C), the mechanical licensing collective may also administer, including by collecting and distributing royalties, voluntary licenses issued by, or individual download licenses obtained from, copyright owners only for reproduction or distribution rights in musical works for covered activities, for which the mechanical licensing collective shall charge reasonable fees for such services.

''(iv) RESTRICTION ON LOBBYING.—The mechanical licensing collective may not engage in government lobbying activities, but may engage in the activities described in subclauses (IX), (X), and (XI) of clause (i).

''(D) GOVERNANCE.—

''(i) BOARD OF DIRECTORS.—The mechanical licensing collective shall have a board of directors consisting of 14 voting members and 3 nonvoting members, as follows:

''(I) Ten voting members shall be representatives of music publishers—

''(aa) to which songwriters have assigned exclusive rights of reproduction and distribution of musical works with respect to covered activities; and

''(bb) none of which may be owned by, or under common control with, any other board member.

''(II) Four voting members shall be professional songwriters who have retained and exercise exclusive rights of reproduction and distribution with respect to covered activities with respect to musical works they have authored.

''(III) One nonvoting member shall be a representative of the nonprofit trade association of music publishers that represents the greatest percentage of the licensor market for uses of musical works in covered activities, as measured for the 3-year period preceding the date on which the member is appointed.

''(IV) One nonvoting member shall be a representative of the digital licensee coordinator, provided that a digital licensee coordinator has been designated pursuant to paragraph (5)(B). Otherwise, the nonvoting member shall be the nonprofit trade association of digital licensees that represents the greatest percentage of the licensee market for uses of musical works in covered activities, as measured over the preceding 3 full calendar years.

''(V) One nonvoting member shall be a representative of a nationally recognized nonprofit trade association whose primary mission is advocacy on behalf of songwriters in the United States.

''(ii) BYLAWS.—

''(I) ESTABLISHMENT.—Not later than 1 year after the date on which the mechanical licensing collective is initially designated by the Register of Copyrights under subparagraph (B)(i), the collective shall establish bylaws to determine issues relating to the governance of the collective, including, but not limited to—

''(aa) the length of the term for each member of the board of directors;

''(bb) the staggering of the terms of the members of the board of directors;

''(cc) a process for filling a seat on the board of directors that is vacated before the end of the term with respect to that seat;

''(dd) a process for electing a member to the board of directors; and

''(ee) a management structure for daily operation of the collective.

''(II) PUBLIC AVAILABILITY.—The mechanical licensing collective shall make the bylaws established under subclause (I) available to the public.

''(iii) BOARD MEETINGS.—The board of directors shall meet not less frequently than biannually and discuss matters pertinent to the operations of the mechanical licensing collective, including the mechanical licensing collective budget.

''(iv) OPERATIONS ADVISORY COMMITTEE.—The board of directors of the mechanical licensing collective shall establish an operations advisory committee consisting of not fewer than 6 members to make recommendations to the board of directors concerning the operations of the mechanical licensing collective, including the efficient investment in and deployment of information technology and data resources. Such committee shall have an equal number of members of the committee who are—

''(I) musical work copyright owners who are appointed by the board of directors of the mechanical licensing collective; and

''(II) representatives of digital music providers who are appointed by the digital licensee coordinator.

''(v) UNCLAIMED ROYALTIES OVERSIGHT COMMITTEE.—The board of directors of the mechanical licensing collective shall establish and appoint an unclaimed royalties oversight committee consisting of 10 members, 5 of which shall be musical work copyright owners and 5 of which shall be professional songwriters whose works are used in covered activities.

''(vi) DISPUTE RESOLUTION COMMITTEE.—The board of directors of the mechanical licensing collective shall establish and appoint a dispute resolution committee that shall—

''(I) consist of not fewer than 6 members; and

''(II) include an equal number of representatives of musical work copyright owners and professional songwriters.

''(vii) MECHANICAL LICENSING COLLECTIVE ANNUAL REPORT.—

''(I) IN GENERAL.—Not later than June 30 of each year commencing after the license availability date, the mechanical licensing collective shall post, and make available online for a period of not less than 3 years, an annual report that sets forth information regarding—

''(aa) the operational and licensing practices of the collective;

''(bb) how royalties are collected and distributed;

''(cc) budgeting and expenditures;

''(dd) the collective total costs for the preceding calendar year;

''(ee) the projected annual mechanical licensing collective budget;

''(ff) aggregated royalty receipts and payments;

''(gg) expenses that are more than 10 percent of the annual mechanical licensing collective budget; and

''(hh) the efforts of the collective to locate and identify copyright owners of unmatched musical works (and shares of works).

''(II) SUBMISSION.—On the date on which the mechanical licensing collective posts each report required under subclause (I), the collective shall provide a copy of the report to the Register of Copyrights.

''(viii) INDEPENDENT OFFICERS.—An individual serving as an officer of the mechanical licensing collective may not, at the same time, also be an employee or agent of any member of the board of directors of the collective or any entity represented by a member of the board of directors, as described in clause (i).

''(ix) OVERSIGHT AND ACCOUNTABILITY.—

''(I) IN GENERAL.—The mechanical licensing collective shall—

''(aa) ensure that the policies and practices of the collective are transparent and accountable;

''(bb) identify a point of contact for publisher inquiries and complaints with timely redress; and

''(cc) establish an anti-comingling policy for funds not collected under this section and royalties collected under this section.

''(II) AUDITS.—

''(aa) IN GENERAL.—Beginning in the fourth full calendar year that begins after the initial designation of the mechanical licensing collective by the Register of Copyrights under subparagraph (B)(i), and in every fifth calendar year thereafter, the collective shall retain a qualified auditor that shall—

''(AA) examine the books, records, and operations of the collective;

''(BB) prepare a report for the board of directors of the collective with respect to the matters described in item (bb); and

''(CC) not later than December 31 of the year in which the qualified auditor is retained, deliver the report described in subitem (BB) to the board of directors of the collective.

''(bb) MATTERS ADDRESSED.—Each report prepared under item (aa) shall address the implementation and efficacy of procedures of the mechanical licensing collective—

''(AA) for the receipt, handling, and distribution of royalty funds, including any amounts held as unclaimed royalties;

''(BB) to guard against fraud, abuse, waste, and the unreasonable use of funds; and

''(CC) to protect the confidentiality of financial, proprietary, and other sensitive information.

''(cc) PUBLIC AVAILABILITY.—With respect to each report prepared under item (aa), the mechanical licensing collective shall—

''(AA) submit the report to the Register of Copyrights; and

''(BB) make the report available to the public.

''(E) MUSICAL WORKS DATABASE.—

''(i) ESTABLISHMENT AND MAINTENANCE OF DATABASE.—The mechanical licensing collective shall establish and maintain a database containing information relating to musical works (and shares of such works) and, to the extent known, the identity and location of the copyright owners of such works (and shares thereof) and the sound recordings in which the musical works are embodied. In furtherance of maintaining such database, the mechanical licensing collective shall engage in efforts to identify the musical works embodied in particular sound recordings, as well as to identify and locate the copyright owners of such works (and shares thereof), and update such data as appropriate.

''(ii) MATCHED WORKS.—With respect to musical works (and shares thereof) that have been matched to copyright owners, the musical works database shall include—

''(I) the title of the musical work;

''(II) the copyright owner of the work (or share thereof), and the ownership percentage of that owner;

''(III) contact information for such copyright owner;

''(IV) to the extent reasonably available to the mechanical licensing collective—

''(aa) the international standard musical work code for the work; and

''(bb) identifying information for sound recordings in which the musical work is embodied, including the name of the sound recording, featured artist, sound recording copyright owner, producer, international standard recording code, and other information commonly used to assist in associating sound recordings with musical works; and

''(V) such other information as the Register of Copyrights may prescribe by regulation.

''(iii) UNMATCHED WORKS.—With respect to unmatched musical works (and shares of works) in the database, the musical works database shall include—

''(I) to the extent reasonably available to the mechanical licensing collective—

''(aa) the title of the musical work;

''(bb) the ownership percentage for which an owner has not been identified;

''(cc) if a copyright owner has been identified but not located, the identity of such owner and the ownership percentage of that owner;

''(dd) identifying information for sound recordings in which the work is embodied, including sound recording name, featured artist, sound recording copyright owner, producer, international standard recording code, and other information commonly used to assist in associating sound recordings with musical works; and

''(ee) any additional information reported to the mechanical licensing collective that may assist in identifying the work; and

''(II) such other information relating to the identity and ownership of musical works (and shares of such works) as the Register of Copyrights may prescribe by regulation.

''(iv) SOUND RECORDING INFORMATION.—Each musical work copyright owner with any musical work listed in the musical works database shall engage in commercially reasonable efforts to deliver to the mechanical licensing collective, including for use in the musical works database, to the extent such information is not then available in the database, information regarding the names of the sound recordings in which that copyright owner's musical works (or shares thereof) are embodied, to the extent practicable.

''(v) ACCESSIBILITY OF DATABASE.—The musical works database shall be made available to members of the public in a searchable, online format, free of charge. The mechanical licensing collective shall make such database available in a bulk, machine-readable format, through a widely available software application, to the following entities:

''(I) Digital music providers operating under the authority of valid notices of license, free of charge.

''(II) Significant nonblanket licensees in compliance with their obligations under paragraph (6), free of charge.

''(III) Authorized vendors of the entities described in subclauses (I) and (II), free of charge.

''(IV) The Register of Copyrights, free of charge (but the Register shall not treat such database or any information therein as a Government record).

''(V) Any other person or entity for a fee not to exceed the marginal cost to the mechanical licensing collective of providing the database to such person or entity.

''(vi) ADDITIONAL REQUIREMENTS.—The Register of Copyrights shall establish requirements by regulations to ensure the usability, interoperability, and usage restrictions of the musical works database.

''(F) NOTICES OF LICENSE AND NONBLANKET ACTIVITY.—

''(i) NOTICES OF LICENSES.—The mechanical licensing collective shall receive, review, and confirm or reject notices of license from digital music providers, as provided in paragraph (2)(A). The collective shall maintain a current, publicly accessible list of blanket licenses that includes contact information for the licensees and the effective dates of such licenses.

''(ii) NOTICES OF NONBLANKET ACTIVITY.—The mechanical licensing collective shall receive notices of nonblanket activity from significant nonblanket licensees, as provided in paragraph (6)(A). The collective shall maintain a current, publicly accessible list of notices of nonblanket activity that includes contact information for significant nonblanket licensees and the dates of receipt of such notices.

''(G) COLLECTION AND DISTRIBUTION OF ROYALTIES.—

''(i) IN GENERAL.—Upon receiving reports of usage and payments of royalties from digital music providers for covered activities, the mechanical licensing collective shall—

''(I) engage in efforts to—

''(aa) identify the musical works embodied in sound recordings reflected in such reports, and the copyright owners of such musical works (and shares thereof);

''(bb) confirm uses of musical works subject to voluntary licenses and individual download licenses, and the corresponding pro rata amounts to be deducted from royalties that would otherwise be due under the blanket license; and

''(cc) confirm proper payment of royalties due;

''(II) distribute royalties to copyright owners in accordance with the usage and other information contained in such reports, as well as the ownership and other information contained in the records of the collective; and

''(III) deposit into an interest-bearing account, as provided in subparagraph (H)(ii), royalties that cannot be distributed due to—

''(aa) an inability to identify or locate a copyright owner of a musical work (or share thereof); or

''(bb) a pending dispute before the dispute resolution committee of the mechanical licensing collective.

''(ii) OTHER COLLECTION EFFORTS.—Any royalties recovered by the mechanical licensing collective as a result of efforts to enforce rights or obligations under a blanket license, including through a bankruptcy proceeding or other legal action, shall be distributed to copyright owners based on available usage information and in accordance with the procedures described in subclauses (I) and (II) of clause (i), on a pro rata basis in proportion to the overall percentage recovery of the total royalties owed, with any pro rata share of royalties that cannot be distributed deposited in an interest-bearing account as provided in subparagraph (H)(ii).

''(H) HOLDING OF ACCRUED ROYALTIES.—

''(i) HOLDING PERIOD.—The mechanical licensing collective shall hold accrued royalties associated with particular musical works (and shares of works) that remain unmatched for a period of not less than 3 years after the date on which the funds were received by the mechanical licensing collective, or not less than 3 years after the date on which the funds were accrued by a digital music provider that subsequently transferred such funds to the mechanical licensing collective pursuant to paragraph (10)(B), whichever period expires sooner.

''(ii) INTEREST-BEARING ACCOUNT.—Accrued royalties for unmatched works (and shares thereof) shall be maintained by the mechanical licensing collective in an interest-bearing account that earns monthly interest—

''(I) at the Federal, short-term rate; and

''(II) that accrues for the benefit of copyright owners entitled to payment of such accrued royalties.

''(I) MUSICAL WORKS CLAIMING PROCESS.—When a copyright owner of an unmatched work (or share of a work) has been identified and located in accordance with the procedures of the mechanical licensing collective, the collective shall—

''(i) update the musical works database and the other records of the collective accordingly; and

''(ii) provided that accrued royalties for the musical work (or share thereof) have not yet been included in a distribution pursuant to subparagraph (J)(i), pay such accrued royalties and a proportionate amount of accrued

interest associated with that work (or share thereof) to the copyright owner, accompanied by a cumulative statement of account reflecting usage of such work and accrued royalties based on information provided by digital music providers to the mechanical licensing collective.

''(J) DISTRIBUTION OF UNCLAIMED ACCRUED ROYALTIES.—

''(i) DISTRIBUTION PROCEDURES.—After the expiration of the prescribed holding period for accrued royalties provided in subparagraph (H)(i), the mechanical licensing collective shall distribute such accrued royalties, along with a proportionate share of accrued interest, to copyright owners identified in the records of the collective, subject to the following requirements, and in accordance with the policies and procedures established under clause (ii):

''(I) The first such distribution shall occur on or after January 1 of the second full calendar year to commence after the license availability date, with not less than 1 such distribution to take place during each calendar year thereafter.

''(II) Copyright owners' payment shares for unclaimed accrued royalties for particular reporting periods shall be determined in a transparent and equitable manner based on data indicating the relative market shares of such copyright owners as reflected in reports of usage provided by digital music providers for covered activities for the periods in question, including, in addition to usage data provided to the mechanical licensing collective, usage data provided to copyright owners under voluntary licenses and individual download licenses for covered activities, to the extent such information is available to the mechanical licensing collective. In furtherance of the determination of equitable market shares under this subparagraph—

''(aa) the mechanical licensing collective may require copyright owners seeking distributions of unclaimed accrued royalties to provide, or direct the provision of, information concerning the usage of musical works under voluntary licenses and individual download licenses for covered activities; and

''(bb) the mechanical licensing collective shall take appropriate steps to safeguard the confidentiality and security of usage, financial, and other sensitive data used to compute market shares in accordance with the confidentiality provisions prescribed by the Register of Copyrights under paragraph (12)(C).

''(ii) ESTABLISHMENT OF DISTRIBUTION POLICIES.—The unclaimed royalties oversight committee established under subparagraph (D)(v) shall establish policies and procedures for the distribution of unclaimed accrued royalties and accrued interest in accordance with this subparagraph, including the provision of usage data to copyright owners to allocate payments and credits to songwriters pursuant to clause (iv), subject to the approval of the board of directors of the mechanical licensing collective.

''(iii) PUBLIC NOTICE OF UNCLAIMED ACCRUED ROYALTIES.—The mechanical licensing collective shall—

''(I) maintain a publicly accessible online facility with contact information for the collective that lists unmatched musical works (and shares of works), through which a copyright owner may assert an ownership claim with respect to such a work (and a share of such a work);

''(II) engage in diligent, good-faith efforts to publicize, throughout the music industry—

''(aa) the existence of the collective and the ability to claim unclaimed accrued royalties for unmatched musical works (and shares of such works) held by the collective;

''(bb) the procedures by which copyright owners may identify themselves and provide contact, ownership, and other relevant information to the collective in order to receive payments of accrued royalties;

''(cc) any transfer of accrued royalties for musical works under paragraph (10)(B), not later than 180 days after the date on which the transfer is received; and

''(dd) any pending distribution of unclaimed accrued royalties and accrued interest, not less than 90 days before the date on which the distribution is made; and

''(III) as appropriate, participate in music industry conferences and events for the purpose of publicizing the matters described in subclause (II).

''(iv) SONGWRITER PAYMENTS.—Copyright owners that receive a distribution of unclaimed accrued royalties and accrued interest shall pay or credit a portion to songwriters (or the authorized agents of songwriters) on whose behalf the copyright owners license or administer musical works for covered activities, in accordance with applicable contractual terms, but notwithstanding any agreement to the contrary—

''(I) such payments and credits to songwriters shall be allocated in proportion to reported usage of individual musical works by digital music providers during the reporting periods covered by the distribution from the mechanical licensing collective; and

''(II) in no case shall the payment or credit to an individual songwriter be less than 50 percent of the payment received by the copyright owner attributable to usage of musical works (or shares of works) of that songwriter.

''(K) DISPUTE RESOLUTION.—The dispute resolution committee established under subparagraph (D)(vi) shall establish policies and procedures—

''(i) for copyright owners to address in a timely and equitable manner disputes relating to ownership interests in musical works licensed under this section and allocation and distribution of royalties by the mechanical licensing collective, subject to the approval of the board of directors of the mechanical licensing collective;

''(ii) that shall include a mechanism to hold disputed funds in accordance with the requirements described in subparagraph (H)(ii) pending resolution of the dispute; and

''(iii) except as provided in paragraph (11)(D), that shall not affect any legal or equitable rights or remedies available to any copyright owner or songwriter concerning ownership of, and entitlement to royalties for, a musical work.

''(L) VERIFICATION OF PAYMENTS BY MECHANICAL LICENSING COLLECTIVE.—

''(i) VERIFICATION PROCESS.—A copyright owner entitled to receive payments of royalties for covered activities from the mechanical licensing collective may, individually or with other copyright owners, conduct an audit of the mechanical licensing collective to verify the accuracy of royalty payments by the mechanical licensing collective to such copyright owner, as follows:

''(I) A copyright owner may audit the mechanical licensing collective only once in a year for any or all of the 3 calendar years preceding the year in which the audit is commenced, and may not audit records for any calendar year more than once.

''(II) The audit shall be conducted by a qualified auditor, who shall perform the audit during the ordinary course of business by examining the books, records, and data of the mechanical licensing collective, according to generally accepted auditing standards and subject to applicable confidentiality requirements prescribed by the Register of Copyrights under paragraph (12)(C).

''(III) The mechanical licensing collective shall make such books, records, and data available to the qualified auditor and respond to reasonable requests for relevant information, and shall use commercially reasonable efforts to facilitate access to relevant information maintained by third parties.

''(IV) To commence the audit, any copyright owner shall file with the Copyright Office a notice of intent to conduct an audit of the mechanical licensing collective, identifying the period of time to be audited, and shall simultaneously deliver a copy of such notice to the mechanical licensing collective. The Register of Copyrights shall cause the notice of audit to be published in the Federal Register not later than 45 calendar days after the date on which the notice is received.

''(V) The qualified auditor shall determine the accuracy of royalty payments, including whether an underpayment or overpayment of royalties was made by the mechanical licensing collective to each auditing copyright owner, except that, before providing a final audit report to any such copyright owner, the qualified auditor shall provide a tentative draft of the report to the mechanical licensing collective and allow the mechanical licensing collective a reasonable opportunity to respond to the findings, including by clarifying issues and correcting factual errors.

''(VI) The auditing copyright owner or owners shall bear the cost of the audit. In case of an underpayment to any copyright owner, the mechanical licensing collective shall pay the amounts of any such underpayment to such auditing copyright owner, as appropriate. In case of an overpayment by the mechanical licensing collective, the mechanical licensing collective may debit the account of the auditing copyright owner or owners for such overpaid amounts, or such owner or owners shall refund overpaid amounts to the mechanical licensing collective, as appropriate.

''(ii) ALTERNATIVE VERIFICATION PROCEDURES.—Nothing in this subparagraph shall preclude a copyright owner and the mechanical licensing collective from agreeing to audit procedures different from those described in this subparagraph, except that a notice of the audit shall be provided to and published by the Copyright Office as described in clause (i)(IV).

''(M) RECORDS OF MECHANICAL LICENSING COLLECTIVE.—

''(i) RECORDS MAINTENANCE.—The mechanical licensing collective shall ensure that all material records of the operations of the mechanical licensing collective, including those relating to notices of license, the administration of the claims process of the mechanical licensing collective, reports of usage, royalty payments, receipt and maintenance of accrued royalties, royalty distribution processes, and legal matters, are preserved and maintained in a secure and reliable manner, with appropriate commercially reasonable safeguards against unauthorized access, copying, and disclosure, and subject to the confidentiality requirements prescribed by the Register of Copyrights under paragraph (12)(C) for a period of not less than 7 years after the date of creation or receipt, whichever occurs later.

''(ii) RECORDS ACCESS.—The mechanical licensing collective shall provide prompt access to electronic and other records pertaining to the administration of a copyright owner's musical works upon reasonable written request of the owner or the authorized representative of the owner.

''(4) TERMS AND CONDITIONS OF BLANKET LICENSE.—A blanket license is subject to, and

conditioned upon, the following requirements:

''(A) ROYALTY REPORTING AND PAYMENTS.—

''(i) MONTHLY REPORTS AND PAYMENT.—A digital music provider shall report and pay royalties to the mechanical licensing collective under the blanket license on a monthly basis in accordance with clause (ii) and subsection (c)(2)(I), except that the monthly reporting shall be due on the date that is 45 calendar days, rather than 20 calendar days, after the end of the monthly reporting period.

''(ii) DATA TO BE REPORTED.—In reporting usage of musical works to the mechanical licensing collective, a digital music provider shall provide usage data for musical works used under the blanket license and usage data for musical works used in covered activities under voluntary licenses and individual download licenses. In the report of usage, the digital music provider shall—

''(I) with respect to each sound recording embodying a musical work—

''(aa) provide identifying information for the sound recording, including sound recording name, featured artist, and, to the extent acquired by the digital music provider in connection with its use of sound recordings of musical works to engage in covered activities, including pursuant to subparagraph (B), sound recording copyright owner, producer, international standard recording code, and other information commonly used in the industry to identify sound recordings and match them to the musical works the sound recordings embody;

''(bb) to the extent acquired by the digital music provider in the metadata provided by sound recording copyright owners or other licensors of sound recordings in connection with the use of sound recordings of musical works to engage in covered activities, including pursuant to subparagraph (B), provide information concerning authorship and ownership of the applicable rights in the musical work embodied in the sound recording (including each songwriter, publisher name, and respective ownership share) and the international standard musical work code; and

''(cc) provide the number of digital phonorecord deliveries of the sound recording, including limited downloads and interactive streams;

''(II) identify and provide contact information for all musical work copyright owners for works embodied in sound recordings as to which a voluntary license, rather than the blanket license, is in effect with respect to the uses being reported; and

''(III) provide such other information as the Register of Copyrights shall require by regulation.

''(iii) FORMAT AND MAINTENANCE OF REPORTS.—Reports of usage provided by digital music providers to the mechanical licensing collective shall be in a machine-readable format that is compatible with the information technology systems of the mechanical licensing collective and meets the requirements of regulations adopted by the Register of Copyrights. The Register shall also adopt regulations setting forth requirements under which records of use shall be maintained and made available to the mechanical licensing collective by digital music providers engaged in covered activities under a blanket license.

''(iv) ADOPTION OF REGULATIONS.—The Register of Copyrights shall adopt regulations—

''(I) setting forth requirements under which records of use shall be maintained and made available to the mechanical licensing collective by digital music providers engaged in covered activities under a blanket license; and

''(II) regarding adjustments to reports of usage by digital music providers, including mechanisms to account for overpayment and underpayment of royalties in prior periods.

''(B) COLLECTION OF SOUND RECORDING INFORMATION.—A digital music provider shall engage in good-faith, commercially reasonable efforts to obtain from sound recording copyright owners and other licensors of sound recordings made available through the service of such digital music provider information concerning—

''(i) sound recording copyright owners, producers, international standard recording codes, and other information commonly used in the industry to identify sound recordings and match them to the musical works the sound recordings embody; and

''(ii) the authorship and ownership of musical works, including songwriters, publisher names, ownership shares, and international standard musical work codes.

''(C) PAYMENT OF ADMINISTRATIVE ASSESSMENT.—A digital music provider and any significant nonblanket licensee shall pay the administrative assessment established under paragraph (7)(D) in accordance with this subsection and applicable regulations.

''(D) VERIFICATION OF PAYMENTS BY DIGITAL MUSIC PROVIDERS.—

''(i) VERIFICATION PROCESS.—The mechanical licensing collective may conduct an audit of a digital music provider operating under the blanket license to verify the accuracy of royalty payments by the digital music provider to the mechanical licensing collective as follows:

''(I) The mechanical licensing collective may commence an audit of a digital music provider not more frequently than once in any 3-calendar-year period to cover a verification period of not more than the 3 full calendar years preceding the date of commencement of the audit, and such audit may not audit records for any such 3-year verification period more than once.

''(II) The audit shall be conducted by a qualified auditor, who shall perform the audit during the ordinary course of business by examining the books, records, and data of the digital music provider, according to generally accepted auditing standards and subject to applicable confidentiality requirements prescribed by the Register of Copyrights under paragraph (12)(C).

''(III) The digital music provider shall make such books, records, and data available to the qualified auditor and respond to reasonable requests for relevant information, and shall use commercially reasonable efforts to provide access to relevant information maintained with respect to a digital music provider by third parties.

''(IV) To commence the audit, the mechanical licensing collective shall file with the Copyright Office a notice of intent to conduct an audit of the digital music provider, identifying the period of time to be audited, and shall simultaneously deliver a copy of such notice to the digital music provider. The Register of Copyrights shall cause the notice of audit to be published in the Federal Register not later than 45 calendar days after the date on which notice is received.

''(V) The qualified auditor shall determine the accuracy of royalty payments, including whether an underpayment or overpayment of royalties was made by the digital music provider to the mechanical licensing collective, except that, before providing a final audit report to the mechanical licensing collective, the qualified auditor shall provide a tentative draft of the report to the digital music provider and allow the digital music provider a reasonable opportunity to respond to the findings, including by clarifying issues and correcting factual errors.

''(VI) The mechanical licensing collective shall pay the cost of the audit, unless the qualified auditor determines that there was an underpayment by the digital music provider of not less than 10 percent, in which case the digital music provider shall bear the reasonable costs of the audit, in addition to paying the amount of any underpayment to the mechanical licensing collective. In case of an overpayment by the digital music provider, the mechanical licensing collective shall provide a credit to the account of the digital music provider.

''(VII) A digital music provider may not assert section 507 or any other Federal or State statute of limitations, doctrine of laches or estoppel, or similar provision as a defense to a legal action arising from an audit under this subparagraph if such legal action is commenced not more than 6 years after the commencement of the audit that is the basis for such action.

''(ii) ALTERNATIVE VERIFICATION PROCEDURES.—Nothing in this subparagraph shall preclude the mechanical licensing collective and a digital music provider from agreeing to audit procedures different from those described in this subparagraph, except that a notice of the audit shall be provided to and published by the Copyright Office as described in clause (i)(IV).

''(E) DEFAULT UNDER BLANKET LICENSE.—

''(i) CONDITIONS OF DEFAULT.—A digital music provider shall be in default under a blanket license if the digital music provider—

''(I) fails to provide 1 or more monthly reports of usage to the mechanical licensing collective when due;

''(II) fails to make a monthly royalty or late fee payment to the mechanical licensing collective when due, in all or material part;

''(III) provides 1 or more monthly reports of usage to the mechanical licensing collective that, on the whole, is or are materially deficient as a result of inaccurate, missing, or unreadable data, where the correct data was available to the digital music provider and required to be reported under this section and applicable regulations;

''(IV) fails to pay the administrative assessment as required under this subsection and applicable regulations; or

''(V) after being provided written notice by the mechanical licensing collective, refuses to comply with any other material term or condition of the blanket license under this section for a period of not less than 60 calendar days.

''(ii) NOTICE OF DEFAULT AND TERMINATION.—In case of a default by a digital music provider, the mechanical licensing collective may proceed to terminate the blanket license of the digital music provider as follows:

''(I) The mechanical licensing collective shall provide written notice to the digital music provider describing with reasonable particularity the default and advising that unless such default is cured not later than 60 calendar days after the date of the notice, the blanket license will automatically terminate at the end of that period.

''(II) If the digital music provider fails to remedy the default before the end of the 60-day period described in subclause (I), the license shall terminate without any further action on the part of the mechanical licensing collective. Such termination renders the making of all digital phonorecord deliveries of all musical works (and shares thereof) covered by the blanket license for which the royalty or administrative assessment has not been paid actionable as acts of infringement under section 501 and subject to the remedies provided by sections 502 through 506.

''(iii) NOTICE TO COPYRIGHT OWNERS.—The mechanical licensing collective shall provide written notice of any termination under this

subparagraph to copyright owners of affected works.

''(iv) REVIEW BY FEDERAL DISTRICT COURT.—A digital music provider that believes a blanket license was improperly terminated by the mechanical licensing collective may seek review of such termination in an appropriate district court of the United States. The district court shall determine the matter de novo based on the record before the mechanical licensing collective and any additional supporting evidence presented by the parties.

''(5) DIGITAL LICENSEE COORDINATOR.—

''(A) IN GENERAL.—The digital licensee coordinator shall be a single entity that—

''(i) is a nonprofit, not owned by any other entity, that is created to carry out responsibilities under this subsection;

''(ii) is endorsed by and enjoys substantial support from digital music providers and significant nonblanket licensees that together represent the greatest percentage of the licensee market for uses of musical works in covered activities, as measured over the preceding 3 calendar years;

''(iii) is able to demonstrate that it has, or will have prior to the license availability date, the administrative capabilities to perform the required functions of the digital licensee coordinator under this subsection; and

''(iv) has been designated by the Register of Copyrights, with the approval of the Librarian of Congress pursuant to section 702, in accordance with subparagraph (B).

''(B) DESIGNATION OF DIGITAL LICENSEE COORDINATOR.—

''(i) INITIAL DESIGNATION.—The Register of Copyrights shall initially designate the digital licensee coordinator not later than 270 days after the enactment date, in accordance with the same procedure described for designation of the mechanical licensing collective in paragraph (3)(B)(i).

''(ii) PERIODIC REVIEW OF DESIGNATION.—Following the initial designation of the digital licensee coordinator, the Register of Copyrights shall, every 5 years, beginning with the fifth full calendar year to commence after the initial designation, determine whether the existing designation should be continued, or a different entity meeting the criteria described in clauses (i) through (iii) of subparagraph (A) should be designated, in accordance with the same procedure described for the mechanical licensing collective in paragraph (3)(B)(ii).

''(iii) INABILITY TO DESIGNATE.—If the Register of Copyrights is unable to identify an entity that fulfills each of the qualifications described in clauses (i) through (iii) of subparagraph (A) to serve as the digital licensee coordinator, the Register may decline to designate a digital licensee coordinator. The determination of the Register not to designate a digital licensee coordinator shall not negate or otherwise affect any provision of this subsection except to the limited extent that a provision references the digital licensee coordinator. In such case, the reference to the digital licensee coordinator shall be without effect unless and until a new digital licensee coordinator is designated.

''(C) AUTHORITIES AND FUNCTIONS.—

''(i) IN GENERAL.—The digital licensee coordinator is authorized to perform the following functions, subject to more particular requirements as described in this subsection:

''(I) Establish a governance structure, criteria for membership, and any dues to be paid by its members.

''(II) Engage in efforts to enforce notice and payment obligations with respect to the administrative assessment, including by receiving information from and coordinating with the mechanical licensing collective.

''(III) Initiate and participate in proceedings before the Copyright Royalty Judges to establish the administrative assessment under this subsection.

''(IV) Initiate and participate in proceedings before the Copyright Office with respect to activities under this subsection.

''(V) Gather and provide documentation for use in proceedings before the Copyright Royalty Judges to set rates and terms under this section.

''(VI) Maintain records of its activities.

''(VII) Assist in publicizing the existence of the mechanical licensing collective and the ability of copyright owners to claim royalties for unmatched musical works (and shares of works) through the collective.

''(VIII) Engage in such other activities as may be necessary or appropriate to fulfill its responsibilities under this subsection.

''(ii) RESTRICTION ON LOBBYING.—The digital licensee coordinator may not engage in government lobbying activities, but may engage in the activities described in subclauses (III), (IV), and (V) of clause (i).

''(iii) ASSISTANCE WITH PUBLICITY FOR UNCLAIMED ROYALTIES.—The digital licensee coordinator shall make reasonable, good-faith efforts to assist the mechanical licensing collective in the efforts of the collective to locate and identify copyright owners of unmatched musical works (and shares of such works) by encouraging digital music providers to publicize the existence of the collective and the ability of copyright owners to claim unclaimed accrued royalties, including by—

''(I) posting contact information for the collective at reasonably prominent locations on digital music provider websites and applications; and

''(II) conducting in-person outreach activities with songwriters.

''(6) REQUIREMENTS FOR SIGNIFICANT NONBLANKET LICENSEES.—

''(A) IN GENERAL.—

''(i) NOTICE OF ACTIVITY.—Not later than 45 calendar days after the license availability date, or 45 calendar days after the end of the first full calendar month in which an entity initially qualifies as a significant nonblanket licensee, whichever occurs later, a significant nonblanket licensee shall submit a notice of nonblanket activity to the mechanical licensing collective. The notice of nonblanket activity shall comply in form and substance with requirements that the Register of Copyrights shall establish by regulation, and a copy shall be made available to the digital licensee coordinator.

''(ii) REPORTING AND PAYMENT OBLIGATIONS.—The notice of nonblanket activity submitted to the mechanical licensing collective shall be accompanied by a report of usage that contains the information described in paragraph (4)(A)(ii), as well as any payment of the administrative assessment required under this subsection and applicable regulations. Thereafter, subject to clause (iii), a significant nonblanket licensee shall continue to provide monthly reports of usage, accompanied by any required payment of the administrative assessment, to the mechanical licensing collective. Such reports and payments shall be submitted not later than 45 calendar days after the end of the calendar month being reported.

''(iii) DISCONTINUATION OF OBLIGATIONS.—An entity that has submitted a notice of nonblanket activity to the mechanical licensing collective that has ceased to qualify as a significant nonblanket licensee may so notify the collective in writing. In such case, as of the calendar month in which such notice is provided, such entity shall no longer be required to provide reports of usage or pay the administrative assessment, but if such entity later qualifies as a significant nonblanket licensee, such entity shall again be required to comply with clauses (i) and (ii).

''(B) REPORTING BY MECHANICAL LICENSING COLLECTIVE TO DIGITAL LICENSEE COORDINATOR.—

''(i) MONTHLY REPORTS OF NONCOMPLIANT LICENSEES.—The mechanical licensing collective shall provide monthly reports to the digital licensee coordinator setting forth any significant nonblanket licensees of which the collective is aware that have failed to comply with subparagraph (A).

''(ii) TREATMENT OF CONFIDENTIAL INFORMATION.—The mechanical licensing collective and digital licensee coordinator shall take appropriate steps to safeguard the confidentiality and security of financial and other sensitive data shared under this subparagraph, in accordance with the confidentiality requirements prescribed by the Register of Copyrights under paragraph (12)(C).

''(C) LEGAL ENFORCEMENT EFFORTS.—

''(i) FEDERAL COURT ACTION.—Should the mechanical licensing collective or digital licensee coordinator become aware that a significant nonblanket licensee has failed to comply with subparagraph (A), either may commence an action in an appropriate district court of the United States for damages and injunctive relief. If the significant nonblanket licensee is found liable, the court shall, absent a finding of excusable neglect, award damages in an amount equal to three times the total amount of the unpaid administrative assessment and, notwithstanding anything to the contrary in section 505, reasonable attorney's fees and costs, as well as such other relief as the court determines appropriate. In all other cases, the court shall award relief as appropriate. Any recovery of damages shall be payable to the mechanical licensing collective as an offset to the collective total costs.

''(ii) STATUTE OF LIMITATIONS FOR ENFORCEMENT ACTION.—Any action described in this subparagraph shall be commenced within the time period described in section 507(b).

''(iii) OTHER RIGHTS AND REMEDIES PRESERVED.—The ability of the mechanical licensing collective or digital licensee coordinator to bring an action under this subparagraph shall in no way alter, limit or negate any other right or remedy that may be available to any party at law or in equity.

''(7) FUNDING OF MECHANICAL LICENSING COLLECTIVE.—

''(A) IN GENERAL.—The collective total costs shall be funded by—

''(i) an administrative assessment, as such assessment is established by the Copyright Royalty Judges pursuant to subparagraph (D) from time to time, to be paid by—

''(I) digital music providers that are engaged, in all or in part, in covered activities pursuant to a blanket license; and

''(II) significant nonblanket licensees; and

''(ii) voluntary contributions from digital music providers and significant nonblanket licensees as may be agreed with copyright owners.

''(B) VOLUNTARY CONTRIBUTIONS.—

''(i) AGREEMENTS CONCERNING CONTRIBUTIONS.—Except as provided in clause (ii), voluntary contributions by digital music providers and significant nonblanket licensees shall be determined by private negotiation and agreement, and the following conditions apply:

''(I) The date and amount of each voluntary contribution to the mechanical licensing collective shall be documented in a writing signed by an authorized agent of the mechanical licensing collective and the contributing party.

''(II) Such agreement shall be made available as required in proceedings before the

Copyright Royalty Judges to establish or adjust the administrative assessment in accordance with applicable statutory and regulatory provisions and rulings of the Copyright Royalty Judges.

''(ii) TREATMENT OF CONTRIBUTIONS.—Each voluntary contribution described in clause (i) shall be treated for purposes of an administrative assessment proceeding as an offset to the collective total costs that would otherwise be recovered through the administrative assessment. Any allocation or reallocation of voluntary contributions between or among individual digital music providers or significant nonblanket licensees shall be a matter of private negotiation and agreement among such parties and outside the scope of the administrative assessment proceeding.

''(C) INTERIM APPLICATION OF ACCRUED ROYALTIES.—In the event that the administrative assessment, together with any funding from voluntary contributions as provided in subparagraphs (A) and (B), is inadequate to cover current collective total costs, the collective, with approval of its board of directors, may apply unclaimed accrued royalties on an interim basis to defray such costs, subject to future reimbursement of such royalties from future collections of the assessment.

''(D) DETERMINATION OF ADMINISTRATIVE ASSESSMENT.—

''(i) ADMINISTRATIVE ASSESSMENT TO COVER COLLECTIVE TOTAL COSTS.—The administrative assessment shall be used solely and exclusively to fund the collective total costs.

''(ii) SEPARATE PROCEEDING BEFORE COPYRIGHT ROYALTY JUDGES.—The amount and terms of the administrative assessment shall be determined and established in a separate and independent proceeding before the Copyright Royalty Judges, according to the procedures described in clauses (iii) and (iv). The administrative assessment determined in such proceeding shall—

''(I) be wholly independent of royalty rates and terms applicable to digital music providers, which shall not be taken into consideration in any manner in establishing the administrative assessment;

''(II) be established by the Copyright Royalty Judges in an amount that is calculated to defray the reasonable collective total costs;

''(III) be assessed based on usage of musical works by digital music providers and significant nonblanket licensees in covered activities under both compulsory and nonblanket licenses;

''(IV) may be in the form of a percentage of royalties payable under this section for usage of musical works in covered activities (regardless of whether a different rate applies under a voluntary license), or any other usage-based metric reasonably calculated to equitably allocate the collective total costs across digital music providers and significant nonblanket licensees engaged in covered activities, and shall include as a component a minimum fee for all digital music providers and significant nonblanket licensees; and

''(V) take into consideration anticipated future collective total costs and collections of the administrative assessment, including, as applicable—

''(aa) any portion of past actual collective total costs of the mechanical licensing collective not funded by previous collections of the administrative assessment or voluntary contributions because such collections or contributions together were insufficient to fund such costs;

''(bb) any past collections of the administrative assessment and voluntary contributions that exceeded past actual collective total costs, resulting in a surplus; and

''(cc) the amount of any voluntary contributions by digital music providers or significant nonblanket licensees in relevant periods, described in subparagraphs (A) and (B) of paragraph (7).

''(iii) INITIAL ADMINISTRATIVE ASSESSMENT.—The procedure for establishing the initial administrative assessment shall be as follows:

''(I) Not later than 270 days after the enactment date, the Copyright Royalty Judges shall commence a proceeding to establish the initial administrative assessment by publishing a notice in the Federal Register seeking petitions to participate.

''(II) The mechanical licensing collective and digital licensee coordinator shall participate in the proceeding described in subclause (I), along with any interested copyright owners, digital music providers or significant nonblanket licensees that have notified the Copyright Royalty Judges of their desire to participate.

''(III) The Copyright Royalty Judges shall establish a schedule for submission by the parties of information that may be relevant to establishing the administrative assessment, including actual and anticipated collective total costs of the mechanical licensing collective, actual and anticipated collections from digital music providers and significant nonblanket licensees, and documentation of voluntary contributions, as well as a schedule for further proceedings, which shall include a hearing, as the Copyright Royalty Judges determine appropriate.

''(IV) The initial administrative assessment shall be determined, and such determination shall be published in the Federal Register by the Copyright Royalty Judges, not later than 1 year after commencement of the proceeding described in this clause. The determination shall be supported by a written record. The initial administrative assessment shall be effective as of the license availability date, and shall continue in effect unless and until an adjusted administrative assessment is established pursuant to an adjustment proceeding under clause (iv).

''(iv) ADJUSTMENT OF ADMINISTRATIVE ASSESSMENT.—The administrative assessment may be adjusted by the Copyright Royalty Judges periodically, in accordance with the following procedures:

''(I) Not earlier than 1 year after the most recent publication of a determination of the administrative assessment by the Copyright Royalty Judges, the mechanical licensing collective, the digital licensee coordinator, or one or more interested copyright owners, digital music providers, or significant nonblanket licensees, may file a petition with the Copyright Royalty Judges in the month of May to commence a proceeding to adjust the administrative assessment.

''(II) Notice of the commencement of such proceeding shall be published in the Federal Register in the month of June following the filing of any petition, with a schedule of requested information and additional proceedings, as described in clause (iii)(III). The mechanical licensing collective and digital licensee coordinator shall participate in such proceeding, along with any interested copyright owners, digital music providers, or significant nonblanket licensees that have notified the Copyright Royalty Judges of their desire to participate.

''(III) The determination of the adjusted administrative assessment, which shall be supported by a written record, shall be published in the Federal Register during June of the calendar year following the commencement of the proceeding. The adjusted administrative assessment shall take effect January 1 of the year following such publication.

''(v) ADOPTION OF VOLUNTARY AGREEMENTS.—In lieu of reaching their own determination based on evaluation of relevant data, the Copyright Royalty Judges shall approve and adopt a negotiated agreement to establish the amount and terms of the administrative assessment that has been agreed to by the mechanical licensing collective and the digital licensee coordinator (or if none has been designated, interested digital music providers and significant nonblanket licensees representing more than half of the market for uses of musical works in covered activities), except that the Copyright Royalty Judges shall have the discretion to reject any such agreement for good cause shown. An administrative assessment adopted under this clause shall apply to all digital music providers and significant nonblanket licensees engaged in covered activities during the period the administrative assessment is in effect.

''(vi) CONTINUING AUTHORITY TO AMEND.—The Copyright Royalty Judges shall retain continuing authority to amend a determination of an administrative assessment to correct technical or clerical errors, or modify the terms of implementation, for good cause, with any such amendment to be published in the Federal Register.

''(vii) APPEAL OF ADMINISTRATIVE ASSESSMENT.—The determination of an administrative assessment by the Copyright Royalty Judges shall be appealable, not later than 30 calendar days after publication in the Federal Register, to the Court of Appeals for the District of Columbia Circuit by any party that fully participated in the proceeding. The administrative assessment as established by the Copyright Royalty Judges shall remain in effect pending the final outcome of any such appeal, and the mechanical licensing collective, digital licensee coordinator, digital music providers, and significant nonblanket licensees shall implement appropriate financial or other measures not later than 90 days after any modification of the assessment to reflect and account for such outcome.

''(viii) REGULATIONS.—The Copyright Royalty Judges may adopt regulations to govern the conduct of proceedings under this paragraph.

''(8) ESTABLISHMENT OF RATES AND TERMS UNDER BLANKET LICENSE.—

''(A) RESTRICTIONS ON RATESETTING PARTICIPATION.—Neither the mechanical licensing collective nor the digital licensee coordinator shall be a party to a proceeding described in subsection (c)(1)(E), except that the mechanical licensing collective or the digital licensee coordinator may gather and provide financial and other information for the use of a party to such a proceeding and comply with requests for information as required under applicable statutory and regulatory provisions and rulings of the Copyright Royalty Judges.

''(B) APPLICATION OF LATE FEES.—In any proceeding described in subparagraph (A) in which the Copyright Royalty Judges establish a late fee for late payment of royalties for uses of musical works under this section, such fee shall apply to covered activities under blanket licenses, as follows:

''(i) Late fees for past due royalty payments shall accrue from the due date for payment until payment is received by the mechanical licensing collective.

''(ii) The availability of late fees shall in no way prevent a copyright owner or the mechanical licensing collective from asserting any other rights or remedies to which such copyright owner or the mechanical licensing collective may be entitled under this title.

''(C) INTERIM RATE AGREEMENTS IN GENERAL.—For any covered activity for which no rate or terms have been established by the Copyright Royalty Judges, the mechanical licensing collective and any digital music

provider may agree to an interim rate and terms for such activity under the blanket license, and any such rate and terms—

''(i) shall be treated as nonprecedential and not cited or relied upon in any ratesetting proceeding before the Copyright Royalty Judges or any other tribunal; and

''(ii) shall automatically expire upon the establishment of a rate and terms for such covered activity by the Copyright Royalty Judges, under subsection (c)(1)(E).

''(D) ADJUSTMENTS FOR INTERIM RATES.—The rate and terms established by the Copyright Royalty Judges for a covered activity to which an interim rate and terms have been agreed under subparagraph (C) shall supersede the interim rate and terms and apply retroactively to the inception of the activity under the blanket license. In such case, not later than 90 days after the effective date of the rate and terms established by the Copyright Royalty Judges—

''(i) if the rate established by the Copyright Royalty Judges exceeds the interim rate, the digital music provider shall pay to the mechanical licensing collective the amount of any underpayment of royalties due; or

''(ii) if the interim rate exceeds the rate established by the Copyright Royalty Judges, the mechanical licensing collective shall credit the account of the digital music provider for the amount of any overpayment of royalties due.

''(9) TRANSITION TO BLANKET LICENSES.—

''(A) SUBSTITUTION OF BLANKET LICENSE.—On the license availability date, a blanket license shall, without any interruption in license authority enjoyed by such digital music provider, be automatically substituted for and supersede any existing compulsory license previously obtained under this section by the digital music provider from a copyright owner to engage in 1 or more covered activities with respect to a musical work, except that such substitution shall not apply to any authority obtained from a record company pursuant to a compulsory license to make and distribute permanent downloads unless and until such record company terminates such authority in writing to take effect at the end of a monthly reporting period, with a copy to the mechanical licensing collective.

''(B) EXPIRATION OF EXISTING LICENSES.—Except to the extent provided in subparagraph (A), on and after the license availability date, licenses other than individual download licenses obtained under this section for covered activities prior to the license availability date shall no longer continue in effect.

''(C) TREATMENT OF VOLUNTARY LICENSES.—A voluntary license for a covered activity in effect on the license availability date will remain in effect unless and until the voluntary license expires according to the terms of the voluntary license, or the parties agree to amend or terminate the voluntary license. In a case where a voluntary license for a covered activity entered into before the license availability date incorporates the terms of this section by reference, the terms so incorporated (but not the rates) shall be those in effect immediately prior to the license availability date, and those terms shall continue to apply unless and until such voluntary license is terminated or amended, or the parties enter into a new voluntary license.

''(D) FURTHER ACCEPTANCE OF NOTICES FOR COVERED ACTIVITIES BY COPYRIGHT OFFICE.—On and after the enactment date—

''(i) the Copyright Office shall no longer accept notices of intention with respect to covered activities; and

''(ii) notices of intention filed before the enactment date will no longer be effective or provide license authority with respect to covered activities, except that, before the license availability date, there shall be no liability under section 501 for the reproduction or distribution of a musical work (or share thereof) in covered activities if a valid notice of intention was filed for such work (or share) before the enactment date.

''(10) PRIOR UNLICENSED USES.—

''(A) LIMITATION ON LIABILITY IN GENERAL.—A copyright owner that commences an action under section 501 on or after January 1, 2018, against a digital music provider for the infringement of the exclusive rights provided by paragraph (1) or (3) of section 106 arising from the unauthorized reproduction or distribution of a musical work by such digital music provider in the course of engaging in covered activities prior to the license availability date, shall, as the copyright owner's sole and exclusive remedy against the digital music provider, be eligible to recover the royalty prescribed under subsection (c)(1)(C) and chapter 8, from the digital music provider, provided that such digital music provider can demonstrate compliance with the requirements of subparagraph (B), as applicable. In all other cases the limitation on liability under this subparagraph shall not apply.

''(B) REQUIREMENTS FOR LIMITATION ON LIABILITY.—The following requirements shall apply on the enactment date and through the end of the period that expires 90 days after the license availability date to digital music providers seeking to avail themselves of the limitation on liability described in subparagraph (A):

''(i) Not later than 30 calendar days after first making a particular sound recording of a musical work available through its service via one or more covered activities, or 30 calendar days after the enactment date, whichever occurs later, a digital music provider shall engage in good-faith, commercially reasonable efforts to identify and locate each copyright owner of such musical work (or share thereof). Such required matching efforts shall include the following:

''(I) Good-faith, commercially reasonable efforts to obtain from the owner of the corresponding sound recording made available through the digital music provider's service the following information:

''(aa) Sound recording name, featured artist, sound recording copyright owner, producer, international standard recording code, and other information commonly used in the industry to identify sound recordings and match them to the musical works they embody.

''(bb) Any available musical work ownership information, including each songwriter and publisher name, percentage ownership share, and international standard musical work code.

''(II) Employment of 1 or more bulk electronic matching processes that are available to the digital music provider through a third-party vendor on commercially reasonable terms, except that a digital music provider may rely on its own bulk electronic matching process if that process has capabilities comparable to or better than those available from a third-party vendor on commercially reasonable terms.

''(ii) The required matching efforts shall be repeated by the digital music provider not less than once per month for so long as the copyright owner remains unidentified or has not been located.

''(iii) If the required matching efforts are successful in identifying and locating a copyright owner of a musical work (or share thereof) by the end of the calendar month in which the digital music provider first makes use of the work, the digital music provider shall provide statements of account and pay royalties to such copyright owner in accordance with this section and applicable regulations.

''(iv) If the copyright owner is not identified or located by the end of the calendar month in which the digital music provider first makes use of the work, the digital music provider shall accrue and hold royalties calculated under the applicable statutory rate in accordance with usage of the work, from initial use of the work until the accrued royalties can be paid to the copyright owner or are required to be transferred to the mechanical licensing collective, as follows:

''(I) Accrued royalties shall be maintained by the digital music provider in accordance with generally accepted accounting principles.

''(II) If a copyright owner of an unmatched musical work (or share thereof) is identified and located by or to the digital music provider before the license availability date, the digital music provider shall—

''(aa) not later than 45 calendar days after the end of the calendar month during which the copyright owner was identified and located, pay the copyright owner all accrued royalties, such payment to be accompanied by a cumulative statement of account that includes all of the information that would have been provided to the copyright owner had the digital music provider been providing monthly statements of account to the copyright owner from initial use of the work in accordance with this section and applicable regulations, including the requisite certification under subsection (c)(2)(I);

''(bb) beginning with the accounting period following the calendar month in which the copyright owner was identified and located, and for all other accounting periods prior to the license availability date, provide monthly statements of account and pay royalties to the copyright owner as required under this section and applicable regulations; and

''(cc) beginning with the monthly royalty reporting period commencing on the license availability date, report usage and pay royalties for such musical work (or share thereof) for such reporting period and reporting periods thereafter to the mechanical licensing collective, as required under this subsection and applicable regulations.

''(III) If a copyright owner of an unmatched musical work (or share thereof) is not identified and located by the license availability date, the digital music provider shall—

''(aa) not later than 45 calendar days after the license availability date, transfer all accrued royalties to the mechanical licensing collective, such payment to be accompanied by a cumulative statement of account that includes all of the information that would have been provided to the copyright owner had the digital music provider been serving monthly statements of account on the copyright owner from initial use of the work in accordance with this section and applicable regulations, including the requisite certification under subsection (c)(2)(I), and accompanied by an additional certification by a duly authorized officer of the digital music provider that the digital music provider has fulfilled the requirements of clauses (i) and (ii) of subparagraph (B) but has not been successful in locating or identifying the copyright owner; and

''(bb) beginning with the monthly royalty reporting period commencing on the license availability date, report usage and pay royalties for such musical work (or share thereof) for such period and reporting periods thereafter to the mechanical licensing collective, as required under this subsection and applicable regulations.

''(v) A digital music provider that complies with the requirements of this subparagraph

with respect to unmatched musical works (or shares of works) shall not be liable for or accrue late fees for late payments of royalties for such works until such time as the digital music provider is required to begin paying monthly royalties to the copyright owner or the mechanical licensing collective, as applicable.

''(C) ADJUSTED STATUTE OF LIMITATIONS.—Notwithstanding anything to the contrary in section 507(b), with respect to any claim of infringement of the exclusive rights provided by paragraphs (1) and (3) of section 106 against a digital music provider arising from the unauthorized reproduction or distribution of a musical work by such digital music provider in the course of engaging in covered activities that accrued not more than 3 years prior to the license availability date, such action may be commenced not later than the later of—

''(i) 3 years after the date on which the claim accrued; or

''(ii) 2 years after the license availability date.

''(D) OTHER RIGHTS AND REMEDIES PRESERVED.—Except as expressly provided in this paragraph, nothing in this paragraph shall be construed to alter, limit, or negate any right or remedy of a copyright owner with respect to unauthorized use of a musical work.

''(11) LEGAL PROTECTIONS FOR LICENSING ACTIVITIES.—

''(A) EXEMPTION FOR COMPULSORY LICENSE ACTIVITIES.—The antitrust exemption described in subsection (c)(1)(D) shall apply to negotiations and agreements between and among copyright owners and persons entitled to obtain a compulsory license for covered activities, and common agents acting on behalf of such copyright owners or persons, including with respect to the administrative assessment established under this subsection.

''(B) LIMITATION ON COMMON AGENT EXEMPTION.—Notwithstanding the antitrust exemption provided in subsection (c)(1)(D) and subparagraph (A) of this paragraph (except for the administrative assessment referenced in such subparagraph (A) and except as provided in paragraph (8)(C)), neither the mechanical licensing collective nor the digital licensee coordinator shall serve as a common agent with respect to the establishment of royalty rates or terms under this section.

''(C) ANTITRUST EXEMPTION FOR ADMINISTRATIVE ACTIVITIES.—Notwithstanding any provision of the antitrust laws, copyright owners and persons entitled to obtain a compulsory license under this section may designate the mechanical licensing collective to administer voluntary licenses for the reproduction or distribution of musical works in covered activities on behalf of such copyright owners and persons, subject to the following conditions:

''(i) Each copyright owner shall establish the royalty rates and material terms of any such voluntary license individually and not in agreement, combination, or concert with any other copyright owner.

''(ii) Each person entitled to obtain a compulsory license under this section shall establish the royalty rates and material terms of any such voluntary license individually and not in agreement, combination, or concert with any other digital music provider.

''(iii) The mechanical licensing collective shall maintain the confidentiality of the voluntary licenses in accordance with the confidentiality provisions prescribed by the Register of Copyrights under paragraph (12)(C).

''(D) LIABILITY FOR GOOD-FAITH ACTIVITIES.—The mechanical licensing collective shall not be liable to any person or entity based on a claim arising from its good-faith administration of policies and procedures adopted and implemented to carry out the responsibilities described in subparagraphs (J) and (K) of paragraph (3), except to the extent of correcting an underpayment or overpayment of royalties as provided in paragraph (3)(L)(i)(VI), but the collective may participate in a legal proceeding as a stakeholder party if the collective is holding funds that are the subject of a dispute between copyright owners. For purposes of this subparagraph, the term 'good-faith administration' means administration in a manner that is not grossly negligent.

''(E) PREEMPTION OF STATE PROPERTY LAWS.—The holding and distribution of funds by the mechanical licensing collective in accordance with this subsection shall supersede and preempt any State law (including common law) concerning escheatment or abandoned property, or any analogous provision, that might otherwise apply.

''(F) RULE OF CONSTRUCTION.—Except as expressly provided in this subsection, nothing in this subsection shall negate or limit the ability of any person to pursue an action in Federal court against the mechanical licensing collective or any other person based upon a claim arising under this title or other applicable law.

''(12) REGULATIONS.—

''(A) ADOPTION BY REGISTER OF COPYRIGHTS AND COPYRIGHT ROYALTY JUDGES.—The Register of Copyrights may conduct such proceedings and adopt such regulations as may be necessary or appropriate to effectuate the provisions of this subsection, except for regulations concerning proceedings before the Copyright Royalty Judges to establish the administrative assessment, which shall be adopted by the Copyright Royalty Judges.

''(B) JUDICIAL REVIEW OF REGULATIONS.—Except as provided in paragraph (7)(D)(vii), regulations adopted under this subsection shall be subject to judicial review pursuant to chapter 7 of title 5.

''(C) PROTECTION OF CONFIDENTIAL INFORMATION.—The Register of Copyrights shall adopt regulations to provide for the appropriate procedures to ensure that confidential, private, proprietary, or privileged information contained in the records of the mechanical licensing collective and digital licensee coordinator is not improperly disclosed or used, including through any disclosure or use by the board of directors or personnel of either entity, and specifically including the unclaimed royalties oversight committee and the dispute resolution committee of the mechanical licensing collective.

''(13) SAVINGS CLAUSES.—

''(A) LIMITATION ON ACTIVITIES AND RIGHTS COVERED.—This subsection applies solely to uses of musical works subject to licensing under this section. The blanket license shall not be construed to extend or apply to activities other than covered activities or to rights other than the exclusive rights of reproduction and distribution licensed under this section, or serve or act as the basis to extend or expand the compulsory license under this section to activities and rights not covered by this section on the day before the enactment date.

''(B) RIGHTS OF PUBLIC PERFORMANCE NOT AFFECTED.—The rights, protections, and immunities granted under this subsection, the data concerning musical works collected and made available under this subsection, and the definitions under subsection (e) shall not extend to, limit, or otherwise affect any right of public performance in a musical work.''; and

(5) by adding at the end the following:

''(e) DEFINITIONS.—As used in this section:

''(1) ACCRUED INTEREST.—The term 'accrued interest' means interest accrued on accrued royalties, as described in subsection (d)(3)(H)(ii).

''(2) ACCRUED ROYALTIES.—The term 'accrued royalties' means royalties accrued for the reproduction or distribution of a musical work (or share thereof) in a covered activity, calculated in accordance with the applicable royalty rate under this section.

''(3) ADMINISTRATIVE ASSESSMENT.—The term 'administrative assessment' means the fee established pursuant to subsection (d)(7)(D).

''(4) AUDIT.—The term 'audit' means a royalty compliance examination to verify the accuracy of royalty payments, or the conduct of such an examination, as applicable.

''(5) BLANKET LICENSE.—The term 'blanket license' means a compulsory license described in subsection (d)(1)(A) to engage in covered activities.

''(6) COLLECTIVE TOTAL COSTS.—The term 'collective total costs'—

''(A) means the total costs of establishing, maintaining, and operating the mechanical licensing collective to fulfill its statutory functions, including—

''(i) startup costs;

''(ii) financing, legal, audit, and insurance costs;

''(iii) investments in information technology, infrastructure, and other long-term resources;

''(iv) outside vendor costs;

''(v) costs of licensing, royalty administration, and enforcement of rights;

''(vi) costs of bad debt; and

''(vii) costs of automated and manual efforts to identify and locate copyright owners of musical works (and shares of such musical works) and match sound recordings to the musical works the sound recordings embody; and

''(B) does not include any added costs incurred by the mechanical licensing collective to provide services under voluntary licenses.

''(7) COVERED ACTIVITY.—The term 'covered activity' means the activity of making a digital phonorecord delivery of a musical work, including in the form of a permanent download, limited download, or interactive stream, where such activity qualifies for a compulsory license under this section.

''(8) DIGITAL MUSIC PROVIDER.—The term 'digital music provider' means a person (or persons operating under the authority of that person) that, with respect to a service engaged in covered activities—

''(A) has a direct contractual, subscription, or other economic relationship with end users of the service, or, if no such relationship with end users exists, exercises direct control over the provision of the service to end users;

''(B) is able to fully report on any revenues and consideration generated by the service; and

''(C) is able to fully report on usage of sound recordings of musical works by the service (or procure such reporting).

''(9) DIGITAL LICENSEE COORDINATOR.—The term 'digital licensee coordinator' means the entity most recently designated pursuant to subsection (d)(5).

''(10) DIGITAL PHONORECORD DELIVERY.—The term 'digital phonorecord delivery' means each individual delivery of a phonorecord by digital transmission of a sound recording that results in a specifically identifiable reproduction by or for any transmission recipient of a phonorecord of that sound recording, regardless of whether the digital transmission is also a public performance of the sound recording or any musical work embodied therein, and includes a permanent

download, a limited download, or an interactive stream. A digital phonorecord delivery does not result from a real-time, noninteractive subscription transmission of a sound recording where no reproduction of the sound recording or the musical work embodied therein is made from the inception of the transmission through to its receipt by the transmission recipient in order to make the sound recording audible. A digital phonorecord delivery does not include the digital transmission of sounds accompanying a motion picture or other audiovisual work as defined in section 101.

''(11) ENACTMENT DATE.—The term 'enactment date' means the date of the enactment of the Musical Works Modernization Act.

''(12) INDIVIDUAL DOWNLOAD LICENSE.—The term 'individual download license' means a compulsory license obtained by a record company to make and distribute, or authorize the making and distribution of, permanent downloads embodying a specific individual musical work.

''(13) INTERACTIVE STREAM.—The term 'interactive stream' means a digital transmission of a sound recording of a musical work in the form of a stream, where the performance of the sound recording by means of such transmission is not exempt under section 114(d)(1) and does not in itself, or as a result of a program in which it is included, qualify for statutory licensing under section 114(d)(2). An interactive stream is a digital phonorecord delivery.

''(14) INTERESTED.—The term 'interested', as applied to a party seeking to participate in a proceeding under subsection (d)(7)(D), is a party as to which the Copyright Royalty Judges have not determined that the party lacks a significant interest in such proceeding.

''(15) LICENSE AVAILABILITY DATE.—The term 'license availability date' means January 1 following the expiration of the 2-year period beginning on the enactment date.

''(16) LIMITED DOWNLOAD.—The term 'limited download' means a digital transmission of a sound recording of a musical work in the form of a download, where such sound recording is accessible for listening only for a limited amount of time or specified number of times.

''(17) MATCHED.—The term 'matched', as applied to a musical work (or share thereof), means that the copyright owner of such work (or share thereof) has been identified and located.

''(18) MECHANICAL LICENSING COLLECTIVE.—The term 'mechanical licensing collective' means the entity most recently designated as such by the Register of Copyrights under subsection (d)(3).

''(19) MECHANICAL LICENSING COLLECTIVE BUDGET.—The term 'mechanical licensing collective budget' means a statement of the financial position of the mechanical licensing collective for a fiscal year or quarter thereof based on estimates of expenditures during the period and proposals for financing those expenditures, including a calculation of the collective total costs.

''(20) MUSICAL WORKS DATABASE.—The term 'musical works database' means the database described in subsection (d)(3)(E).

''(21) NONPROFIT.—The term 'nonprofit' means a nonprofit created or organized in a State.

''(22) NOTICE OF LICENSE.—The term 'notice of license' means a notice from a digital music provider provided under subsection (d)(2)(A) for purposes of obtaining a blanket license.

''(23) NOTICE OF NONBLANKET ACTIVITY.—The term 'notice of nonblanket activity' means a notice from a significant nonblanket licensee provided under subsection (d)(6)(A) for purposes of notifying the mechanical licensing collective that the licensee has been engaging in covered activities.

''(24) PERMANENT DOWNLOAD.—The term 'permanent download' means a digital transmission of a sound recording of a musical work in the form of a download, where such sound recording is accessible for listening without restriction as to the amount of time or number of times it may be accessed.

''(25) QUALIFIED AUDITOR.—The term 'qualified auditor' means an independent, certified public accountant with experience performing music royalty audits.

''(26) RECORD COMPANY.—The term 'record company' means an entity that invests in, produces, and markets sound recordings of musical works, and distributes such sound recordings for remuneration through multiple sales channels, including a corporate affiliate of such an entity engaged in distribution of sound recordings.

''(27) REPORT OF USAGE.—The term 'report of usage' means a report reflecting an entity's usage of musical works in covered activities described in subsection (d)(4)(A).

''(28) REQUIRED MATCHING EFFORTS.—The term 'required matching efforts' means efforts to identify and locate copyright owners of musical works as described in subsection (d)(10)(B)(i).

''(29) SERVICE.—The term 'service', as used in relation to covered activities, means any site, facility, or offering by or through which sound recordings of musical works are digitally transmitted to members of the public.

''(30) SHARE.—The term 'share', as applied to a musical work, means a fractional ownership interest in such work.

''(31) SIGNIFICANT NONBLANKET LICENSEE.—The term 'significant nonblanket licensee'—

''(A) means an entity, including a group of entities under common ownership or control that, acting under the authority of one or more voluntary licenses or individual download licenses, offers a service engaged in covered activities, and such entity or group of entities—

''(i) is not currently operating under a blanket license and is not obligated to provide reports of usage reflecting covered activities under subsection (d)(4)(A);

''(ii) has a direct contractual, subscription, or other economic relationship with end users of the service or, if no such relationship with end users exists, exercises direct control over the provision of the service to end users; and

''(iii) either—

''(I) on any day in a calendar month, makes more than 5,000 different sound recordings of musical works available through such service; or

''(II) derives revenue or other consideration in connection with such covered activities greater than $50,000 in a calendar month, or total revenue or other consideration greater than $500,000 during the preceding 12 calendar months; and

''(B) does not include—

''(i) an entity whose covered activity consists solely of free-to-the-user streams of segments of sound recordings of musical works that do not exceed 90 seconds in length, are offered only to facilitate a licensed use of musical works that is not a covered activity, and have no revenue directly attributable to such streams constituting the covered activity; or

''(ii) a 'public broadcasting entity' as defined in section 118(f).

''(32) SONGWRITER.—The term 'songwriter' means the author of all or part of a musical work, including a composer or lyricist.

''(33) STATE.—The term 'State' means each State of the United States, the District of Columbia, and each territory or possession of the United States.

''(34) UNCLAIMED ACCRUED ROYALTIES.—The term 'unclaimed accrued royalties' means accrued royalties eligible for distribution under subsection (d)(3)(J).

''(35) UNMATCHED.—The term 'unmatched', as applied to a musical work (or share thereof), means that the copyright owner of such work (or share thereof) has not been identified or located.

''(36) VOLUNTARY LICENSE.—The term 'voluntary license' means a license for use of a musical work (or share thereof) other than a compulsory license obtained under this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS TO SECTION 801.—Section 801(b) of title 17, United States Code, is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

''(8) To determine the administrative assessment to be paid by digital music providers under section 115(d). The provisions of section 115(d) shall apply to the conduct of proceedings by the Copyright Royalty Judges under section 115(d) and not the procedures described in this section, or section 803, 804, or 805.''.

(c) EFFECTIVE DATE OF AMENDED RATE SETTING STANDARD.—The amendments made by subsection (a)(3) and section 103(g)(2) shall apply to any proceeding before the Copyright Royalty Judges that is commenced on or after the date of the enactment of this Act.

(d) TECHNICAL AND CONFORMING AMENDMENTS TO TITLE 37, PART 385 OF THE CODE OF FEDERAL REGULATIONS.—Not later than 270 days after the date of enactment of this Act, the Copyright Royalty Judges shall amend the regulations for section 115 of title 17, United States Code, in part 385 of title 37, Code of Federal Regulations, to conform the definitions used in such part to the definitions of the same terms described in section 115(e) of title 17, United States Code, as added by subsection (a). In so doing, the Copyright Royalty Judges shall make adjustments to the language of the regulations as necessary to achieve the same purpose and effect as the original regulations with respect to the rates and terms previously adopted by the Copyright Royalty Judges.

(e) COPYRIGHT OFFICE ACTIVITIES.—The Register of Copyrights shall engage in public outreach and educational activities—

(1) regarding the amendments made by subsection (a) to section 115 of title 17, United States Code, including the responsibilities of the mechanical licensing collective designated under those amendments;

(2) which shall include educating songwriters and other interested parties with respect to the process established under section 115(d)(3)(C)(i)(V) of title 17, United States Code, as added by subsection (a), by which—

(A) a copyright owner may claim ownership of musical works (and shares of such works); and

(B) royalties for works for which the owner is not identified or located shall be equitably distributed to known copyright owners; and

(3) which the Register shall make available online.

(f) UNCLAIMED ROYALTIES STUDY AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 2 years after the date on which the Register of Copyrights initially designates the mechanical licensing collective under section 115(d)(3)(B)(i) of title 17, United States Code, as added by subsection (a)(4), the Register, in consultation with the Comptroller General of the United States, and after soliciting and reviewing comments and relevant information from music industry participants and

other interested parties, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that recommends best practices that the collective may implement in order to—

(A) identify and locate musical work copyright owners with unclaimed accrued royalties held by the collective;

(B) encourage musical work copyright owners to claim the royalties of those owners; and

(C) reduce the incidence of unclaimed royalties.

(2) CONSIDERATION OF RECOMMENDATIONS.—The mechanical licensing collective shall carefully consider, and give substantial weight to, the recommendations submitted by the Register of Copyrights under paragraph (1) when establishing the procedures of the collective with respect to the—

(A) identification and location of musical work copyright owners; and

(B) distribution of unclaimed royalties.

SEC. 103. AMENDMENTS TO SECTION 114.

(a) UNIFORM RATE STANDARD.—Section 114(f) of title 17, United States Code, is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

''(1)(A) Proceedings under chapter 8 shall determine reasonable rates and terms of royalty payments for transmissions subject to statutory licensing under subsection (d)(2) during the 5-year period beginning on January 1 of the second year following the year in which the proceedings are to be commenced pursuant to subparagraph (A) or (B) of section 804(b)(3), as the case may be, or such other period as the parties may agree. The parties to each proceeding shall bear their own costs.

''(B) The schedule of reasonable rates and terms determined by the Copyright Royalty Judges shall, subject to paragraph (2), be binding on all copyright owners of sound recordings and entities performing sound recordings affected by this paragraph during the 5-year period specified in subparagraph (A), or such other period as the parties may agree. Such rates and terms shall distinguish among the different types of services then in operation and shall include a minimum fee for each such type of service, such differences to be based on criteria including the quantity and nature of the use of sound recordings and the degree to which use of the service may substitute for or may promote the purchase of phonorecords by consumers. The Copyright Royalty Judges shall establish rates and terms that most clearly represent the rates and terms that would have been negotiated in the marketplace between a willing buyer and a willing seller. In determining such rates and terms, the Copyright Royalty Judges—

''(i) shall base their decision on economic, competitive, and programming information presented by the parties, including—

''(I) whether use of the service may substitute for or may promote the sales of phonorecords or otherwise may interfere with or may enhance the sound recording copyright owner's other streams of revenue from the copyright owner's sound recordings; and

''(II) the relative roles of the copyright owner and the transmitting entity in the copyrighted work and the service made available to the public with respect to relative creative contribution, technological contribution, capital investment, cost, and risk; and

''(ii) may consider the rates and terms for comparable types of audio transmission services and comparable circumstances under voluntary license agreements.

''(C) The procedures under subparagraphs (A) and (B) shall also be initiated pursuant to a petition filed by any sound recording copyright owner or any transmitting entity indicating that a new type of service on which sound recordings are performed is or is about to become operational, for the purpose of determining reasonable terms and rates of royalty payments with respect to such new type of service for the period beginning with the inception of such new type of service and ending on the date on which the royalty rates and terms for eligible nonsubscription services and new subscription services, or preexisting subscription services and preexisting satellite digital audio radio services, as the case may be, most recently determined under subparagraph (A) or (B) and chapter 8 expire, or such other period as the parties may agree.''; and

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(b) REPEAL.—Subsection (i) of section 114 of title 17, United States Code, is repealed.

(c) USE IN MUSICAL WORK PROCEEDINGS.—

(1) IN GENERAL.—License fees payable for the public performance of sound recordings under section 106(6) of title 17, United States Code, shall not be taken into account in any administrative, judicial, or other governmental proceeding to set or adjust the royalties payable to musical work copyright owners for the public performance of their works except in such a proceeding to set or adjust royalties for the public performance of musical works by means of a digital audio transmission other than a transmission by a broadcaster, and may be taken into account only with respect to such digital audio transmission.

(2) DEFINITIONS.—In this subsection:

(A) TRANSMISSION BY A BROADCASTER.—The term ''transmission by a broadcaster'' means a nonsubscription digital transmission made by a terrestrial broadcast station on its own behalf, or on the behalf of a terrestrial broadcast station under common ownership or control, that is not part of an interactive service or a music-intensive service comprising the transmission of sound recordings customized for or customizable by recipients or service users.

(B) TERRESTRIAL BROADCAST STATION.—The term ''terrestrial broadcast station'' means a terrestrial, over-the-air radio or television broadcast station, including an FM translator (as defined in section 74.1201 of title 47, Code of Federal Regulations, and licensed as such by the Federal Communications Commission) whose primary business activities are comprised of, and whose revenues are generated through, terrestrial, over-the-air broadcast transmissions, or the simultaneous or substantially-simultaneous digital retransmission by the terrestrial, over-the-air broadcast station of its over-the-air broadcast transmissions.

(d) RULE OF CONSTRUCTION.—Subsection (c)(2) shall not be given effect in interpreting provisions of title 17, United States Code.

(e) USE IN SOUND RECORDING PROCEEDINGS.—The repeal of section 114(i) of title 17, United States Code, by subsection (b) shall not be taken into account in any proceeding to set or adjust the rates and fees payable for the use of sound recordings under section 112(e) or 114(f) of such title that is pending on, or commenced on or after, the date of enactment of this Act.

(f) DECISIONS AND PRECEDENTS NOT AFFECTED.—The repeal of section 114(i) of title 17, United States Code, by subsection (b) shall not have any effect upon the decisions, or the precedents established or relied upon, in any proceeding to set or adjust the rates and fees payable for the use of sound recordings under section 112(e) or 114(f) of such title before the date of enactment of this Act.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 114.—Section 114(f) of title 17, United States Code, as amended by subsection (a), is further amended in paragraph (4)(C), as so redesignated, in the first sentence, by striking ''under paragraph (4)'' and inserting ''under paragraph (3)''.

(2) SECTION 801.—Section 801(b) of title 17, United States Code, is amended—

(A) in paragraph (1), by striking ''The rates applicable'' and all that follows though ''prevailing industry practices.''; and

(B) in paragraph (7)(B), by striking ''114(f)(3)'' and inserting ''114(f)(2)''.

(3) SECTION 803.—Section 803(c)(2)(E)(i)(II) of title 17, United States Code, is amended—

(A) by striking ''or 114(f)(2)(C)''; and

(B) by striking ''114(f)(4)(B)'' and inserting ''114(f)(3)(B)''.

(4) SECTION 804.—Section 804(b)(3)(C) of title 17, United States Code, is amended—

(A) in clause (i), by striking ''and 114(f)(2)(C)'';

(B) in clause (iii)(II), by striking ''114(f)(4)(B)(ii)'' and inserting ''114(f)(3)(B)(ii)''; and

(C) in clause (iv), by striking ''or 114(f)(2)(C), as the case may be''.

(h) EFFECTIVE DATE OF AMENDED RATE SETTING STANDARD.—The amendments made by subsection (a)(1) shall apply to any proceeding before the Copyright Royalty Judges that is commenced on or after the date of the enactment of this Act.

(i) TIMING OF RATE DETERMINATIONS.—Section 804(b)(3)(B) of title 17, United States Code, is amended, in the third sentence, by inserting the following after ''fifth calendar year'': '', except that—

''(i) with respect to preexisting subscription services, the terms and rates finally determined for the rate period ending on December 31, 2022, shall remain in effect through December 31, 2027, and there shall be no proceeding to determine terms and rates for preexisting subscription services for the period beginning on January 1, 2023, and ending on December 31, 2027; and

''(ii) with respect to preexisting satellite digital audio radio services, the terms and rates set forth by the Copyright Royalty Judges on December 14, 2017, in their initial determination for the rate period ending on December 31, 2022 shall be in effect through December 31, 2027, without any change based on a rehearing under section 803(c)(2) and without the possibility of appeal under section 803(d), and there shall be no proceeding to determine terms and rates for preexisting satellite digital audio radio services for the period beginning on January 1, 2023, and''.

SEC. 104. RANDOM ASSIGNMENT OF RATE COURT PROCEEDINGS.

Section 137 of title 28, United States Code, is amended—

(1) by striking ''The business'' and inserting ''(a) IN GENERAL.—The business''; and

(2) by adding at the end the following:

''(b) RANDOM ASSIGNMENT OF RATE COURT PROCEEDINGS.—

''(1) IN GENERAL.—

''(A) DEFINITION.—In this paragraph, the term 'performing rights society' has the meaning given the term in section 101 of title 17.

''(B) DETERMINATION OF LICENSE FEE.—Except as provided in subparagraph (C), in the case of any performing rights society subject to a consent decree, any application for the determination of a license fee for the public performance of music in accordance with the applicable consent decree shall be made in the district court with jurisdiction over that consent decree and randomly assigned to a judge of that district court according to the rules of that court for the division of business among district judges, provided that

any such application shall not be assigned to—

''(i) a judge to whom continuing jurisdiction over any performing rights society for any performing rights society consent decree is assigned or has previously been assigned; or

''(ii) a judge to whom another proceeding concerning an application for the determination of a reasonable license fee is assigned at the time of the filing of the application.

''(C) EXCEPTION.—Subparagraph (B) does not apply to an application to determine reasonable license fees made by individual proprietors under section 513 of title 17.

''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall modify the rights of any party to a consent decree or to a proceeding to determine reasonable license fees, to make an application for the construction of any provision of the applicable consent decree. Such application shall be referred to the judge to whom continuing jurisdiction over the applicable consent decree is currently assigned. If any such application is made in connection with a rate proceeding, such rate proceeding shall be stayed until the final determination of the construction application. Disputes in connection with a rate proceeding about whether a licensee is similarly situated to another licensee shall not be subject to referral to the judge with continuing jurisdiction over the applicable consent decree.''.

SEC. 105. PERFORMING RIGHTS SOCIETY CONSENT DECREES.

(a) DEFINITION.—In this section, the term ''performing rights society'' has the meaning given the term in section 101 of title 17, United States Code.

(b) NOTIFICATION OF REVIEW.—

(1) IN GENERAL.—The Department of Justice shall provide timely briefings upon request of any Member of the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives regarding the status of a review in progress of a consent decree between the United States and a performing rights society.

(2) CONFIDENTIALITY AND DELIBERATIVE PROCESS.—In accordance with applicable rules relating to confidentiality and agency deliberative process, the Department of Justice shall share with such Members of Congress detailed and timely information and pertinent documents related to the consent decree review.

(c) ACTION BEFORE MOTION TO TERMINATE.—

(1) IN GENERAL.—Before filing with the appropriate district court of the United States a motion to terminate a consent decree between the United States and a performing rights society, including a motion to terminate a consent decree after the passage of a specified period of time, the Department of Justice shall—

(A) notify Members of Congress and committees of Congress described in subsection (b); and

(B) provide to such Members of Congress and committees information regarding the impact of the proposed termination on the market for licensing the public performance of musical works should the motion be granted.

(2) NOTIFICATION.—

(A) IN GENERAL.—During the notification described in paragraph (1), and not later than a reasonable time before the date on which the Department of Justice files with the appropriate district court of the United States a motion to terminate a consent decree between the United States and a performing rights society, the Department of Justice should submit to the chairmen and ranking members of the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a written notification of the intent of the Department of Justice to file the motion.

(B) CONTENTS.—The notification provided in subparagraph (A) shall include a written report to the chairmen and ranking members of the Committee on the Judiciary of Senate and the Committee on the Judiciary of the House of Representatives setting forth—

(i) an explanation of the process used by the Department of Justice to review the consent decree;

(ii) a summary of the public comments received by the Department of Justice during the review by the Department; and

(iii) other information provided to Congress under paragraph (1)(B).

(d) SCOPE.—This section applies only to a consent decree between the United States and a performing rights society.

SEC. 106. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the date of enactment of this Act.

TITLE II—CLASSICS PROTECTION AND ACCESS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Classics Protection and Access Act''.

SEC. 202. UNAUTHORIZED USE OF PRE-1972 SOUND RECORDINGS.

(a) PREEMPTION OF STATE LAW RIGHTS; PROTECTION FOR UNAUTHORIZED USE.—Title 17, United States Code, is amended—

(1) in section 301, by striking subsection (c) and inserting the following:

''(c) Notwithstanding the provisions of section 303, and in accordance with chapter 14, no sound recording fixed before February 15, 1972, shall be subject to copyright under this title. With respect to sound recordings fixed before February 15, 1972, the preemptive provisions of subsection (a) shall apply to activities that are commenced on and after the date of enactment of the Classics Protection and Access Act. Nothing in this subsection may be construed to affirm or negate the preemption of rights and remedies pertaining to any cause of action arising from the nonsubscription broadcast transmission of sound recordings under the common law or statutes of any State for activities that do not qualify as covered activities under chapter 14 undertaken during the period between the date of enactment of the Classics Protection and Access Act and the date on which the term of prohibition on unauthorized acts under section 1401(a)(2) expires for such sound recordings. Any potential preemption of rights and remedies related to such activities undertaken during that period shall apply in all respects as it did the day before the date of enactment of the Classics Protection and Access Act.''; and

(2) by adding at the end the following:

''CHAPTER 14—UNAUTHORIZED USE OF PRE-1972 SOUND RECORDINGS

''§ 1401. Unauthorized use of pre-1972 sound recordings

''(a) IN GENERAL.—

''(1) UNAUTHORIZED ACTS.—Anyone who, on or before the last day of the applicable transition period under paragraph (2), and without the consent of the rights owner, engages in covered activity with respect to a sound recording fixed before February 15, 1972, shall be subject to the remedies provided in sections 502 through 505 and 1203 to the same extent as an infringer of copyright or a person that engages in unauthorized activity under chapter 12.

''(2) TERM OF PROHIBITION.—

''(A) IN GENERAL.—The prohibition under paragraph (1)—

''(i) subject to clause (ii), shall apply to a sound recording described in that paragraph—

''(I) through December 31 of the year that is 95 years after the year of first publication; and

''(II) for a further transition period as prescribed under subparagraph (B) of this paragraph; and

''(ii) shall not apply to any sound recording after February 15, 2067.

''(B) TRANSITION PERIODS.—

''(i) PRE-1923 RECORDINGS.—In the case of a sound recording first published before January 1, 1923, the transition period described in subparagraph (A)(i)(II) shall end on December 31 of the year that is 3 years after the date of enactment of this section.

''(ii) 1923–1946 RECORDINGS.—In the case of a sound recording first published during the period beginning on January 1, 1923, and ending on December 31, 1946, the transition period described in subparagraph (A)(i)(II) shall end on the date that is 5 years after the last day of the period described in subparagraph (A)(i)(I).

''(iii) 1947–1956 RECORDINGS.—In the case of a sound recording first published during the period beginning on January 1, 1947, and ending on December 31, 1956, the transition period described in subparagraph (A)(i)(II) shall end on the date that is 15 years after the last day of the period described in subparagraph (A)(i)(I).

''(iv) POST-1956 RECORDINGS.—In the case of a sound recording fixed before February 15, 1972, that is not described in clause (i), (ii), or (iii), the transition period described in subparagraph (A)(i)(II) shall end on February 15, 2067.

''(3) RULE OF CONSTRUCTION.—For the purposes of this subsection, the term 'anyone' includes any State, any instrumentality of a State, and any officer or employee of a State or instrumentality of a State acting in the official capacity of the officer or employee, as applicable.

''(b) CERTAIN AUTHORIZED TRANSMISSIONS AND REPRODUCTIONS.—A public performance by means of a digital audio transmission of a sound recording fixed before February 15, 1972, or a reproduction in an ephemeral phonorecord or copy of a sound recording fixed before February 15, 1972, shall, for purposes of subsection (a), be considered to be authorized and made with the consent of the rights owner if—

''(1) the transmission or reproduction would satisfy the requirements for statutory licensing under section 112(e)(1) or section 114(d)(2), or would be exempt under section 114(d)(1), as the case may be, if the sound recording were fixed on or after February 15, 1972; and

''(2) the transmitting entity pays the statutory royalty for the transmission or reproduction pursuant to the rates and terms adopted under sections 112(e) and 114(f), and complies with other obligations, in the same manner as required by regulations adopted by the Copyright Royalty Judges under sections 112(e) and 114(f) for sound recordings that are fixed on or after February 15, 1972, except in the case of a transmission that would be exempt under section 114(d)(1).

''(c) CERTAIN NONCOMMERCIAL USES OF SOUND RECORDINGS THAT ARE NOT BEING COMMERCIALLY EXPLOITED.—

''(1) IN GENERAL.—Noncommercial use of a sound recording fixed before February 15, 1972, that is not being commercially exploited by or under the authority of the rights owner shall not violate subsection (a) if—

''(A) the person engaging in the noncommercial use, in order to determine

whether the sound recording is being commercially exploited by or under the authority of the rights owner, makes a good faith, reasonable search for, but does not find, the sound recording—

''(i) in the records of schedules filed in the Copyright Office as described in subsection (f)(5)(A); and

''(ii) on services offering a comprehensive set of sound recordings for sale or streaming;

''(B) the person engaging in the noncommercial use files a notice identifying the sound recording and the nature of the use in the Copyright Office in accordance with the regulations issued under paragraph (3)(B); and

''(C) during the 90-day period beginning on the date on which the notice described in subparagraph (B) is indexed into the public records of the Copyright Office, the rights owner of the sound recording does not, in its discretion, opt out of the noncommercial use by filing notice thereof in the Copyright Office in accordance with the regulations issued under paragraph (5).

''(2) RULES OF CONSTRUCTION.—For purposes of this subsection—

''(A) merely recovering costs of production and distribution of a sound recording resulting from a use otherwise permitted under this subsection does not itself necessarily constitute a commercial use of the sound recording;

''(B) the fact that a person engaging in the use of a sound recording also engages in commercial activities does not itself necessarily render the use commercial; and

''(C) the fact that a person files notice of a noncommercial use of a sound recording in accordance with the regulations issued under paragraph (3)(B) does not itself affect any limitation on the exclusive rights of a copyright owner described in section 107, 108, 109, 110, or 112(f) as applied to a claim under subsection (a) of this section pursuant to subsection (f)(1)(A) of this section.

''(3) NOTICE OF COVERED ACTIVITY.—Not later than 180 days after the date of enactment of this section, the Register of Copyrights shall issue regulations that—

''(A) provide specific, reasonable steps that, if taken by a filer, are sufficient to constitute a good faith, reasonable search under paragraph (1)(A) to determine whether a recording is being commercially exploited, including the services that satisfy the good faith, reasonable search requirement under paragraph (1)(A) for purposes of the safe harbor described in paragraph (4)(A); and

''(B) establish the form, content, and procedures for the filing of notices under paragraph (1)(B).

''(4) SAFE HARBOR.—

''(A) IN GENERAL.—A person engaging in a noncommercial use of a sound recording otherwise permitted under this subsection who establishes that the person made a good faith, reasonable search under paragraph (1)(A) without finding commercial exploitation of the sound recording by or under the authority of the rights owner shall not be found to be in violation of subsection (a).

''(B) STEPS SUFFICIENT BUT NOT NECESSARY.—Taking the specific, reasonable steps identified by the Register of Copyrights in the regulations issued under paragraph (3)(A) shall be sufficient, but not necessary, for a filer to satisfy the requirement to conduct a good faith, reasonable search under paragraph (1)(A) for purposes of subparagraph (A) of this paragraph.

''(5) OPTING OUT OF COVERED ACTIVITY.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Register of Copyrights shall issue regulations establishing the form, content, and procedures for the rights owner of a sound recording that is the subject of a notice under paragraph (1)(B) to, in its discretion, file notice opting out of the covered activity described in the notice under paragraph (1)(B) during the 90-day period beginning on the date on which the notice under paragraph (1)(B) is indexed into the public records of the Copyright Office.

''(B) RULE OF CONSTRUCTION.—The fact that a rights holder opts out of a noncommercial use of a sound recording by filing notice thereof in the Copyright Office in accordance with the regulations issued under subparagraph (A) does not itself enlarge or diminish any limitation on the exclusive rights of a copyright owner described in section 107, 108, 109, 110, or 112(f) as applied to a claim under subsection (a) of this section pursuant to subsection (f)(1)(A) of this section.

''(6) CIVIL PENALTIES FOR CERTAIN ACTS.—

''(A) FILING OF NOTICES OF NONCOMMERCIAL USE.—Any person who willfully engages in a pattern or practice of filing a notice of noncommercial use of a sound recording as described in paragraph (1)(B) fraudulently describing the use proposed, or knowing that the use proposed is not permitted under this subsection, shall be assessed a civil penalty in an amount that is not less than $250, and not more than $1000, for each such notice, in addition to any other remedies that may be available under this title based on the actual use made.

''(B) FILING OF OPT-OUT NOTICES.—

''(i) IN GENERAL.—Any person who files an opt-out notice as described in paragraph (1)(C), knowing that the person is not the rights owner or authorized to act on behalf of the rights owner of the sound recording to which the notice pertains, shall be assessed a civil penalty in an amount not less than $250, and not more than $1,000, for each such notice.

''(ii) PATTERN OR PRACTICE.—Any person who engages in a pattern or practice of making filings as described in clause (i) shall be assessed a civil penalty in an amount not less than $10,000 for each such filing.

''(C) DEFINITION.—For purposes of this paragraph, the term 'knowing'—

''(i) does not require specific intent to defraud; and

''(ii) with respect to information about ownership of the sound recording in question, means that the person—

''(I) has actual knowledge of the information;

''(II) acts in deliberate ignorance of the truth or falsity of the information; or

''(III) acts in grossly negligent disregard of the truth or falsity of the information.

''(d) PAYMENT OF ROYALTIES FOR TRANSMISSIONS OF PERFORMANCES BY DIRECT LICENSING OF STATUTORY SERVICES.—

''(1) IN GENERAL.—A public performance by means of a digital audio transmission of a sound recording fixed before February 15, 1972, shall, for purposes of subsection (a), be considered to be authorized and made with the consent of the rights owner if the transmission is made pursuant to a license agreement voluntarily negotiated at any time between the rights owner and the entity performing the sound recording.

''(2) PAYMENT OF ROYALTIES TO NONPROFIT COLLECTIVE UNDER CERTAIN LICENSE AGREEMENTS.—

''(A) LICENSES ENTERED INTO ON OR AFTER DATE OF ENACTMENT.—To the extent that a license agreement described in paragraph (1) entered into on or after the date of enactment of this section extends to a public performance by means of a digital audio transmission of a sound recording fixed before February 15, 1972, that meets the conditions of subsection (b)—

''(i) the licensee shall, with respect to such transmission, pay to the collective designated to distribute receipts from the licensing of transmissions in accordance with section 114(f), 50 percent of the performance royalties for that transmission due under the license; and

''(ii) the royalties paid under clause (i) shall be fully credited as payments due under the license.

''(B) CERTAIN AGREEMENTS ENTERED INTO BEFORE ENACTMENT.—To the extent that a license agreement described in paragraph (1), entered into during the period beginning on January 1 of the year in which this section is enacted and ending on the day before the date of enactment of this section, or a settlement agreement with a preexisting satellite digital audio radio service (as defined in section 114(j)) entered into during the period beginning on January 1, 2015, and ending on the day before the date of enactment of this section, extends to a public performance by means of a digital audio transmission of a sound recording fixed before February 15, 1972, that meets the conditions of subsection (b)—

''(i) the rights owner shall, with respect to such transmission, pay to the collective designated to distribute receipts from the licensing of transmissions in accordance with section 114(f) an amount that is equal to the difference between—

''(I) 50 percent of the difference between—

''(aa) the rights owner's total gross performance royalty fee receipts or settlement monies received for all such transmissions covered under the license or settlement agreement, as applicable; and

''(bb) the rights owner's total payments for outside legal expenses, including any payments of third-party claims, that are directly attributable to the license or settlement agreement, as applicable; and

''(II) the amount of any royalty receipts or settlement monies under the agreement that are distributed by the rights owner to featured and nonfeatured artists before the date of enactment of this section; and

''(ii) the royalties paid under clause (i) shall be fully credited as payments due under the license or settlement agreement, as applicable.

''(3) DISTRIBUTION OF ROYALTIES AND SETTLEMENT MONIES BY COLLECTIVE.—The collective described in paragraph (2) shall, in accordance with subparagraphs (B) through (D) of section 114(g)(2), and paragraphs (5) and (6) of section 114(g), distribute the royalties or settlement monies received under paragraph (2) under a license or settlement described in paragraph (2), which shall be the only payments to which featured and nonfeatured artists are entitled by virtue of the transmissions described in paragraph (2), except for settlement monies described in paragraph (2) that are distributed by the rights owner to featured and nonfeatured artists before the date of enactment of this section.

''(4) PAYMENT OF ROYALTIES UNDER LICENSE AGREEMENTS ENTERED BEFORE ENACTMENT OR NOT OTHERWISE DESCRIBED IN PARAGRAPH (2).—

''(A) IN GENERAL.—To the extent that a license agreement described in paragraph (1) entered into before the date of enactment of this section, or any other license agreement not as described in paragraph (2), extends to a public performance by means of a digital audio transmission of a sound recording fixed before February 15, 1972, that meets the conditions of subsection (b), the payments made by the licensee pursuant to the license shall be made in accordance with the agreement.

''(B) ADDITIONAL PAYMENTS NOT REQUIRED.—To the extent that a licensee has made, or will make in the future, payments pursuant to a license as described in subparagraph (A), the provisions of paragraphs (2) and (3) shall not require any additional

payments from, or additional financial obligations on the part of, the licensee.

''(C) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prohibit the collective designated to distribute receipts from the licensing of transmissions in accordance with section 114(f) from administering royalty payments under any license not described in paragraph (2).

''(e) PREEMPTION WITH RESPECT TO CERTAIN PAST ACTS.—

''(1) IN GENERAL.—This section preempts any claim of common law copyright or equivalent right under the laws of any State arising from a digital audio transmission or reproduction that is made before the date of enactment of this section of a sound recording fixed before February 15, 1972, if—

''(A) the digital audio transmission would have satisfied the requirements for statutory licensing under section 114(d)(2) or been exempt under section 114(d)(1), or the reproduction would have satisfied the requirements of section 112(e)(1), as the case may be, if the sound recording were fixed on or after February 15, 1972; and

''(B) either—

''(i) except in the case of a transmission that would have been exempt under section 114(d)(1), not later than 270 days after the date of enactment of this section, the transmitting entity pays statutory royalties and provides notice of the use of the relevant sound recordings in the same manner as required by regulations adopted by the Copyright Royalty Judges for sound recordings that are fixed on or after February 15, 1972, for all the digital audio transmissions and reproductions satisfying the requirements for statutory licensing under sections 112(e)(1) and 114(d)(2) during the 3 years before that date of enactment; or

''(ii) an agreement voluntarily negotiated between the rights owner and the entity performing the sound recording (including a litigation settlement agreement entered into before the date of enactment of this section) authorizes or waives liability for any such transmission or reproduction and the transmitting entity has paid for and reported such digital audio transmission under that agreement.

''(2) RULE OF CONSTRUCTION FOR COMMON LAW COPYRIGHT.—For purposes of paragraph (1), a claim of common law copyright or equivalent right under the laws of any State includes a claim that characterizes conduct subject to that paragraph as an unlawful distribution, act of record piracy, or similar violation.

''(3) RULE OF CONSTRUCTION FOR PUBLIC PERFORMANCE RIGHTS.—Nothing in this section may be construed to recognize or negate the existence of public performance rights in sound recordings under the laws of any State.

''(f) LIMITATIONS ON REMEDIES.—

''(1) FAIR USE; USES BY LIBRARIES, ARCHIVES, AND EDUCATIONAL INSTITUTIONS.—

''(A) IN GENERAL.—The limitations on the exclusive rights of a copyright owner described in sections 107, 108, 109, 110, and 112(f) shall apply to a claim under subsection (a) with respect to a sound recording fixed before February 15, 1972.

''(B) RULE OF CONSTRUCTION FOR SECTION 108(H).—With respect to the application of section 108(h) to a claim under subsection (a) with respect to a sound recording fixed before February 15, 1972, the phrase 'during the last 20 years of any term of copyright of a published work' in such section 108(h) shall be construed to mean at any time after the date of enactment of this section.

''(2) ACTIONS.—The limitations on actions described in section 507 shall apply to a claim under subsection (a) with respect to a sound recording fixed before February 15, 1972.

''(3) MATERIAL ONLINE.—Section 512 shall apply to a claim under subsection (a) with respect to a sound recording fixed before February 15, 1972.

''(4) PRINCIPLES OF EQUITY.—Principles of equity apply to remedies for a violation of this section to the same extent as such principles apply to remedies for infringement of copyright.

''(5) FILING REQUIREMENT FOR STATUTORY DAMAGES AND ATTORNEYS' FEES.—

''(A) FILING OF INFORMATION ON SOUND RECORDINGS.—

''(i) FILING REQUIREMENT.—Except in the case of a transmitting entity that has filed contact information for that transmitting entity under subparagraph (B), in any action under this section, an award of statutory damages or of attorneys' fees under section 504 or 505 may be made with respect to an unauthorized use of a sound recording under subsection (a) only if—

''(I) the rights owner has filed with the Copyright Office a schedule that specifies the title, artist, and rights owner of the sound recording and contains such other information, as practicable, as the Register of Copyrights prescribes by regulation; and

''(II) the use occurs after the end of the 90-day period beginning on the date on which the information described in subclause (I) is indexed into the public records of the Copyright Office.

''(ii) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Register of Copyrights shall issue regulations that—

''(I) establish the form, content, and procedures for the filing of schedules under clause (i);

''(II) provide that a person may request that the person receive timely notification of a filing described in subclause (I); and

''(III) set forth the manner in which a person may make a request under subclause (II).

''(B) FILING OF CONTACT INFORMATION FOR TRANSMITTING ENTITIES.—

''(i) FILING REQUIREMENT.—Not later than 30 days after the date of enactment of this section, the Register of Copyrights shall issue regulations establishing the form, content, and procedures for the filing of contact information by any entity that, as of the date of enactment of this section, performs a sound recording fixed before February 15, 1972, by means of a digital audio transmission.

''(ii) TIME LIMIT ON FILINGS.—The Register of Copyrights may accept filings under clause (i) only until the 180th day after the date of enactment of this section.

''(iii) LIMITATION ON STATUTORY DAMAGES AND ATTORNEYS' FEES.—

''(I) LIMITATION.—An award of statutory damages or of attorneys' fees under section 504 or 505 may not be made against an entity that has filed contact information for that entity under clause (i) with respect to an unauthorized use by that entity of a sound recording under subsection (a) if the use occurs before the end of the 90-day period beginning on the date on which the entity receives a notice that—

''(aa) is sent by or on behalf of the rights owner of the sound recording;

''(bb) states that the entity is not legally authorized to use that sound recording under subsection (a); and

''(cc) identifies the sound recording in a schedule conforming to the requirements prescribed by the regulations issued under subparagraph (A)(ii).

''(II) UNDELIVERABLE NOTICES.—In any case in which a notice under subclause (I) is sent to an entity by mail or courier service and the notice is returned to the sender because the entity either is no longer located at the address provided in the contact information filed under clause (i) or has refused to accept delivery, or the notice is sent by electronic mail and is undeliverable, the 90-day period under subclause (I) shall begin on the date of the attempted delivery.

''(C) SECTION 412.—Section 412 shall not limit an award of statutory damages under section 504(c) or attorneys' fees under section 505 with respect to a covered activity in violation of subsection (a).

''(6) APPLICABILITY OF OTHER PROVISIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), no provision of this title shall apply to or limit the remedies available under this section except as otherwise provided in this section.

''(B) APPLICABILITY OF DEFINITIONS.—Any term used in this section that is defined in section 101 shall have the meaning given that term in section 101.

''(g) APPLICATION OF SECTION 230 SAFE HARBOR.—For purposes of section 230 of the Communications Act of 1934 (47 U.S.C. 230), subsection (a) shall be considered to be a 'law pertaining to intellectual property' under subsection (e)(2) of such section 230.

''(h) APPLICATION TO RIGHTS OWNERS.—

''(1) TRANSFERS.—With respect to a rights owner described in subsection (l)(2)(B)—

''(A) subsections (d) and (e) of section 201 and section 204 shall apply to a transfer described in subsection (l)(2)(B) to the same extent as with respect to a transfer of copyright ownership; and

''(B) notwithstanding section 411, that rights owner may institute an action with respect to a violation of this section to the same extent as the owner of an exclusive right under a copyright may institute an action under section 501(b).

''(2) APPLICATION OF OTHER PROVISIONS.—The following provisions shall apply to a rights owner under this section to the same extent as any copyright owner:

''(A) Section 112(e)(2).

''(B) Section 112(e)(7).

''(C) Section 114(e).

''(D) Section 114(h).

''(i) EPHEMERAL RECORDINGS.—An authorized reproduction made under this section shall be subject to section 112(g) to the same extent as a reproduction of a sound recording fixed on or after February 15, 1972.

''(j) RULE OF CONSTRUCTION.—A rights owner of, or featured recording artist who performs on, a sound recording under this chapter shall be deemed to be an interested copyright party, as defined in section 1001, to the same extent as a copyright owner or featured recording artist under chapter 10.

''(k) TREATMENT OF STATES AND STATE INSTRUMENTALITIES, OFFICERS, AND EMPLOYEES.—Any State, and any instrumentality, officer, or employee described in subsection (a)(3), shall be subject to the provisions of this section in the same manner and to the same extent as any nongovernmental entity.

''(l) DEFINITIONS.—In this section:

''(1) COVERED ACTIVITY.—The term 'covered activity' means any activity that the copyright owner of a sound recording would have the exclusive right to do or authorize under section 106 or 602, or that would violate section 1201 or 1202, if the sound recording were fixed on or after February 15, 1972.

''(2) RIGHTS OWNER.—The term 'rights owner' means—

''(A) the person that has the exclusive right to reproduce a sound recording under the laws of any State, as of the day before the date of enactment of this section; or

''(B) any person to which a right to enforce a violation of this section may be transferred, in whole or in part, after the date of enactment of this section, under—

''(i) subsections (d) and (e) of section 201; and

''(ii) section 204.''.

(b) CONFORMING AMENDMENT.—The table of chapters for title 17, United States Code, is amended by adding at the end the following:

''14. Unauthorized use of pre-1972 sound recordings ..... 1401''.

TITLE III—ALLOCATION FOR MUSIC PRODUCERS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Allocation for Music Producers Act'' or the ''AMP Act''.

SEC. 302. PAYMENT OF STATUTORY PERFORMANCE ROYALTIES.

(a) LETTER OF DIRECTION.—Section 114(g) of title 17, United States Code, is amended by adding at the end the following:

''(5) LETTER OF DIRECTION.—

''(A) IN GENERAL.—A nonprofit collective designated by the Copyright Royalty Judges to distribute receipts from the licensing of transmissions in accordance with subsection (f) shall adopt and reasonably implement a policy that provides, in circumstances determined by the collective to be appropriate, for acceptance of instructions from a payee identified under subparagraph (A) or (D) of paragraph (2) to distribute, to a producer, mixer, or sound engineer who was part of the creative process that created a sound recording, a portion of the payments to which the payee would otherwise be entitled from the licensing of transmissions of the sound recording. In this section, such instructions shall be referred to as a 'letter of direction'.

''(B) ACCEPTANCE OF LETTER.—To the extent that a collective described in subparagraph (A) accepts a letter of direction under that subparagraph, the person entitled to payment pursuant to the letter of direction shall, during the period in which the letter of direction is in effect and carried out by the collective, be treated for all purposes as the owner of the right to receive such payment, and the payee providing the letter of direction to the collective shall be treated as having no interest in such payment.

''(C) AUTHORITY OF COLLECTIVE.—This paragraph shall not be construed in such a manner so that the collective is not authorized to accept or act upon payment instructions in circumstances other than those to which this paragraph applies.''.

(b) ADDITIONAL PROVISIONS FOR RECORDINGS FIXED BEFORE NOVEMBER 1, 1995.—Section 114(g) of title 17, United States Code, as amended by subsection (a), is further amended by adding at the end the following:

''(6) SOUND RECORDINGS FIXED BEFORE NOVEMBER 1, 1995.—

''(A) PAYMENT ABSENT LETTER OF DIRECTION.—A nonprofit collective designated by the Copyright Royalty Judges to distribute receipts from the licensing of transmissions in accordance with subsection (f) (in this paragraph referred to as the 'collective') shall adopt and reasonably implement a policy that provides, in circumstances determined by the collective to be appropriate, for the deduction of 2 percent of all the receipts that are collected from the licensing of transmissions of a sound recording fixed before November 1, 1995, but which is withdrawn from the amount otherwise payable under paragraph (2)(D) to the recording artist or artists featured on the sound recording (or the persons conveying rights in the artists' performance in the sound recording), and the distribution of such amount to 1 or more persons described in subparagraph (B) of this paragraph, after deduction of costs described in paragraph (3) or (4), as applicable, if each of the following requirements is met:

''(i) CERTIFICATION OF ATTEMPT TO OBTAIN A LETTER OF DIRECTION.—The person described in subparagraph (B) who is to receive the distribution has certified to the collective, under penalty of perjury, that—

''(I) for a period of not less than 120 days, that person made reasonable efforts to contact the artist payee for such sound recording to request and obtain a letter of direction instructing the collective to pay to that person a portion of the royalties payable to the featured recording artist or artists; and

''(II) during the period beginning on the date on which that person began the reasonable efforts described in subclause (I) and ending on the date of that person's certification to the collective, the artist payee did not affirm or deny in writing the request for a letter of direction.

''(ii) COLLECTIVE ATTEMPT TO CONTACT ARTIST.—After receipt of the certification described in clause (i) and for a period of not less than 120 days before the first distribution by the collective to the person described in subparagraph (B), the collective attempts, in a reasonable manner as determined by the collective, to notify the artist payee of the certification made by the person described in subparagraph (B).

''(iii) NO OBJECTION RECEIVED.—The artist payee does not, as of the date that was 10 business days before the date on which the first distribution is made, submit to the collective in writing an objection to the distribution.

''(B) ELIGIBILITY FOR PAYMENT.—A person shall be eligible for payment under subparagraph (A) if the person—

''(i) is a producer, mixer, or sound engineer of the sound recording;

''(ii) has entered into a written contract with a record company involved in the creation or lawful exploitation of the sound recording, or with the recording artist or artists featured on the sound recording (or the persons conveying rights in the artists' performance in the sound recording), under which the person seeking payment is entitled to participate in royalty payments that are based on the exploitation of the sound recording and are payable from royalties otherwise payable to the recording artist or artists featured on the sound recording (or the persons conveying rights in the artists' performance in the sound recording);

''(iii) made a creative contribution to the creation of the sound recording; and

''(iv) submits to the collective—

''(I) a written certification stating, under penalty of perjury, that the person meets the requirements in clauses (i) through (iii); and

''(II) a true copy of the contract described in clause (ii).

''(C) MULTIPLE CERTIFICATIONS.—Subject to subparagraph (D), in a case in which more than 1 person described in subparagraph (B) has met the requirements for a distribution under subparagraph (A) with respect to a sound recording as of the date that is 10 business days before the date on which the distribution is made, the collective shall divide the 2 percent distribution equally among all such persons.

''(D) OBJECTION TO PAYMENT.—Not later than 10 business days after the date on which the collective receives from the artist payee a written objection to a distribution made pursuant to subparagraph (A), the collective shall cease making any further payment relating to such distribution. In any case in which the collective has made 1 or more distributions pursuant to subparagraph (A) to a person described in subparagraph (B) before the date that is 10 business days after the date on which the collective receives from the artist payee an objection to such distribution, the objection shall not affect that person's entitlement to any distribution made before the collective ceases such distribution under this subparagraph.

''(E) OWNERSHIP OF THE RIGHT TO RECEIVE PAYMENTS.—To the extent that the collective determines that a distribution will be made under subparagraph (A) to a person described in subparagraph (B), such person shall, during the period covered by such distribution, be treated for all purposes as the owner of the right to receive such payments, and the artist payee to whom such payments would otherwise be payable shall be treated as having no interest in such payments.

''(F) ARTIST PAYEE DEFINED.—In this paragraph, the term 'artist payee' means a person, other than a person described in subparagraph (B), who owns the right to receive all or part of the receipts payable under paragraph (2)(D) with respect to a sound recording. In a case in which there are multiple artist payees with respect to a sound recording, an objection by 1 such payee shall apply only to that payee's share of the receipts payable under paragraph (2)(D), and shall not preclude payment under subparagraph (A) from the share of an artist payee that does not so object.''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 114(g) of title 17, United States Code, as amended by subsections (a) and (b), is further amended—

(1) in paragraph (2), by striking ''An agent designated'' and inserting ''Except as provided for in paragraph (6), a nonprofit collective designated by the Copyright Royalty Judges'';

(2) in paragraph (3)—

(A) by striking ''nonprofit agent designated'' and inserting ''nonprofit collective designated by the Copyright Royalty Judges'';

(B) by striking ''another designated agent'' and inserting ''another designated nonprofit collective''; and

(C) by striking ''agent'' and inserting ''collective'' each subsequent place it appears;

(3) in paragraph (4)—

(A) by striking ''designated agent'' and inserting ''nonprofit collective''; and

(B) by striking ''agent'' and inserting ''collective'' each subsequent place it appears; and

(4) by adding at the end the following:

''(7) PREEMPTION OF STATE PROPERTY LAWS.—The holding and distribution of receipts under section 112 and this section by a nonprofit collective designated by the Copyright Royalty Judges in accordance with this subsection and regulations adopted by the Copyright Royalty Judges, or by an independent administrator pursuant to subparagraphs (B) and (C) of section 114(g)(2), shall supersede and preempt any State law (including common law) concerning escheatment or abandoned property, or any analogous provision, that might otherwise apply.''.

SEC. 303. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of enactment of this Act.

(b) DELAYED EFFECTIVE DATE.—Paragraphs (5)(B) and (6)(E) of section 114(g) of title 17, United States Code, as added by section 302, shall take effect on January 1, 2020.

TITLE IV—SEVERABILITY

SEC. 401. SEVERABILITY.

If any provision of this Act or any amendment made by this Act, or any application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of the provisions of this Act and the amendments made by this Act, and the application of the provision or amendment to any other person or circumstance, shall not be affected.

AUTHORITY FOR COMMITTEES TO MEET

Mr. FLAKE. Mr. President, I have 11 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, September 18, 2018, at 10 a.m., to conduct a hearing entitled ''Fintech: Examining Digitization, Data, and Technology''.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Tuesday, September 18, 2018, at 9:55 a.m., to conduct a business meeting.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Tuesday, September 18, 2018, during votes to conduct a hearing on the following nominations: Michael Faulkender, of Maryland, to be an Assistant Secretary of the Treasury, and Elizabeth Darling, of Texas, to be Commissioner on Children, Youth, and Families, Department of Health and Human Services.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, September 18, 2018, at 10 a.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, September 18, 2018, at 10 a.m., to conduct a hearing entitled ''Status of U.S.-Russia Arms Control Efforts.''

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Tuesday, September 18, 2018, at 10 a.m., to conduct a hearing entitled ''Reducing Healthcare Costs: Examining how transparency can lower spending and empower patients.''

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 Tuesday, September 18, 2018, at 10 a.m., to conduct a hearing entitled ''The Implications of the Reinterpretation of the Flores Settlement Agreement for Border Security and Illegal Immigrations incentives.''

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Tuesday, September 18, 2018, during votes to conduct a hearing on the following nominations: Tamara Bonzanto, of New Jersey, to be an Assistant Secretary (Office of Accountability and Whistleblower Protection), and James Paul Gfrerer, of Virginia, to be an Assistant Secretary (Information and Technology), both of the Department of Veterans Affairs.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, September 18, 2018, at 2:30 p.m., to conduct a closed hearing.

SUBCOMMITTEE ON CYBERSECURITY

The Subcommittee on Cybersecurity of the Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, September 18, 2018, at 2:30 p.m., to conduct a closed hearing.

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD

The Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, September 18, 2018, at 10:30 a.m., to conduct a hearing entitled ''Fish Fights: An examination of conflicts over ocean resources.''

PRIVILEGES OF THE FLOOR

Mr. DONNELLY. Mr. President, I ask unanimous consent that my defense fellow, John Galer, be granted floor privileges for the remainder of the 115th Congress.

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

DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE A CORRECTION IN THE ENROLLMENT OF H.R. 6157

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 47.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Con. Res. 47) directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 6157.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 47) was agreed to.

(The resolution is printed in today's RECORD under ''Submitted Resolutions.'')

DEPARTMENT OF VETERANS AFFAIRS EXPIRING AUTHORITIES ACT OF 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3479, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3479) to amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, and for other purposes.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be considered read a third time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

Mr. MCCONNELL. Mr. President, I know of no further debate on the bill.

The PRESIDING OFFICER. If there is no further debate, the question is, Shall the bill pass?

The bill (S. 3479) was passed, as follows:

S. 3479

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Department of Veterans Affairs Expiring Authorities Act of 2018''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act 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 title 38, United States Code.

TITLE I—EXTENSIONS OF AUTHORITY

Subtitle A—Health Care Matters

SEC. 101. EXTENSION OF AUTHORITY FOR COLLECTION OF COPAYMENTS FOR HOSPITAL CARE AND NURSING HOME CARE.

Section 1710(f)(2)(B) is amended by striking ''September 30, 2019'' and inserting ''September 30, 2020''.

SEC. 102. EXTENSION OF REQUIREMENT TO PROVIDE NURSING HOME CARE TO CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES.

Section 1710A(d) is amended by striking ''September 30, 2019'' and inserting ''September 30, 2020''.

SEC. 103. REMOVAL OF AUTHORIZATION OF APPROPRIATIONS TO PROVIDE ASSISTANCE AND SUPPORT SERVICES FOR CAREGIVERS.

Section 1720G is amended by striking subsection (e).

SEC. 104. MAKING PERMANENT AUTHORITY FOR RECOVERY FROM THIRD PARTIES OF COST OF CARE AND SERVICES FURNISHED TO VETERANS WITH HEALTH-PLAN CONTRACTS FOR NON-SERVICE-CONNECTED DISABILITY.

Section 1729(a)(2)(E) is amended, in the matter preceding clause (i), by striking ''before September 30, 2019,''.

SEC. 105. EXTENSION OF AUTHORITY FOR TRANSFER OF REAL PROPERTY.

Section 8118(a)(5) is amended by striking ''December 31, 2018'' and inserting ''September 30, 2020''.

SEC. 106. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON ASSISTANCE FOR CHILD CARE FOR CERTAIN VETERANS RECEIVING HEALTH CARE.

(a) EXTENSION.—Subsection (e) of section 205 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1144; 38 U.S.C. 1710 note) is amended by striking ''September 30, 2019'' and inserting ''September 30, 2020''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (h) of such section is amended by striking ''and 2019'' and inserting ''2019, and 2020''.

SEC. 107. EXTENSION OF AUTHORITY TO MAKE GRANTS TO VETERANS SERVICE ORGANIZATIONS FOR TRANSPORTATION OF HIGHLY RURAL VETERANS.

Section 307(d) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1154; 38 U.S.C. 1710 note) is amended by striking ''2019'' and inserting ''2020''.

SEC. 108. EXTENSION OF AUTHORITY FOR PILOT PROGRAM ON COUNSELING IN RETREAT SETTINGS FOR WOMEN VETERANS NEWLY SEPARATED FROM SERVICE.

(a) EXTENSION.—Subsection (d) of section 203 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1143; 38 U.S.C. 1712A note) is amended by striking ''September 30, 2019'' and inserting ''September 30, 2020''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Subsection (f) of such section is amended by striking ''and 2019'' and inserting ''2019, and 2020''.

SEC. 109. EXTENSION OF TEMPORARY EXPANSION OF PAYMENTS AND ALLOWANCES FOR BENEFICIARY TRAVEL IN CONNECTION WITH VETERANS RECEIVING CARE FROM VET CENTERS.

Section 104(a) of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 (Public Law 112–154; 126 Stat. 1169), as amended by section 109(a) of the Department of Veterans Affairs Expiring Authorities Act of 2017 (Public Law 115–62; 131 Stat. 1162), is amended by striking ''September 30, 2018'' and inserting ''September 30, 2019''.

Subtitle B—Benefits Matters

SEC. 121. MAKING PERMANENT AUTHORITY FOR TEMPORARY EXPANSION OF ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING ASSISTANCE FOR CERTAIN VETERANS WITH DISABILITIES CAUSING DIFFICULTY AMBULATING.

Section 2101(a)(4) is amended by striking ''(A) Except'' and all that follows through ''(B) In each of fiscal years 2014 through 2018, the Secretary'' and inserting ''In any fiscal year, the Secretary''.

SEC. 122. EXTENSION OF AUTHORITY FOR SPECIALLY ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM.

Section 2108(g) is amended by striking ''September 30, 2018'' and inserting ''September 30, 2020''.

SEC. 123. MAKING PERMANENT AUTHORITY TO GUARANTEE PAYMENT OF PRINCIPAL AND INTEREST ON CERTIFICATES OR OTHER SECURITIES.

Section 3720(h) is amended—

(1) by striking paragraph (2); and

(2) by striking ''(1)''.

SEC. 124. MAKING PERMANENT AUTHORITY FOR CALCULATING NET VALUE OF REAL PROPERTY AT TIME OF FORECLOSURE.

Section 3732(c) is amended by striking paragraph (11).

SEC. 125. EXTENSION OF AUTHORITY RELATING TO VENDEE LOANS.

Section 3733(a)(7) is amended—

(1) in the matter preceding subparagraph (A), by striking ''September 30, 2018'' and inserting ''September 30, 2019''; and

(2) in subparagraph (C), by striking ''September 30, 2018,'' and inserting ''September 30, 2019,''.

SEC. 126. MAKING PERMANENT AUTHORITY TO PROVIDE REHABILITATION AND VOCATIONAL BENEFITS TO MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

Section 1631(b) of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) is amended—

(1) by striking paragraph (2); and

(2) by striking ''(1) IN GENERAL.—''.

SEC. 127. EXTENSION OF AUTHORITY TO ENTER INTO AGREEMENT WITH THE NATIONAL ACADEMY OF SCIENCES REGARDING ASSOCIATIONS BETWEEN DISEASES AND EXPOSURE TO DIOXIN AND OTHER CHEMICAL COMPOUNDS IN HERBICIDES.

Section 3(i) of the Agent Orange Act of 1991 (Public Law 102–4; 38 U.S.C. 1116 note) is amended by striking ''September 30, 2018'' and inserting ''September 30, 2020''.

Subtitle C—Homeless Veterans Matters

SEC. 141. EXTENSION OF AUTHORITY FOR HOMELESS VETERANS REINTEGRATION PROGRAMS.

Section 2021(e)(1)(F) is amended by striking ''2018'' and inserting ''2020''.

SEC. 142. EXTENSION OF AUTHORITY FOR HOMELESS WOMEN VETERANS AND HOMELESS VETERANS WITH CHILDREN REINTEGRATION PROGRAM.

Section 2021A(f)(1) is amended by striking ''2018'' and inserting ''2020''.

SEC. 143. EXTENSION OF AUTHORITY FOR REFERRAL AND COUNSELING SERVICES FOR VETERANS AT RISK OF HOMELESSNESS TRANSITIONING FROM CERTAIN INSTITUTIONS.

Section 2023(d) is amended by striking ''September 30, 2018'' and inserting ''September 30, 2020''.

SEC. 144. EXTENSION OF AUTHORITY FOR TREATMENT AND REHABILITATION SERVICES FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.

(a) GENERAL TREATMENT.—Section 2031(b) is amended by striking ''September 30, 2019'' and inserting ''September 30, 2020''.

(b) ADDITIONAL SERVICES AT CERTAIN LOCATIONS.—Section 2033(d) is amended by striking ''September 30, 2019'' and inserting ''September 30, 2020''.

SEC. 145. EXTENSION OF AUTHORITY FOR FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.

Section 2044(e)(1) is amended by striking subparagraph (F) and inserting the following:

''(F) $340,000,000 for fiscal year 2018.

''(G) $380,000,000 for fiscal year 2019.''.

SEC. 146. EXTENSION OF AUTHORITY FOR GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.

Section 2061(d)(1) is amended by striking ''2019'' and inserting ''2020''.

SEC. 147. EXTENSION OF AUTHORITY FOR THE ADVISORY COMMITTEE ON HOMELESS VETERANS.

Section 2066(d) is amended by striking ''September 30, 2018'' and inserting ''September 30, 2022''.

Subtitle D—Other Matters

SEC. 161. EXTENSION OF AUTHORITY FOR TRANSPORTATION OF INDIVIDUALS TO AND FROM DEPARTMENT OF VETERANS AFFAIRS FACILITIES.

Section 111A(a)(2) is amended by striking ''September 30, 2019'' and inserting ''September 30, 2020''.

SEC. 162. EXTENSION OF AUTHORITY FOR OPERATION OF THE DEPARTMENT OF VETERANS AFFAIRS REGIONAL OFFICE IN MANILA, THE REPUBLIC OF THE PHILIPPINES.

Section 315(b) is amended by striking ''September 30, 2018'' and inserting ''September 30, 2019''.

SEC. 163. EXTENSION OF AUTHORITY FOR MONTHLY ASSISTANCE ALLOWANCES UNDER THE OFFICE OF NATIONAL VETERANS SPORTS PROGRAMS AND SPECIAL EVENTS.

Section 322(d)(4) is amended by striking ''2019'' and inserting ''2020''.

SEC. 164. EXTENSION OF REQUIREMENT TO PROVIDE REPORTS TO CONGRESS REGARDING EQUITABLE RELIEF IN THE CASE OF ADMINISTRATIVE ERROR.

Section 503(c) is amended by striking ''December 31, 2018'' and inserting ''December 31, 2020''.

SEC. 165. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR ADAPTIVE SPORTS PROGRAMS FOR DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES.

Section 521A is amended—

(1) in subsection (g)(1), by striking ''2019'' and inserting ''2020''; and

(2) in subsection (l), by striking ''2019'' and inserting ''2020''.

SEC. 166. EXTENSION OF AUTHORITY FOR ADVISORY COMMITTEE ON MINORITY VETERANS.

(a) EXTENSION OF AUTHORITY.—Subsection (e) of section 544 is amended by striking ''September 30, 2018'' and inserting ''September 30, 2022''.

(b) MODIFICATION OF REPORTING REQUIREMENT.—Subsection (c)(1) of such section is amended, in the matter preceding subparagraph (A), by striking ''each year'' and inserting ''every other year''.

TITLE II—IMPROVEMENT OF HEALTH CARE FROM DEPARTMENT OF VETERANS AFFAIRS

SEC. 201. TREATMENT OF MODIFICATIONS OF CONTRACTS UNDER VETERANS COMMUNITY CARE PROGRAM.

(a) IN GENERAL.—Section 1703(h)(1) is amended—

(1) by striking ''The Secretary shall'' and inserting ''(A) The Secretary shall''; and

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

''(B) For purposes of subparagraph (A), the requirement to enter into consolidated, competitively bid contracts shall not restrict the authority of the Secretary under other provisions of law when modifying such a contract after entering into the contract.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the effective date specified in section 101(b) of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182).

SEC. 202. MODIFICATION OF PROVISION REQUIRING RECOGNITION AND ACCEPTANCE, ON AN INTERIM BASIS, OF CREDENTIALS AND QUALIFICATIONS OF HEALTH CARE PROVIDERS UNDER COMMUNITY CARE PROGRAM.

Section 1703(h)(5)(A) is amended by striking ''the date of the enactment'' and inserting ''the effective date specified in section 101(b)''.

SEC. 203. EXPANSION OF COVERAGE OF VETERANS CARE AGREEMENTS.

(a) IN GENERAL.—Section 1703A is amended by adding at the end the following new subsection:

''(l) COVERED INDIVIDUAL DEFINED.—In this section, the term 'covered individual' means any individual eligible for hospital care, medical services, or extended care services under this title or any other law administered by the Secretary.''.

(b) CONFORMING AMENDMENTS.—Section 1703A is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking ''veteran'' each place it appears and inserting ''covered individual''; and

(B) in subparagraph (C)—

(i) by striking ''veteran'' and inserting ''covered individual''; and

(ii) by striking ''veteran's'' and inserting ''covered individual's'';

(2) in subsection (e)(2)(B), by striking ''veteran'' each place it appears and inserting ''covered individual'';

(3) in subsection (f)(2)—

(A) in subparagraph (C), by striking ''veterans'' and inserting ''covered individuals''; and

(B) in subparagraph (D), by striking ''veteran'' and inserting ''covered individual'';

(4) in subsection (g), by striking ''to veterans'' and inserting ''to covered individuals''; and

(5) in subsection (j)—

(A) by striking ''any veteran'' and inserting ''any covered individual''; and

(B) by striking ''to veterans'' each place it appears and inserting ''to covered individuals''.

SEC. 204. MODIFICATION OF AUTHORITY FOR DEDUCTION OF OVERPAYMENTS FOR HEALTH CARE.

Section 1703D(e)(1) is amended—

(1) by striking ''shall'' and inserting ''may''; and

(2) by inserting before the period at the end the following: ''and may use any other means authorized by another provision of law to correct or recover overpayments''.

SEC. 205. MODIFICATION OF ELIGIBILITY OF FORMER MEMBERS OF THE ARMED FORCES FOR MENTAL AND BEHAVIORAL HEALTH CARE FROM THE DEPARTMENT OF VETERANS AFFAIRS.

Section 1720I(b)(3) is amended by striking ''is not otherwise eligible to enroll'' and inserting ''is not enrolled''.

SEC. 206. ACCESS OF HEALTH CARE PROVIDERS OF THE DEPARTMENT OF VETERANS AFFAIRS TO DRUG MONITORING PROGRAMS THAT DO NOT PARTICIPATE IN THE NATIONAL NETWORK.

Section 1730B is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ‘‘, or any individual State or regional prescription drug monitoring program,’’ after ‘‘programs’’;

(B) in paragraph (2)(A), by striking ‘‘such network’’ and inserting ‘‘the national network of State-based prescription monitoring programs, or, if providing care in a State that does not participate in such national network, an individual State or regional prescription drug monitoring program,’’; and

(C) in paragraph (3), by inserting ‘‘, or any individual State or regional prescription drug monitoring program,’’ after programs; and

(2) in subsection (c)(2) by inserting ‘‘, or any individual State or regional prescription drug monitoring program,’’ after ‘‘programs’’.

SEC. 207. ELIMINATION OF REPORT ON ACTIVITIES AND PROPOSALS INVOLVING CONTRACTING FOR PERFORMANCE BY CONTRACTOR PERSONNEL OF WORK PREVIOUSLY PERFORMED BY DEPARTMENT EMPLOYEES.

Section 8110 is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

SEC. 208. ADDITIONAL REPORT ON INCREASED AVAILABILITY OF OPIOID RECEPTOR ANTAGONISTS.

Section 911(e)(2) of the Jason Simcakoski Memorial and Promise Act (Public Law 114–198; 38 U.S.C. 1701 note) is amended by inserting ‘‘and not later than one year after the date of the enactment of the Department of Veterans Affairs Expiring Authorities Act of 2018’’ before ‘‘the Secretary shall’’.

SEC. 209. EXPANSION OF HEALTH CARE ASSESSMENT TO INCLUDE ALL TERRITORIES OF THE UNITED STATES AND THE ASSESSMENT OF EXTENDED CARE SERVICES.

Section 213 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended—

(1) in the section header, by striking ‘‘**PACIFIC TERRITORIES**’’ and inserting ‘‘**TERRITORIES OF THE UNITED STATES**’’;

(2) in subsection (a)—

(A) by striking ‘‘180 days’’ and inserting ‘‘270 days’’; and

(B) by striking ‘‘Pacific territories’’ and inserting ‘‘territories of the United States’’;

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ‘‘Pacific territories’’ and inserting ‘‘territories of the United States’’; and

(ii) by adding at the end the following:

‘‘(E) Extended care.’’; and

(B) in paragraph (2)—

(i) by striking ‘‘community-based outpatient clinic’’ and inserting ‘‘medical facility’’; and

(ii) by striking ‘‘Pacific territory’’ and inserting ‘‘territory of the United States’’; and

(4) in subsection (c)—

(A) by striking ‘‘Pacific territories’’ and inserting ‘‘territories of the United States’’;

(B) by striking ‘‘and’’; and

(C) by inserting before the period at the end the following: ‘‘, Puerto Rico, and the United States Virgin Islands’’.

SEC. 210. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECT AT DEPARTMENT OF VETERANS AFFAIRS WEST LOS ANGELES MEDICAL CENTER.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the major medical facility project described in subsection (b) in fiscal year 2019, in an amount not to exceed $35,000,000.

(b) MAJOR MEDICAL FACILITY PROJECT.—The major medical facility project described in this subsection is the construction of a new regional food services facility building on the campus of the medical center of the Department of Veterans Affairs in West Los Angeles, California, to replace the seismically deficient Building 300, Regional Food Service Facility, which is located on the north campus of the medical center as of the date of the enactment of this Act.

SEC. 211. TECHNICAL AMENDMENTS TO VA MISSION ACT OF 2018 AND AMENDMENTS MADE BY THAT ACT.

(a) TITLE 38.—

(1) ANNUAL REPORT ON PERFORMANCE AWARDS AND BONUSES.—Section 726(c)(3) is amended by striking ‘‘, United States Code’’.

(2) VETERANS CARE AGREEMENTS.—Section 1703A(h)(4) is amended by striking ‘‘, United States Code’’.

(3) ACCESS STANDARDS.—Section 1703B(i) is amended—

(A) by striking ‘‘(1) The term’’ and inserting ‘‘In this section:

‘‘(1) The term’’;

(B) in paragraph (1), by moving subparagraphs (A) and (B) two ems to the right;

(C) by moving paragraph (2) two ems to the right; and

(D) in paragraph (2), by striking ‘‘refers to’’ and inserting ‘‘means’’.

(4) STANDARDS FOR QUALITY.—Section 1703C(c) is amended—

(A) by striking ‘‘(c)(1) The term’’ and inserting ‘‘(c) DEFINITIONS.— In this section:

‘‘(1) The term’’;

(B) in paragraph (1), by moving subparagraphs (A) and (B) two ems to the right;

(C) by moving paragraph (2) two ems to the right; and

(D) in paragraph (2), by striking ‘‘refers to’’ and inserting ‘‘means’’.

(5) PROMPT PAYMENT STANDARD.—Section 1703D(g)(3) is amended by striking ‘‘of this Act, as amended by the Caring for Our Veterans Act of 2018,’’ and inserting ‘‘of this title’’.

(6) REMEDIATION OF MEDICAL SERVICE LINES.—Section 1706A is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by inserting ‘‘of this title’’ after ‘‘section 1703(e)(1)’’; and

(B) in subsection (d)(1), by striking ‘‘paragraph (1)’’ and inserting ‘‘subsection (a)’’.

(7) WALK-IN CARE.—Section 1725A is amended—

(A) in subsection (c), by striking ‘‘or other agreement’’ and inserting ‘‘agreement, or other arrangement’’; and

(B) in subsection (f)(4), by striking ‘‘Section 8153(c)’’ and inserting ‘‘Sections 8153(c) and 1703A(j)’’.

(8) AUTHORITY TO RECOVER THE COST OF SERVICES FURNISHED FOR NON-SERVICE-CONNECTED DISABILITIES.—Section 1729(a)(2)(D) is amending by striking the period at the end and inserting ‘‘; or’’.

(9) AGREEMENTS WITH STATE HOMES.—Section 1745(a)(4)(B)(ii)(III) is amended by striking ‘‘subchapter V of chapter 17 of this title’’ and inserting ‘‘this subchapter’’.

(10) TRANSPLANT PROCEDURES WITH LIVE DONORS AND RELATED SERVICES.—Section 1788(c) is amended by striking ‘‘this chapter’’ and inserting ‘‘this title’’.

(11) QUADRENNIAL VETERANS HEALTH ADMINISTRATION REVIEW.—Section 7330C is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ‘‘Secretary of Veterans Affairs’’ and inserting ‘‘Secretary’’;

(ii) in paragraph (2)—

(I) in subparagraph (B), by striking ‘‘Department of Veterans Affairs’’ and inserting ‘‘Department’’;

(II) in subparagraph (C), by striking ‘‘of title 38, as added by section 102’’ and inserting ‘‘of this title’’; and

(III) in subparagraph (H)(i), by striking ‘‘Department of Veterans Affairs’’ and inserting ‘‘Department’’;and

(iii) in paragraph (4)—

(I) in subparagraph (A)(iii), by inserting ‘‘of this title’’ after ‘‘section 1703C’’; and

(II) in subparagraph (B), by inserting ‘‘of this title’’ after ‘‘section 1703(b)’’;

(B) in subsection (b)(2)(I), by inserting ‘‘of this title’’ after ‘‘section 1706A’’; and

(C) in subsection (c)—

(i) in paragraph (1), by striking ‘‘such high performing’’ and inserting ‘‘a high-performing’’; and

(ii) in paragraph (3), by inserting ‘‘such’’ before ‘‘a high-performing’’.

(12) DEPARTMENT OF VETERANS AFFAIRS SPECIALTY EDUCATION LOAN REPAYMENT PROGRAM.—Section 7693(a)(1) is amended by striking ‘‘is hired’’ and inserting ‘‘will be eligible for appointment’’.

(b) VA MISSION ACT.—

(1) TRAINING PROGRAM FOR ADMINISTRATION OF NON-DEPARTMENT HEALTH CARE.—Section 122(a)(2) of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended by striking ‘‘such title’’ and inserting ‘‘title 38, United States Code’’.

(2) PROCESSES FOR SAFE OPIOID PRESCRIBING PRACTICES BY NON-DEPARTMENT PROVIDERS.—Section 131 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended—

(A) in subsection (c)(1)—

(i) by inserting ‘‘of title 38, United States Code,’’ after ‘‘section 1703(a)(2)(A)’’;

(ii) by striking ‘‘of this title’’ each place it appears and inserting ‘‘of this Act’’; and

(iii) by inserting ‘‘of such title’’ after ‘‘section 1703A(e)(2)(F)’’; and

(B) in subsection (d), by striking ‘‘covered veterans’’ each place it appears and inserting ‘‘veterans’’.

(3) PLANS FOR SUPPLEMENTAL APPROPRIATIONS.—Section 141 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended by striking ‘‘Whenever the Secretary’’ and inserting ‘‘Whenever the Secretary of Veterans Affairs’’.

(4) TELEMEDICINE REPORTING REQUIREMENT.—Section 151(c)(1) of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended by striking ‘‘section 1730B’’ and inserting ‘‘section 1730C’’.

(5) EXPANSION OF FAMILY CAREGIVER PROGRAM.—Section 161(a)(1)(B) of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended by striking ‘‘such title’’ and inserting ‘‘title 38, United States Code’’.

(6) SPECIALTY EDUCATION LOAN REPAYMENT PROGRAM.—Section 303 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended—

(A) in subsection (d), by inserting ‘‘of Veterans Affairs’’ after ‘‘Department’’; and

(B) in subsection (e), in the matter preceding paragraph (1), by striking ‘‘established’’ and inserting ‘‘under subchapter VIII

of chapter 76 of title 38, United States Code, as enacted''.

(7) VETERANS HEALING VETERANS MEDICAL ACCESS AND SCHOLARSHIP PROGRAM.—Section 304 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended—

(A) in subsection (a), by striking ''covered medical schools'' and inserting ''covered medical school''; and

(B) in subsection (b)—

(i) in paragraph (2), by striking ''entitled to'' and inserting ''concurrently receiving'';

(ii) in paragraph (3), by striking ''2019'' and inserting ''2020''; and

(iii) in paragraph (6), by striking ''subsection (e)'' and inserting ''subsection (d)'';

(C) in subsection (c)—

(i) in paragraph (1), by striking ''2019'' and inserting ''2020''; and

(ii) in paragraph (3), by striking ''2019'' and inserting ''2020'';

(D) in subsection (e), by striking ''2019'' and inserting ''2020''; and

(E) in subsection (f), by striking ''December 31, 2020'' and inserting ''December 31, 2021''.

(8) DEVELOPMENT OF CRITERIA FOR DESIGNATION OF CERTAIN MEDICAL FACILITIES AS UNDERSERVED FACILITIES AND PLAN TO ADDRESS PROBLEM OF UNDERSERVED FACILITIES.—Section 401 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended—

(A) in subsection (b)(5), by adding ''or the applicable access standards developed under section 1703B of title 38, United States Code'' after ''the wait-time goals of the Department''; and

(B) in subsection (d)(2)(A), by striking ''section 407'' and inserting ''section 402''.

(9) PILOT PROGRAM ON GRADUATE MEDICAL EDUCATION AND RESIDENCY.—Section 403(b)(4) of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended by inserting ''under'' after ''an agreement''.

(10) DEPARTMENT OF VETERANS AFFAIRS MEDICAL SCRIBE PILOT PROGRAM.—Section 507 of the John S. McCain III, Daniel K. Akaka, and Samuel R. Johnson VA Maintaining Internal Systems and Strengthening Integrated Outside Networks Act of 2018 (Public Law 115–182) is amended—

(A) in subsection (b)(3), by striking ''as determine'' and inserting ''as determined''; and

(B) in subsection (c)(2)(C), by striking ''speciality'' and inserting ''specialty''.

TITLE III—OTHER MATTERS

SEC. 301. APPROVAL OF COURSES OF EDUCATION PROVIDED BY PUBLIC INSTITUTIONS OF HIGHER EDUCATION FOR PURPOSES OF TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES CONDITIONAL ON IN-STATE TUITION RATE FOR VETERANS.

(a) IN GENERAL.—Section 3679(c) is amended—

(1) in paragraph (1), by striking ''chapter 30 or 33'' and inserting ''chapter 30, 31, or 33'';

(2) in paragraph (2), by adding at the end the following new subparagraph:

''(C) An individual who is entitled to rehabilitation under section 3102(a) of this title.'';

(3) in paragraph (3), by striking ''paragraph (2)(A) or (2)(B)'' and inserting ''paragraph (2)(A), (2)(B), or (2)(C)''; and

(4) in paragraph (6), by striking ''chapters 30 and 33'' and inserting ''chapters 30, 31, and 33''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to courses of education provided during a quarter, semester, or term, as applicable, that begins after March 1, 2019.

SEC. 302. CORRECTIVE ACTION FOR CERTAIN DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES FOR CONFLICTS OF INTEREST WITH EDUCATIONAL INSTITUTIONS OPERATED FOR PROFIT.

(a) IN GENERAL.—Section 3683 of title 38, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) DEPARTMENT OFFICERS AND EMPLOYEES.—(1) An officer or employee of the Department shall receive corrective action or disciplinary action if such officer or employee—

''(A) has, while serving as such an officer or employee, owned any interest in, or received any wage, salary, dividend, profit, or gift from, any educational institution operated for profit; or

''(B) has, while serving as a covered officer or employee of the Department, received any service from any educational institution operated for profit.

''(2) In this subsection, the term 'covered officer or employee of the Department' means an officer or employee of the Department who—

''(A) works on the administration of benefits under chapter 30, 31, 32, 33, 34, 35, or 36 of this title; or

''(B) has a potential conflict of interest involving an educational institution operated for profit, as determined by the Secretary.'';

(2) in subsection (b)—

(A) by striking ''If the Secretary'' and inserting the following:

''(b) STATE APPROVING AGENCY EMPLOYEES.—If the Secretary'';

(B) by striking ''wages, salary, dividends, profits, gratuities, or services'' and inserting ''wage, salary, dividend, profit, or gift'';

(C) by striking ''in which an eligible person or veteran was pursuing a program of education or course under this chapter or chapter 34 or 35 of this title'';

(D) by striking ''terminate the employment of'' and inserting ''provide corrective action or disciplinary action with respect to''; and

(E) by striking ''while such person is an officer or employee of the State approving agency, or State department of veterans' affairs or State department of education'' and inserting ''until the completion of such corrective action or disciplinary action'';

(3) in subsection (c)—

(A) by striking ''A State approving agency'' and inserting the following:

''(c) DISAPPROVAL OF COURSES.—A State approving agency'';

(B) by striking ''of Veterans Affairs''; and

(C) by striking ''wages, salary, dividends, profits, gratuities, or services'' and inserting ''wage, salary, dividend, profit, or gift''; and

(4) in subsection (d)—

(A) by striking ''The Secretary may'' and inserting the following:

''(d) WAIVER AUTHORITY.—(1) The Secretary may'';

(B) by striking ''of Veterans Affairs'';

(C) by striking '', after reasonable notice and public hearings,''; and

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

''(2) The Secretary shall provide public notice of any waiver granted under this subsection by not later than 30 days after the date on which such waiver is granted.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to conflicts of interest that occur on or after that date.

SEC. 303. MODIFICATION OF COMPLIANCE REQUIREMENTS FOR PARTICULAR LEASES RELATING TO DEPARTMENT OF VETERANS AFFAIRS WEST LOS ANGELES CAMPUS.

Section 2(h)(1) of the West Los Angeles Leasing Act of 2016 (Public Law 114–226) is amended by striking ''any lease or land-sharing agreement at the Campus'' and inserting ''any new lease or land-sharing agreement at the Campus that is not in compliance with such laws''.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

FORT ONTARIO STUDY ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 147, H.R. 46.

The PRESIDING OFFICER. The clerk will read the bill by title.

The bill clerk read as follows:

A bill (H.R. 46) to authorize the Secretary of the Interior to conduct a special resource study of Fort Ontario in the State of New York.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fort Ontario Study Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) STUDY AREA.—The term ''study area'' means Fort Ontario in Oswego, New York.

SEC. 3. FORT ONTARIO SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary shall conduct a special resource study of the study area.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the study area;

(2) determine the suitability and feasibility of designating the study area as a unit of the National Park System;

(3) consider other alternatives for preservation, protection, and interpretation of the study area by the Federal Government, State or local government entities, or private and nonprofit organizations;

(4) consult with interested Federal agencies, State or local governmental entities, private and nonprofit organizations, or any other interested individuals; and

(5) identify cost estimates for any Federal acquisition, development, interpretation, operation, and maintenance associated with the alternatives.

(c) APPLICABLE LAW.—The study required under subsection (a) shall be conducted in accordance with section 100507 of title 54, United States Code.

(d) REPORT.—Not later than 3 years after the date on which funds are first made available to carry out the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

Mr. MCCONNELL. I ask unanimous consent that the committee-reported substitute amendment be agreed to and that the bill, as amended, be considered read a third time.

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

The committee-reported amendment in the nature of a substitute was agreed to.

The bill, as amended, was engrossed for a third reading and was read the third time.

Mr. MCCONNELL. Mr. President, I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is, Shall the bill pass?

The bill (H.R. 46), as amended, was passed.

Mr. MCCONNELL. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

ELKHORN RANCH AND WHITE RIVER NATIONAL FOREST CONVEYANCE ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 87, H.R. 698.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 698) to require a land conveyance involving the Elkhorn Ranch and the White River National Forest in the State of Colorado, and for other purposes.

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

Mr. MCCONNELL. I ask unanimous consent that the bill 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. Without objection, it is so ordered.

The bill (H.R. 698) was ordered to a third reading, was read the third time, and passed.

RESOLUTIONS SUBMITTED TODAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions, which were submitted earlier today: S. Res. 638, S. Res. 639, and S. Res. 640.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. MCCONNELL. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The resolutions (S. Res. 638 and S. Res. 639) were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')

The resolution (S. Res. 640) was agreed to.

(The resolution is printed in today's RECORD under ''Submitted Resolutions.'')

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to the provisions of Public Law 107–12, the reappointment of the following individual to serve as a member of the Public Safety Officer Medal of Valor Review Board: Berl Perdue of Kentucky.

The PRESIDING OFFICER. The Senator from Utah.

AMENDING THE INTERNAL REVENUE CODE OF 1986

Mr. HATCH. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 300, H.R. 1551.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 1551) to amend the Internal Revenue Code of 1986 to modify the credit for production from advanced nuclear power facilities.

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

Mr. HATCH. Mr. President, I ask unanimous consent that my substitute amendment at the desk be considered; that the Alexander amendment to it be agreed to; that my substitute amendment, as amended, be agreed to; and that the bill, as amended, be considered read a third time.

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

The amendment (No. 4022) was considered as follows:

(Purpose: In the nature of a substitute.)

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment (No. 4021) was agreed to as follows:

(Purpose: To amend the short title)

On page 1, line 5, strike ''Music Modernization Act'' and insert ''Orrin G. Hatch Music Modernization Act''.

The amendment, in the nature of a substitute, as amended, was agreed to.

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

The bill was read the third time.

Mr. HATCH. Mr. President, I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 1551), as amended, was passed.

Mr. HATCH. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

ORRIN G. HATCH MUSIC MODERNIZATION ACT

Mr. HATCH. Mr. President, I thank Senators ALEXANDER, WHITEHOUSE, GRASSLEY, FEINSTEIN, COONS, and KENNEDY for all of their hard work on this important bill. I am touched by this gesture. I also thank all of the staffs involved, including those in the cloakroom, and the legislative counsel for their assistance. I feel like we have been really blessed to be able to get this bill through.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, if the Senator from Utah has concluded his remarks, I would like to say a word or two.

We have just passed in the Senate a bill that is named the Orrin G. Hatch Music Modernization Act. It was an amendment I had offered to the bill, not Senator HATCH's amendment. He is the principal sponsor of the bill, along with Senator WHITEHOUSE and 82 Members of this body, but I ask that it be named in his honor. It is fitting because it is the most important piece of legislation in a generation to help make sure songwriters in our country are paid and are paid a fair market value for their work. It is fitting because Senator HATCH is a songwriter himself and has long been an advocate for musicians. So I can think of no better way to memorialize his four decades of service in the U.S. Senate than by renaming this legislation the Orrin G. Hatch Music Modernization Act.

Under his leadership, as I just mentioned, the bill gained nearly unanimous support in the Senate. It passed in the House earlier. After its having been thoroughly vetted and compromised and changed, it passed unanimously. It went to the Senate Judiciary Committee, where it was considered and passed by voice vote. Then, tonight, it passed by voice vote.

I join with Senator HATCH in especially thanking the other Senators who have worked so hard on this, both Democrats as well as Republicans—Senator WHITEHOUSE; Senator DURBIN, the Assistant Democratic Leader, who enjoys going to Nashville on a regular basis and has lots of good stories about it; and Senator COONS of Delaware.

The bill, which passed the House unanimously and has now passed the Senate, will go back to the House because we have made some changes in the bill. That is the way the process works. We have stayed in close touch with the House of Representatives as we have done this. Representative DOUG COLLINS and a number of others in the House have been really extraordinary leaders in pushing this, so I

know Representative COLLINS and others will work hard. My hope is, the House will be able to pass the Senate's bill next week and that the bill will then go to the President and become law.

Earlier this evening, Senator CHUCK GRASSLEY, of Iowa, was on the floor, but he had to leave. I join Senator HATCH in thanking Senator GRASSLEY, who is the chairman of the Judiciary Committee, for having expedited the consideration of this bill and for having been here to speak about it.

Senator GRASSLEY asked me to read these words on his behalf:

The Music Modernization Act will really help songwriters, artists, publishers, producers, distributors, and other music industry stakeholders. This bill is the product of long and hard negotiations and compromise. Senators Hatch and Alexander especially—but many other Senators—contributed to this bill. I am pleased to support this bill.

One reason this bill has been successful—and one of the senior members of the staff of the Judiciary Committee was talking to me tonight and said it was a really remarkable piece of legislation—is that it touches so many of the aspects of the creation of music in our country. I think that is true. It is a very complex piece of legislation.

I asked some of those who were working on it the other day: Will this really help the songwriters? The answer was: Yes, it will.

We have been able to get so far because the songwriters and the publishers and the digital music companies and the broadcasters and the record labels and others decided to work together over the last 2 or 3 years on what they agree on instead of on what they disagree. It has taken several years to do this, but I believe it has been worth the effort.

What has happened is that the internet has changed the music business in the way it has changed politics, other businesses, and the world. More than half the revenues in the music business now come from music that is played over the internet. The legislation is necessary because the copyright laws of our country haven't kept up with the arrival of the internet. In addition to that, they were way out of date before the internet ever got here. Those copyright laws haven't been modernized since the days of the player piano a century ago. As a result of that, today's songwriters are often not paid royalties for their songs when their songs are played online, and when they are paid, they aren't paid a fair market value. It has become almost impossible for songwriters to make a decent living. Songwriters in Nashville—and we have them all over Tennessee, but Nashville has thousands of them—are typically taxi drivers, teachers, waitresses who are all working to write their first hits.

Last Saturday, I was at the Bluebird Cafe, in Nashville, where Senator HATCH has been before. Bob DiPiero was there and was playing some of his songs. He told a story of how, in the 1980s, he was teaching guitar lessons at the Rivergate Mall. That is how he was earning a living. He had moved to Nashville from Ohio and had fallen in love with country music. He said he would take a bus out to the Rivergate Mall—that took about an hour and an hour back—to teach these kids in the afternoons, after school, from 3 to 9 o'clock. During the day, he would write songs. Nothing happened until he wrote a song called ''American Made,'' which almost everybody knows the words to, and that song has done pretty well.

To give you an idea of what this bill could mean to most songwriters, let me tell you a story. I mentioned that songwriters can be taxi drivers or teachers or waitresses. They can also be U.S. Senators, like Senator HATCH, who actually has a gold record—maybe two—to his credit, and he has often cowritten with national songwriters. I had an experience too.

A few years ago, I was in my hometown of Maryville, TN. I went into the drugstore, and as I was coming out, there was this older couple who was sitting in a pickup truck.

I asked: How are y'all doing?

The woman in the pickup truck said: We are just falling apart together.

It just so happened that over that weekend, my son, who is in the music business, had a group of songwriters at our home, and they were writing songs. So I told that story about the lady saying ''falling apart together'' to one of them whose name was Lee Brice, who is a well-known songwriter and performer.

Lee Brice said: Hey, we can do something with that.

So he and Billy Montana and John Stone wrote the song ''Falling Apart Together.''

''Falling Apart Together'' went on Lee Brice's album, and it was played a lot. According to Nashville's custom, I get a one-fourth royalty for the song whenever the song is played. Now, Lee is a pretty well-known singer, and you would think those royalties would add up to give me a nice income in addition to my salary as a U.S. Senator. I checked. In 2016, I reported on my ethics form, which I file each year, that my royalties only added up to $101.75. That was for one-fourth of a record that was played on an album of a pretty well-known singer and writer.

If you are a songwriter in Nashville or anywhere else, you can't make a living on that, but the Orrin G. Hatch Music Modernization Act will help to fix that. It will help to make sure songwriters are paid a fair market value when their songs are played and that they are actually paid when their songs are played.

First, the legislation will make sure songwriters are paid by creating a new entity. This is really an elegant solution to a complicated problem. This new licensing entity will make it easier for digital music companies like Spotify or Amazon or Pandora to obtain licenses. Let's say they want to play ''Falling Apart Together.'' All they will have to do is go down to the entity and get a license from that entity to make sure the four of us who helped to write that song will be paid whenever the song is played. This can be a big problem for one of the internet companies because they deal in hundreds of thousands—millions—of songs, and songwriters end up everywhere in the world. So finding them is sometimes impossible. That is not good for the songwriter who doesn't get paid. It is not good for the streaming company because it might get sued.

As I said earlier, half of the revenues in the music industry come from internet songs. This new entity will collect the royalties each time a song is played. It will look for the songwriter and hold onto the royalties for 3 years until the songwriter can be found. As I mentioned, it will help the digital music companies because it will reduce the number of lawsuits and make it a lot simpler to get a license for a song.

Second, the legislation will make sure that songwriters will be paid a fair market value for their songs by doing three things.

First, it will revise outdated songwriter royalty standards. As I mentioned earlier, go back a century to the days of the player piano. It will replace those with a standard of willing seller and willing buyer. What would the song be worth in the free market, not as to the statutory rate that is set today?

The second thing the legislation will do is to allow ASCAP and BMI—the two largest performing rights organizations—to present new evidence about the fair market value of a songwriter's work—like what the performer of the song might earn for performing the song—to a Federal rate court judge when there is a dispute about what the royalties are.

Finally, the third thing it will do to make sure songwriters are paid a fairer rate is to allow ASCAP and BMI to have Federal judges in the Southern District of New York, which is where these cases are heard, to be randomly assigned to the cases rather than to have all of the proceedings before the same judge. We believe that will produce a fairer outcome for songwriters.

This is a big day for songwriters in Nashville and in Memphis and in Knoxville, TN, as well as all over the country. It is the most important piece of legislation in a generation that will help make sure songwriters will be, A, paid when their songs are played and, B, that songwriters will be paid a fair market value.

I thank Senator HATCH for his leadership on this. Because he led this effort and because of his prestige in the Senate, we have 82 cosponsors of the legislation. We were able to pass it by voice vote tonight after it went through the Judiciary Committee.

I would not want anyone to think that because it passed by such a wide

margin that this was a simple exercise. It was a very complicated exercise, and it was in doubt until about an hour and a half ago in terms of whether we would be able to do this tonight. Yet we wouldn't have been able to have done it without Senator HATCH, so I thank him.

I think it is fitting, as he retires this year after spending four decades in the Senate, that we name the most important piece of legislation to help songwriters in a generation after the Senate's songwriter, that being the Orrin G. Hatch Music Modernization Act.

I yield the floor.

The PRESIDING OFFICER (Mr. CASSIDY). The Senator from Utah.

Mr. HATCH. Mr. President, I want to thank my dear colleague from Nashville—really, from Tennessee—for his very kind remarks. He covered this really well.

I have had this experience of writing pretty nice songs, mainly because of my cowriters. I have to say that I was shocked that even though hundreds of thousands—even millions—of records have been sold on some of these songs, the songwriters are paid little and in many cases, not paid at all. This will enhance songwriting in America and give songwriters a chance to be able to hopefully make a living, especially the good ones, even some who are not necessarily in Nashville or Hollywood or New York or in any number of other places.

I want to say that we all are very lucky to have Senator LAMAR ALEXANDER, who is one of our chief advocates in this area. He understands these problems. He has lived with these problems. He has anguished over them, and he has played a tremendous role in finally getting us to this passed bill.

This is a very important bill. People don't realize it, but they will once this bill is really utilized the way it is allowed.

I can't say that I am a great songwriter, although I do have one platinum and one gold record and some others that will probably go gold and platinum. But I can say this: It has been one of the most enjoyable, productive, and interesting experiences to write songs—for me and for those who write with me.

All I can say is that I feel really, really indebted to everyone in the Senate and the House for doing this to help spur on the music industry in this country and to get people treated properly from a remunerative standpoint.

I am grateful for LAMAR ALEXANDER and for the leadership that he has provided. We couldn't have done this without him.

Frankly, it is always a pleasure to work with him. He has such a great sense of humor. He is a tremendous musician himself. He plays the piano as well as anybody I know and, frankly, has done so for a lot of us around here. He has uplifted us with his talents. He is a good guy. I think in Tennessee, and especially in Nashville, they are very lucky to have him as a U.S. Senator.

I am grateful to the Senate for allowing us to get this done. I am grateful for my friends on the Democratic side for opening the door here, and I am grateful for my friends on the Republican side, all of whom realize how important this bill is and how much good it is going to do for America and for the music industry—to enlighten us all, to lift us all during times of difficulty and grief and so forth, and to provide the incentives to do even better in the future than we have done in the past. This is an important bill. I am pleased that I have had a role in helping to pass it.

I am very grateful to Senator ALEXANDER. He is one of my favorite people here. I used to chair the Labor and Human Resources Committee that he now chairs. I understand how difficult that committee has been. This is great and thoughtful legislation, and he has done a tremendous job on that committee. He is one of the great Senators, and I am not just saying that because he has helped me on this particular bill. I just have to say that I am very grateful to him, grateful for his leadership in the Senate, and grateful for my friendship with him and his friendship with me. He is a really wonderful man, and he makes a real difference in this body.

I want to thank everybody in the Senate for allowing this to happen. I am just very, very appreciative and would feel badly if I did not at least make that very clear here today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Utah for his remarks. I think we both would feel remiss if we didn't properly acknowledge all of the Senators and especially all of the staff members who have put in such long hours and used such professionalism to help with this. We will come back to the floor next week and do that properly.

Lindsay Garcia is here with me, as well as Paul McKernan and David Cleary. I see Senator HATCH's staff is on the floor, some from the Finance Committee. I want to make sure that we do a complete job of acknowledging their highly professional work in this complex and important piece of legislation. As I said, it is the most important piece of legislation in a generation to help make sure that American songwriters are paid fairly for their work.

Thank you.

ORDERS FOR THURSDAY, SEPTEMBER 20, 2018, AND MONDAY, SEPTEMBER 24, 2018

Mr. ALEXANDER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn to then convene for pro forma session only, with no business being conducted, on Thursday, September 20, at 3 p.m. I further ask that when the Senate adjourns on Thursday, September 20, it next convene at 3 p.m., Monday, September 24, and that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each, until 5:30 p.m., and that then, at 5:30 p.m., the Senate proceed to the consideration of the Wolcott nomination under the previous order; finally, that notwithstanding rule XXII, the cloture motions filed during today's session ripen following disposition of the Wolcott nomination.

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

ADJOURNMENT UNTIL THURSDAY, SEPTEMBER 20, 2018, AT 3 P.M.

Mr. ALEXANDER. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:42 p.m., adjourned until Thursday, September 20, 2018, at 3 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 18, 2018:

DEPARTMENT OF DEFENSE

JOHN E. WHITLEY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

DEPARTMENT OF ENERGY

CHARLES P. VERDON, OF CALIFORNIA, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS, NATIONAL NUCLEAR SECURITY ADMINISTRATION.