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No. 161

## House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. POE of Texas).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
September 28, 2018.

I hereby appoint the Honorable TED POE to act as Speaker pro tempore on this day.

PAUL D. RYAN,  
Speaker of the House of Representatives.

### PRAYER

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

God of mercy, thank You for giving us another day. May the words of Ezekiel stir our hearts.

"The nations shall know that I am the Lord, says the Lord God, when in their sight I prove My holiness through you. . . . From all your idols, I will cleanse you. I will give you a new heart and place a new spirit within you, taking from your bodies your stoney hearts and giving you natural hearts."

Lord God of prophets and politicians, through the campaigns, surface out fiction and malicious thoughts so that Your people may be led to America's common concerns and the truth upon which to build anew. Deepen convictions in all contestants that their hearts may be naturally transformed by the response of the people and Your holy inspirations.

We pray for civility in the weeks to come and peaceful resolve across our land, both now and forever.

May all that is done this day be for Your greater honor and glory.  
Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the

last day's proceedings and announces to the House his approval thereof.

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

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from West Virginia (Mr. JENKINS) come forward and lead the House in the Pledge of Allegiance.

Mr. JENKINS of West Virginia 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.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

### RELEASE OLEG SENTSOV

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

Mr. SHIMKUS. Mr. Speaker, in 2015, Russian authorities arrested Oleg Sentsov, Ukrainian filmmaker and human rights activist, for protesting the occupation of Crimea and sentenced him to 20 years in prison.

On May 14 of this year, he began a hunger strike that has lasted over 130 days. Russia has unjustly imprisoned over 150 individuals. They suffer psychiatric confinement, closed trials, and harsh prison conditions. Russia also threatened to strip dissidents and members of religious minorities their parental rights.

Oleg is in prison north of the Arctic Circle. He receives IV treatments of saline, amino acids, and vitamins. His sister reported in September that he thinks he will die soon.

Mr. Speaker, I call upon Russian authorities to release Oleg Sentsov, and I call upon them to protect political free speech, religious liberty, and the sovereignty of international borders.

### HONORING THE MEMORY OF THOSE WHO DIED AT THE ROUTE 91 HARVEST FESTIVAL

(Ms. ROSEN asked and was given permission to address the House for 1 minute.)

Ms. ROSEN. Mr. Speaker, I rise today to honor the memory of the 58 innocent souls who were taken on October 1.

No words can describe the devastation and heartbreak my community experienced that night. So many families in Las Vegas and across the Nation are still grieving from this unspeakable tragedy, and their lives will never be the same.

I am forever grateful to our first responders, medical professionals, hotel and security staff, and the kindness of strangers who helped the wounded to the hospital and stood in line for hours to donate blood.

We will never forget the selfless and heroic acts by men and women who risked it all and gave their lives for others that night.

As we continue to heal, what we have always known about our community remains true: We are Vegas strong; we are resilient; and even in our darkest hour, we come together united.

### APPLAUDING HURRICANE FLORENCE RECOVERY EFFORTS

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to applaud the response to Hurricane Florence, which caused extensive damage in the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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Carolinas earlier this month. The mission is far from over, but the Federal response has been swift, and the National Guard units from across the country have been working together to help in the recovery efforts.

Proudly, members of the Pennsylvania National Guard are helping to provide shelter support. The level of professionalism and training shown during this recovery by guardsmen from across the country is commendable.

Mr. Speaker, there are many aspects of the recovery effort, including food assistance. I am pleased that USDA acted quickly to announce Disaster SNAP. Households that may not normally be eligible for SNAP or food stamps may qualify for Disaster SNAP.

Providing food assistance to neighbors in need is exactly why the SNAP program exists. Food security is an important step toward bringing back normalcy and stability for families impacted by the disaster.

Mr. Speaker, as our fellow Americans begin putting their lives back together, I am pleased to know that they will have help every step of the way.

#### PUBLIC CHARGE RULE

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute.)

Mr. GENE GREEN of Texas. Mr. Speaker, the Department of Homeland Security announced a proposed rule change that would increase the number of immigrants considered a public charge.

This rule change is a dangerous departure from our current immigration policy. The administration is hurting immigrant families, including families that are U.S. citizens, by penalizing those who seek a green card or visa and use programs like SNAP, housing assistance, or Medicaid.

This rule has the potential to impact about 1.8 million Texas children whose parents may forego critical needs like food and health assistance for their families in fear that, if they use these programs, it will hinder their access to citizenship. This is another step by the Trump administration to restrict immigration into the country.

In Houston, we have a long history of immigrants and newcomers bringing innovation, entrepreneurship, and hard work. It has made Houston what it is today. From the separation of our families at the southern border to punishing immigrant families for using programs they legally qualify for, I am deeply saddened by this administration's constant disregard for the children and their families.

#### THE CRIB ACT

(Mr. JENKINS of West Virginia asked and was given permission to address the House for 1 minute.)

Mr. JENKINS of West Virginia. Mr. Speaker, I rise today in support of H.R.

6, which we are voting on here today. H.R. 6 includes my legislation, the Caring Recovery for Infants and Babies Act, known as the CRIB Act.

The most innocent victims of the opioid crisis are the precious newborn babies that were exposed to drugs during pregnancy. It simply breaks your heart.

Three years ago, I helped start Lily's Place in my hometown, a healthcare facility that has provided compassionate, loving healthcare to more than 200 newborn babies going through the ravages of withdrawal after birth.

Passing the CRIB Act today will allow this one-of-a-kind program to be replicated around the country so every child gets the best possible chance for a healthy start in life.

Mr. Speaker, I encourage my fellow Members to vote "yes" on H.R. 6, the CRIB Act.

#### FAA REAUTHORIZATION BILL

(Mrs. HARTZLER asked and was given permission to address the House for 1 minute.)

Mrs. HARTZLER. Mr. Speaker, I rise today to applaud the House passage of the FAA reauthorization bill, and I am delighted that the conference agreement includes provisions from my bill, the Safeguarding America's Skies Act. These provisions provide the Departments of Homeland Security and Justice with the authority to use counterdrone technology to detect, monitor, and interdict drones that pose a threat to the safety and security of our country.

We must face the reality that drone technology is being exploited to advance crime and threaten our national security. Drones are used to smuggle illegal drugs across borders and contraband into prisons. On the other side of the globe, terrorist groups are using drones to target U.S. forces and coalition partners.

Unfortunately, under current law, most Federal agencies are prohibited from engaging with drones due to various outdated laws. This legislation will provide our Federal law enforcement agencies with the tools necessary to protect U.S. citizens from criminal and nefarious acts. Our skies will be safer and our families will be safer.

#### VIOLENCE AGAINST WOMEN ACT

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

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I rise today to commend my colleagues on both sides of the aisle, as well as the many advocacy groups, health organizations, and constituents working with our offices, for ensuring an extension of the Violence Against Women Act while a long-term reauthorization is finalized. This is a crucial first step toward ensuring that victims of violence continue to have the

resources they rely on and our law enforcement officers can keep up the fight against domestic violence and sex crimes.

VAWA is a landmark piece of legislation enacted over two decades ago. It plays two very important roles: first, to prevent against violent crimes against women; and second, to provide care and assistance to women who were victims of violent crimes.

VAWA has enhanced domestic violence and stalking penalties, added protections for abused elderly and disabled women, helped to fight against sex trafficking, and addressed the rape kit backlog in many States.

Mr. Speaker, I look forward to working with my colleagues toward a long-term reauthorization of the Violence Against Women Act.

#### HEALTH EQUITY AND ACCESS FOR RETURNING TROOPS AND SERVICEMEMBERS ACT OF 2018

Mr. SAM JOHNSON of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce, the Committee on Ways and Means, and the Committee on Armed Services be discharged from further consideration of the bill (H.R. 6886) to amend title 10, United States Code, to modify the requirement for certain former members of the Armed Forces to enroll in Medicare Part B to be eligible for TRICARE for Life, and to amend title XVIII of the Social Security Act to provide for coverage of certain DNA specimen provenance assay tests under the Medicare program, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6886

*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 "Health Equity and Access for Returning Troops and Servicemembers Act of 2018" or the "HEARTS Act of 2018".

#### SEC. 2. MODIFICATION OF REQUIREMENT FOR CERTAIN FORMER MEMBERS OF THE ARMED FORCES TO ENROLL IN MEDICARE PART B TO BE ELIGIBLE FOR TRICARE FOR LIFE.

(a) TRICARE ELIGIBILITY.—

(1) IN GENERAL.—Subsection (d) of section 1086 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6)(A) The requirement in paragraph (2)(A) to enroll in the supplementary medical insurance program under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) shall not apply to a person described in subparagraph (B) during any month in which such person is not entitled to a benefit described in subparagraph (A) of section 226(b)(2) of the Social Security Act (42 U.S.C. 426(b)(2)) if such person has received the counseling and information under subparagraph (C).

“(B) A person described in this subparagraph is a person—

“(i) who is under 65 years of age;

“(ii) who is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to subparagraph (A) or (C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2));

“(iii) whose entitlement to a benefit described in subparagraph (A) of such section has terminated due to performance of substantial gainful activity; and

“(iv) who is retired under chapter 61 of this title.

“(C) The Secretary of Defense shall coordinate with the Secretary of Health and Human Services and the Commissioner of Social Security to notify persons described in subparagraph (B) of, and provide information and counseling regarding, the effects of not enrolling in the supplementary medical insurance program under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.), as described in subparagraph (A).”

(2) CONFORMING AMENDMENT.—Paragraph (2)(A) of such subsection is amended by striking “is enrolled” and inserting “except as provided by paragraph (6), is enrolled”.

(3) IDENTIFICATION OF PERSONS.—Section 1110a of such title is amended by adding at the end the following new subsection:

“(c) CERTAIN INDIVIDUALS NOT REQUIRED TO ENROLL IN MEDICARE PART B.—In carrying out subsection (a), the Secretary of Defense shall coordinate with the Secretary of Health and Human Services and the Commissioner of Social Security to—

“(1) identify persons described in subparagraph (B) of section 1086(d)(6) of this title; and

“(2) provide information and counseling pursuant to subparagraph (D) of such section.”

(b) NON-APPLICATION OF MEDICARE PART B LATE ENROLLMENT PENALTY.—Section 1839(b) of the Social Security Act (42 U.S.C. 1395f(b)) is amended, in the second sentence, by inserting “or months for which the individual can demonstrate that the individual is an individual described in paragraph (6)(B) of section 1086(d) of title 10, United States Code, who is enrolled in the TRICARE program pursuant to such section” after “an individual described in section 1837(k)(3)”.

(c) REPORT.—Not later than October 1, 2024, the Secretary of Defense, the Secretary of Health and Human Services, and the Commissioner of Social Security shall jointly submit to the Committees on Armed Services of the House of Representatives and the Senate, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate a report on the implementation of section 1086(d)(6) of title 10, United States Code, as added by subsection (a). Such report shall include, with respect to the period covered by the report—

(1) the number of individuals enrolled in TRICARE for Life who are not enrolled in the supplementary medical insurance program under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) by reason of such section 1086(d)(6); and

(2) the number of individuals who—

(A) are retired from the Armed Forces under chapter 61 of title 10, United States Code;

(B) are entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to receiving benefits for 24 months as described in subparagraph (A) or (C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2)); and

(C) because of such entitlement, are no longer enrolled in TRICARE Standard, TRICARE Prime, TRICARE Extra, or

TRICARE Select under chapter 55 of title 10, United States Code.

(d) DEPOSIT OF SAVINGS INTO MEDICARE IMPROVEMENT FUND.—Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking “during and after fiscal year 2021, \$0” and inserting “during and after fiscal year 2024, \$5,000,000”.

(e) APPLICATION.—The amendments made by subsections (a) and (b) shall apply with respect to a person who, on or after October 1, 2023, is a person described in section 1086(d)(6)(B) of title 10, United States Code, as added by subsection (a).

### SEC. 3. COVERAGE OF CERTAIN DNA SPECIMEN PROVENANCE ASSAY TESTS UNDER MEDICARE.

(a) BENEFIT.—

(1) COVERAGE.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—

(A) in subsection (s)(2)—

(i) in subparagraph (FF), by striking “and” at the end;

(ii) in subparagraph (GG), by inserting “and” at the end; and

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

“(HH) a prostate cancer DNA Specimen Provenance Assay test (DSPA test) (as defined in subsection (jjj)); and”

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

“(jjj) PROSTATE CANCER DNA SPECIMEN PROVENANCE ASSAY TEST.—The term ‘prostate cancer DNA Specimen Provenance Assay Test’ (DSPA test) means a test that, after a determination of cancer in one or more prostate biopsy specimens obtained from an individual, assesses the identity of the DNA in such specimens by comparing such DNA with the DNA that was separately taken from such individual at the time of the biopsy.”

(2) EXCLUSION FROM COVERAGE.—Section 1862(a)(1) of the Social Security Act (42 U.S.C. 1395y(a)(1)) is amended—

(A) in subparagraph (O), by striking “and” at the end;

(B) in subparagraph (P), by striking the semicolon at the end and inserting “, and”; and

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

“(Q) in the case of a prostate cancer DNA Specimen Provenance Assay test (DSPA test) (as defined in section 1861(jjj)), unless such test is furnished on or after January 1, 2020, and before January 1, 2025, and such test is ordered by the physician who furnished the prostate cancer biopsy that obtained the specimen tested;”

(b) PAYMENT AMOUNT AND RELATED REQUIREMENTS.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

“(w) PROSTATE CANCER DNA SPECIMEN PROVENANCE ASSAY TESTS.—

“(1) PAYMENT FOR COVERED TESTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the payment amount for a prostate cancer DNA Specimen Provenance Assay test (DSPA test) (as defined in section 1861(jjj)) shall be \$200. Such payment shall be payment for all of the specimens obtained from the biopsy furnished to an individual that are tested.

“(B) LIMITATION.—Payment for a DSPA test under subparagraph (A) may only be made on an assignment-related basis.

“(C) PROHIBITION ON SEPARATE PAYMENT.—No separate payment shall be made for obtaining DNA that was separately taken from an individual at the time of a biopsy described in subparagraph (A).

“(2) HCPCS CODE AND MODIFIER ASSIGNMENT.—

“(A) IN GENERAL.—The Secretary shall assign one or more HCPCS codes to a prostate

cancer DNA Specimen Provenance Assay test and may use a modifier to facilitate making payment under this section for such test.

“(B) IDENTIFICATION OF DNA MATCH ON CLAIM.—The Secretary shall require an indication on a claim for a prostate cancer DNA Specimen Provenance Assay test of whether the DNA of the prostate biopsy specimens match the DNA of the individual diagnosed with prostate cancer. Such indication may be made through use of a HCPCS code, a modifier, or other means, as determined appropriate by the Secretary.

“(3) DNA MATCH REVIEW.—

“(A) IN GENERAL.—The Secretary shall review at least three years of claims under part B for prostate cancer DNA Specimen Provenance Assay tests to identify whether the DNA of the prostate biopsy specimens match the DNA of the individuals diagnosed with prostate cancer.

“(B) POSTING ON INTERNET WEBSITE.—Not later than July 1, 2023, the Secretary shall post on the Internet website of the Centers for Medicare & Medicaid Services the findings of the review conducted under subparagraph (A).”

(c) COST-SHARING.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(1) by striking “and (BB)” and inserting “(BB)”; and

(2) by inserting before the semicolon at the end the following: “, and (CC) with respect to a prostate cancer DNA Specimen Provenance Assay test (DSPA test) (as defined in section 1861(jjj)), the amount paid shall be an amount equal to 80 percent of the lesser of the actual charge for the test or the amount specified under section 1834(w)”.

AMENDMENT OFFERED BY MR. SAM JOHNSON OF TEXAS

Mr. SAM JOHNSON of Texas. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Health Equity and Access for Returning Troops and Servicemembers Act of 2018” or the “HEARTS Act of 2018”.

#### SEC. 2. MODIFICATION OF REQUIREMENT FOR CERTAIN FORMER MEMBERS OF THE ARMED FORCES TO ENROLL IN MEDICARE PART B TO BE ELIGIBLE FOR TRICARE FOR LIFE.

(a) TRICARE ELIGIBILITY.—

(1) IN GENERAL.—Subsection (d) of section 1086 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(6)(A) The requirement in paragraph (2)(A) to enroll in the supplementary medical insurance program under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) shall not apply to a person described in subparagraph (B) during any month in which such person is not entitled to a benefit described in subparagraph (A) of section 226(b)(2) of the Social Security Act (42 U.S.C. 426(b)(2)) if such person has received the counseling and information under subparagraph (C).

“(B) A person described in this subparagraph is a person—

“(i) who is under 65 years of age;

“(ii) who is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to subparagraph (A) or (C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2));

“(iii) whose entitlement to a benefit described in subparagraph (A) of such section has terminated due to performance of substantial gainful activity; and

“(iv) who is retired under chapter 61 of this title.

“(C) The Secretary of Defense shall coordinate with the Secretary of Health and Human Services and the Commissioner of Social Security to notify persons described in subparagraph (B) of, and provide information and counseling regarding, the effects of not enrolling in the supplementary medical insurance program under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.), as described in subparagraph (A).”

(2) CONFORMING AMENDMENT.—Paragraph (2)(A) of such subsection is amended by striking “is enrolled” and inserting “except as provided by paragraph (6), is enrolled”.

(3) IDENTIFICATION OF PERSONS.—Section 1110a of such title is amended by adding at the end the following new subsection:

“(c) CERTAIN INDIVIDUALS NOT REQUIRED TO ENROLL IN MEDICARE PART B.—In carrying out subsection (a), the Secretary of Defense shall coordinate with the Secretary of Health and Human Services and the Commissioner of Social Security to—

“(1) identify persons described in subparagraph (B) of section 1086(d)(6) of this title; and

“(2) provide information and counseling pursuant to subparagraph (D) of such section.”

(b) NON-APPLICATION OF MEDICARE PART B LATE ENROLLMENT PENALTY.—Section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) is amended, in the second sentence, by inserting “or months for which the individual can demonstrate that the individual is an individual described in paragraph (6)(B) of section 1086(d) of title 10, United States Code, who is enrolled in the TRICARE program pursuant to such section” after “an individual described in section 1837(k)(3)”.

(c) REPORT.—Not later than October 1, 2024, the Secretary of Defense, the Secretary of Health and Human Services, and the Commissioner of Social Security shall jointly submit to the Committees on Armed Services of the House of Representatives and the Senate, the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives, and the Committee on Finance of the Senate a report on the implementation of section 1086(d)(6) of title 10, United States Code, as added by subsection (a). Such report shall include, with respect to the period covered by the report—

(1) the number of individuals enrolled in TRICARE for Life who are not enrolled in the supplementary medical insurance program under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) by reason of such section 1086(d)(6); and

(2) the number of individuals who—

(A) are retired from the Armed Forces under chapter 61 of title 10, United States Code;

(B) are entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to receiving benefits for 24 months as described in subparagraph (A) or (C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2)); and

(C) because of such entitlement, are not longer enrolled in TRICARE Standard, TRICARE Prime, TRICARE Extra, or TRICARE Select under chapter 55 of title 10, United States Code.

(d) DEPOSIT OF SAVINGS INTO MEDICARE IMPROVEMENT FUND.—Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking “during and after fiscal year 2021, \$0” and inserting “during and after fiscal year 2024, \$5,000,000”.

(e) APPLICATION.—The amendments made by subsections (a) and (b) shall apply with respect to a person who, on or after October 1, 2023, is a person described in section 1086(d)(6)(B) of title 10, United States Code, as added by subsection (a).

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(1) COVERAGE.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—

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

“(HH) a prostate cancer DNA Specimen Provenance Assay test (DSPA test) (as defined in subsection (jjj)); and”;

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

“(jjj) PROSTATE CANCER DNA SPECIMEN PROVENANCE ASSAY TEST.—The term ‘prostate cancer DNA Specimen Provenance Assay Test’ (DSPA test) means a test that, after a determination of cancer in one or more prostate biopsy specimens obtained from an individual, assesses the identity of the DNA in such specimens by comparing such DNA with the DNA that was separately taken from such individual at the time of the biopsy.”.

(2) EXCLUSION FROM COVERAGE.—Section 1862(a)(1) of the Social Security Act (42 U.S.C. 1395y(a)(1)) is amended—

(A) in subparagraph (O), by striking “and” at the end;

(B) in subparagraph (P), by striking the semicolon at the end and inserting “, and”;

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

“(Q) in the case of a prostate cancer DNA Specimen Provenance Assay test (DSPA test) (as defined in section 1861(jjj)), unless such test is furnished on or after January 1, 2020, and before January 1, 2025, and such test is ordered by the physician who furnished the prostate cancer biopsy that obtained the specimen tested;”.

(b) PAYMENT AMOUNT AND RELATED REQUIREMENTS.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

“(w) PROSTATE CANCER DNA SPECIMEN PROVENANCE ASSAY TESTS.—

“(1) PAYMENT FOR COVERED TESTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the payment amount for a prostate cancer DNA Specimen Provenance Assay test (DSPA test) (as defined in section 1861(jjj)) shall be \$200. Such payment shall be payment for all of the specimens obtained from the biopsy furnished to an individual that are tested.

“(B) LIMITATION.—Payment for a DSPA test under subparagraph (A) may only be made on an assignment-related basis.

“(C) PROHIBITION ON SEPARATE PAYMENT.—No separate payment shall be made for obtaining DNA that was separately taken from an individual at the time of a biopsy described in subparagraph (A).

“(2) HCPCS CODE AND MODIFIER ASSIGNMENT.—

“(A) IN GENERAL.—The Secretary shall assign one or more HCPCS codes to a prostate cancer DNA Specimen Provenance Assay test and may use a modifier to facilitate making payment under this section for such test.

“(B) IDENTIFICATION OF DNA MATCH ON CLAIM.—The Secretary shall require an indication on a claim for a prostate cancer DNA

Specimen Provenance Assay test of whether the DNA of the prostate biopsy specimens match the DNA of the individual diagnosed with prostate cancer. Such indication may be made through use of a HCPCS code, a modifier, or other means, as determined appropriate by the Secretary.

“(3) DNA MATCH REVIEW.—

“(A) IN GENERAL.—The Secretary shall review at least three years of claims under part B for prostate cancer DNA Specimen Provenance Assay tests to identify whether the DNA of the prostate biopsy specimens match the DNA of the individuals diagnosed with prostate cancer.

“(B) POSTING ON INTERNET WEBSITE.—Not later than July 1, 2023, the Secretary shall post on the Internet website of the Centers for Medicare & Medicaid Services the findings of the review conducted under subparagraph (A).”.

(c) COST-SHARING.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(1) by striking “and (BB)” and inserting “(BB)”;

(2) by inserting before the semicolon at the end the following: “, and (CC) with respect to a prostate cancer DNA Specimen Provenance Assay test (DSPA test) (as defined in section 1861(jjj)), the amount paid shall be an amount equal to 80 percent of the lesser of the actual charge for the test or the amount specified under section 1834(w)”.

Mr. SAM JOHNSON of Texas (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the amendment.

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

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 0915

### PROTECTING FAMILY AND SMALL BUSINESS TAX CUTS ACT OF 2018

Mr. BRADY of Texas. Mr. Speaker, pursuant to House Resolution 1084, I call up the bill (H.R. 6760) to amend the Internal Revenue Code of 1986 to make permanent certain provisions of the Tax Cuts and Jobs Act affecting individuals, families, and small businesses, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1084, the amendment in the nature of a substitute, recommended by the Committee on Ways and Means, printed in the bill, modified by the amendment printed in part C of House Report 115-985, is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 6760

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

#### SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the “Protecting Family and Small Business Tax Cuts Act of 2018”.



(b) AMENDMENT OF 1986 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 the Internal Revenue Code of 1986.

(c) REFERENCES TO THE TAX CUTS AND JOBS ACT.—Title I of Public Law 115-97 may be cited as the “Tax Cuts and Jobs Act”.

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

Sec. 1. Short title, etc.

**TITLE I—INDIVIDUAL REFORM MADE PERMANENT**

**Subtitle A—Rate Reform**

Sec. 101. Modification of rates.

**Subtitle B—Deduction for Qualified Business Income of Pass-thru Entities**

Sec. 111. Deduction for qualified business income.

Sec. 112. Limitation on losses for taxpayers other than corporations.

**Subtitle C—Tax Benefits for Families and Individuals**

Sec. 121. Increase in standard deduction.

**“If taxable income is:**

Not over \$19,050 .....	
Over \$19,050 but not over \$77,400 .....	
Over \$77,400 but not over \$165,000 .....	
Over \$165,000 but not over \$315,000 .....	
Over \$315,000 but not over \$400,000 .....	
Over \$400,000 but not over \$600,000 .....	
Over \$600,000 .....	

(b) HEAD OF HOUSEHOLDS.—Section 1(b) is amended by striking the table contained therein and inserting the following:

**“If taxable income is:**

Not over \$13,600 .....	
Over \$13,600 but not over \$51,800 .....	
Over \$51,800 but not over \$82,500 .....	
Over \$82,500 but not over \$157,500 .....	
Over \$157,500 but not over \$200,000 .....	
Over \$200,000 but not over \$500,000 .....	
Over \$500,000 .....	

(c) UNMARRIED INDIVIDUALS OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLD.—Section 1(c) is amended by striking the

**“If taxable income is:**

Not over \$9,525 .....	
Over \$9,525 but not over \$38,700 .....	
Over \$38,700 but not over \$82,500 .....	
Over \$82,500 but not over \$157,500 .....	
Over \$157,500 but not over \$200,000 .....	
Over \$200,000 but not over \$500,000 .....	
Over \$500,000 .....	

(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—Section 1(d) is amended by striking

**“If taxable income is:**

Not over \$9,525 .....	
Over \$9,525 but not over \$38,700 .....	
Over \$38,700 but not over \$82,500 .....	
Over \$82,500 but not over \$157,500 .....	
Over \$157,500 but not over \$200,000 .....	
Over \$200,000 but not over \$300,000 .....	
Over \$300,000 .....	

(e) ESTATES AND TRUSTS.—Section 1(e) is amended by striking the table contained therein and inserting the following:

**“If taxable income is:**

Not over \$2,550 .....	
Over \$2,550 but not over \$9,150 .....	
Over \$9,150 but not over \$12,500 .....	
Over \$12,500 .....	

(f) INFLATION ADJUSTMENTS.—Section 1(f) is amended—

(1) by striking “1993” in paragraph (1) and inserting “2018”,

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

Sec. 122. Increase in and modification of child tax credit.

Sec. 123. Increased limitation for certain charitable contributions.

Sec. 124. Increased contributions to ABLE accounts.

Sec. 125. Rollovers to ABLE programs from 529 programs.

Sec. 126. Treatment of certain individuals performing services in the Sinai Peninsula of Egypt.

Sec. 127. Extension of reduction in threshold for medical expense deduction.

**Subtitle D—Education**

Sec. 131. Treatment of student loans discharged on account of death or disability.

**Subtitle E—Deductions and Exclusions**

Sec. 141. Repeal of deduction for personal exemptions.

Sec. 142. Limitation on deduction for State and local, etc. taxes.

Sec. 143. Limitation on deduction for qualified residence interest.

Sec. 144. Modification of deduction for personal casualty losses.

Sec. 145. Termination of miscellaneous itemized deductions.

Sec. 146. Repeal of overall limitation on itemized deductions.

Sec. 147. Termination of exclusion for qualified bicycle commuting reimbursement.

Sec. 148. Qualified moving expense reimbursement exclusion limited to members of Armed Forces.

Sec. 149. Deduction for moving expenses limited to members of Armed Forces.

Sec. 150. Limitation on wagering losses.

**Subtitle F—Increase in Estate and Gift Tax Exemption**

Sec. 151. Increase in estate and gift tax exemption.

**TITLE II—INCREASED EXEMPTION FOR ALTERNATIVE MINIMUM TAX MADE PERMANENT**

Sec. 201. Increased exemption for individuals.

**TITLE I—INDIVIDUAL REFORM MADE PERMANENT**

**Subtitle A—Rate Reform**

**SEC. 101. MODIFICATION OF RATES.**

(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—Section 1(a) is amended by striking the table contained therein and inserting the following:

**The tax is:**

10% of taxable income.
\$1,905, plus 12% of the excess over \$19,050.
\$8,907, plus 22% of the excess over \$77,400.
\$28,179, plus 24% of the excess over \$165,000.
\$64,179, plus 32% of the excess over \$315,000.
\$91,379, plus 35% of the excess over \$400,000.
\$161,379, plus 37% of the excess over \$600,000.”.

**The tax is:**

10% of taxable income.
\$1,360, plus 12% of the excess over \$13,600.
\$5,944, plus 22% of the excess over \$51,800.
\$12,698, plus 24% of the excess over \$82,500.
\$30,698, plus 32% of the excess over \$157,500.
\$44,298, plus 35% of the excess over \$200,000.
\$149,298, plus 37% of the excess over \$500,000.”.

**The tax is:**

10% of taxable income.
\$952.50, plus 12% of the excess over \$9,525.
\$4,453.50, plus 22% of the excess over \$38,700.
\$14,089.50, plus 24% of the excess over \$82,500.
\$32,089.50, plus 32% of the excess over \$157,500.
\$45,689.50, plus 35% of the excess over \$200,000.
\$150,689.50, plus 37% of the excess over \$500,000.”.

**The tax is:**

10% of taxable income.
\$952.50, plus 12% of the excess over \$9,525.
\$4,453.50, plus 22% of the excess over \$38,700.
\$14,089.50, plus 24% of the excess over \$82,500.
\$32,089.50, plus 32% of the excess over \$157,500.
\$45,689.50, plus 35% of the excess over \$200,000.
\$80,689.50, plus 37% of the excess over \$300,000.”.

**The tax is:**

10% of taxable income.
\$255, plus 24% of the excess over \$2,550.
\$1,839, plus 35% of the excess over \$9,150.
\$3,011.50, plus 37% of the excess over \$12,500.”.

year by substituting ‘2017’ for ‘2016’ in paragraph (3)(A)(ii),”.

(3) in paragraph (7)(B), by striking all that precedes “(other than with respect to)” and inserting the following:

table contained therein and inserting the following:

the table contained therein and inserting the following:

“(B) SPECIAL RULE.—In the case of a table prescribed in lieu of the table contained in subsection (b), (c), or (d), subparagraph (A)”,

(4) by striking paragraph (8), and

(5) in the heading, by striking “PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT BRACKET; ADJUSTMENTS” and inserting “ADJUSTMENTS”.

(g) SPECIAL RULES FOR CERTAIN CHILDREN WITH UNEARNED INCOME.—

(1) IN GENERAL.—Section 1(g) is amended by striking all that precedes paragraph (2) and inserting the following:

“(g) SPECIAL RULES FOR CERTAIN CHILDREN WITH UNEARNED INCOME.—

“(1) IN GENERAL.—In the case of any child to whom this subsection applies—

“(A) MODIFICATIONS TO APPLICABLE RATE BRACKETS.—In determining the amount of tax imposed by this section for the taxable year on such child, the income tax table otherwise applicable under this section to such child shall be applied with the following modifications:

“(i) 24-PERCENT BRACKET.—The maximum taxable income which is taxed at a rate below 24 percent shall not be more than the sum of—

“(I) the earned taxable income of such child, plus

“(II) the minimum taxable income for the 24-percent bracket in the table under subsection (e) (as adjusted under subsection (f)) for the taxable year.

“(ii) 35-PERCENT BRACKET.—The maximum taxable income which is taxed at a rate below 35 percent shall not be more than the sum of—

“(I) the earned taxable income of such child, plus

“(II) the minimum taxable income for the 35-percent bracket in the table under subsection (e) (as adjusted under subsection (f)) for the taxable year.

“(iii) 37-PERCENT BRACKET.—The maximum taxable income which is taxed at a rate below 37 percent shall not be more than the sum of—

“(I) the earned taxable income of such child, plus

“(II) the minimum taxable income for the 37-percent bracket in the table under subsection (e) (as adjusted under subsection (f)) for the taxable year.

“(B) COORDINATION WITH CAPITAL GAINS RATES.—For purposes of applying section 1(h)—

“(i) the maximum zero rate amount shall not be more than the sum of—

“(I) the earned taxable income of such child, plus

“(II) the amount in effect under subsection (h)(13) for the taxable year, and

“(ii) the maximum 15-percent rate amount shall not be more than the sum of—

“(I) the earned taxable income of such child, plus

“(II) the amount in effect under subsection (h)(12)(D) for the taxable year.”.

(2) EARNED TAXABLE INCOME.—Section 1(g)(3) is amended to read as follows:

“(3) EARNED TAXABLE INCOME.—For purposes of this subsection, the term ‘earned taxable income’ means, with respect to any child for any taxable year, the taxable income of such child reduced (but not below zero) by the net unearned income of such child.”.

(3) CONFORMING AMENDMENT.—So much of paragraph (5) of section 1(g) as precedes subparagraph (A) thereof is amended to read as follows:

“(5) SPECIAL RULES FOR DETERMINING PARENT ELIGIBLE TO MAKE ELECTION.—For purposes of paragraph (7), the parent referred to in subparagraph (A)(iv) thereof is—

(h) APPLICATION OF INCOME TAX BRACKETS TO CAPITAL GAINS BRACKETS.—Section 1(h) is amended—

(1) in paragraph 1(B)(i), by striking “25 percent” and inserting “22 percent”,

(2) in paragraph 1(C)(ii)(I), by striking “which would (without regard to this paragraph) be taxed at a rate below 39.6 percent” and inserting “below the maximum 15-percent rate amount”, and

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

“(12) MAXIMUM 15-PERCENT RATE AMOUNT DETERMINED.—For purposes of this subsection, the maximum 15-percent rate amount shall be—

“(A) in the case of a joint return or surviving spouse (as defined in section 2(a)), \$479,000 (½ such amount in the case of a married individual filing a separate return),

“(B) in the case of an individual who is the head of a household (as defined in section 2(b)), \$452,400,

“(C) in the case of any other individual (other than an estate or trust), \$425,800, and

“(D) in the case of an estate or trust, \$12,700.

“(13) DETERMINATION OF 0 PERCENT RATE BRACKET FOR ESTATES AND TRUSTS.—In the case of any estate or trust, paragraph 1(B) shall be applied by treating the amount determined in clause (i) thereof as being equal to \$2,600.

“(14) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of any taxable year beginning after 2018, each of the dollar amounts in paragraphs (12) and (13) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under subsection (f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2017’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

“(B) ROUNDING.—If any increase under subparagraph (A) is not a multiple of \$50, such increase shall be rounded to the next lowest multiple of \$50.”.

(i) APPLICATION OF SECTION 15.—

(1) IN GENERAL.—Subsection (a) of section 15 is amended by striking “If any rate of tax” and inserting “In the case of a corporation, if any rate of tax”.

(2) CONFORMING AMENDMENTS.—

(A) Section 15 is amended by striking subsections (d), (e), and (f).

(B) Section 6013(c) is amended by striking “sections 15, 443, and 7851(a)(1)(A)” and inserting “section 443”.

(C) The heading of section 15 is amended by inserting “ON CORPORATIONS” after “EFFECT OF CHANGES”.

(D) The table of sections for part III of subchapter A of chapter 1 is amended by striking the item relating to section 15 and inserting the following new item:

“Sec. 15. Effect of changes on corporations.”.

(j) CONFORMING AMENDMENTS.—

(1) Section 1 is amended by striking subsections (i) and (j).

(2) Section 3402(q)(1) is amended by striking “third lowest” and inserting “fourth lowest”.

(k) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

(2) APPLICATION OF SECTION 15.—Section 15 of the Internal Revenue Code of 1986 shall not apply to any change in a rate of tax by reason of—

(A) section 1(j) of such Code (as in effect before its repeal by this section), or

(B) any amendment made by this Act.

#### **Subtitle B—Deduction for Qualified Business Income of Pass-thru Entities**

#### **SEC. 111. DEDUCTION FOR QUALIFIED BUSINESS INCOME.**

(a) IN GENERAL.—Section 199A is amended by striking subsection (i).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

#### **SEC. 112. LIMITATION ON LOSSES FOR TAXPAYERS OTHER THAN CORPORATIONS.**

(a) IN GENERAL.—Section 461 is amended—

(1) by amending subsection 1(1) to read as follows:

“(1) LIMITATION.—In the case of a taxpayer other than a corporation, any excess business

loss of the taxpayer for the taxable year shall not be allowed.”, and

(2) by striking subsection (j) and redesignating subsections (k) and (l) (as amended) as subsections (j) and (k), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 58(a)(2)(A) is amended by striking “461(k)” and inserting “461(j)”.

(2) Section 461(i)(4) is amended by striking “subsection (k)” and inserting “subsection (j)”.

(3) Section 464(d)(2)(B)(iii) is amended by striking “section 461(k)(2)(E)” and inserting “section 461(j)(2)(E)”.

(4) Subparagraphs (B) and (C) of section 1256(e)(3) are each amended by striking “section 461(k)(4)” and inserting “section 461(j)(4)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

#### **Subtitle C—Tax Benefits for Families and Individuals**

#### **SEC. 121. INCREASE IN STANDARD DEDUCTION.**

(a) IN GENERAL.—Section 63(c)(2) is amended—

(1) by striking “\$4,400” in subparagraph (B) and inserting “\$18,000”, and

(2) by striking “\$3,000” in subparagraph (C) and inserting “\$12,000”.

(b) INFLATION ADJUSTMENT.—Section 63(c)(4) is amended to read as follows:

“(4) ADJUSTMENTS FOR INFLATION.—

“(A) IN GENERAL.—In the case of a taxable year beginning after 2018, each dollar amount in paragraph (2)(B), (2)(C), or (5) or subsection (f) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting for ‘2016’ in subparagraph (A)(ii) thereof—

“(I) in the case of the dollar amounts contained in paragraph (2)(B) or (2)(C), ‘2017’,

“(II) in the case of the dollar amounts contained in paragraph (5)(A) or subsection (f), ‘1987’, and

“(III) in the case of the dollar amount contained in paragraph (5)(B), ‘1997’.

“(B) ROUNDING.—If any increase under subparagraph (A) is not a multiple of \$50, such increase shall be rounded to the next lowest multiple of \$50.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 1(f)(7)(A) is amended by striking “section 63(c)(4).”.

(2) Section 1(f)(7)(B) is amended by striking “sections 63(c)(4) and” and inserting “section”.

(3) Section 63(c) is amended by striking paragraph (7).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

#### **SEC. 122. INCREASE IN AND MODIFICATION OF CHILD TAX CREDIT.**

(a) IN GENERAL.—Section 24 is amended by striking subsections (a), (b), and (c) and inserting the following new subsections:

“(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

“(1) \$2,000 for each qualifying child of the taxpayer, and

“(2) \$500 for each qualifying dependent (other than a qualifying child) of the taxpayer.

“(b) LIMITATION BASED ON ADJUSTED GROSS INCOME.—The amount of the credit allowable under subsection (a) shall be reduced (but not below zero) by \$50 for each \$1,000 (or fraction thereof) by which the taxpayer’s modified adjusted gross income exceeds \$400,000 in the case of a joint return (\$200,000 in any other case). For purposes of the preceding sentence, the term ‘modified adjusted gross income’ means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

“(c) **QUALIFYING CHILD; QUALIFYING DEPENDENT.**—For purposes of this section—

“(1) **QUALIFYING CHILD.**—The term ‘qualifying child’ means any qualifying dependent of the taxpayer—

“(A) who is a qualifying child (as defined in section 7706(c)) of the taxpayer,

“(B) who has not attained age 17 at the close of the calendar year in which the taxable year of the taxpayer begins, and

“(C) whose name and social security number are included on the taxpayer’s return of tax for the taxable year.

“(2) **QUALIFYING DEPENDENT.**—The term ‘qualifying dependent’ means any dependent of the taxpayer (as defined in section 7706 without regard to all that follows ‘resident of the United States’ in section 7706(b)(3)(A)) whose name and TIN are included on the taxpayer’s return of tax for the taxable year.

“(3) **SOCIAL SECURITY NUMBER DEFINED.**—For purposes of this subsection, the term ‘social security number’ means, with respect to a return of tax, a social security number issued to an individual by the Social Security Administration, but only if the social security number is issued—

“(A) to a citizen of the United States or pursuant to subclause (I) (or that portion of subclause (III) that relates to subclause (I)) of section 205(c)(2)(B)(i) of the Social Security Act, and

“(B) on or before the due date of filing such return.”.

(b) **PORTION OF CREDIT REFUNDABLE.**—

(1) **IN GENERAL.**—Section 24(d)(1)(A) is amended to read as follows:

“(A) the credit which would be allowed under this limitation determined—

“(i) by substituting ‘\$1,400’ for ‘\$2,000’ in subsection (a)(1),

“(ii) without regard to subsection (a)(2), and

“(iii) without regard to this subsection and the limitation under section 26(a), or”.

(2) **MODIFICATION OF LIMITATION BASED ON EARNED INCOME.**—Section 24(d)(1)(B)(i) is amended by striking “\$3,000” and inserting “\$2,500”.

(3) **INFLATION ADJUSTMENT.**—Section 24(d) is amended by inserting after paragraph (3) the following new paragraph:

“(4) **ADJUSTMENT FOR INFLATION.**—

“(A) **IN GENERAL.**—In the case of a taxable year beginning after 2018, the \$1,400 amount in paragraph (1)(A)(i) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘2017’ for ‘2016’ in subparagraph (A)(ii) thereof.

“(B) **ROUNDING.**—If any increase under subparagraph (A) is not a multiple of \$100, such increase shall be rounded to the next lowest multiple of \$100.

“(C) **LIMITATION.**—The amount of any increase under subparagraph (A) (after the application of subparagraph (B)) shall not exceed \$600.”.

(4) **CONFORMING AMENDMENTS.**—

(A) Section 24(e) is amended to read as follows:

“(e) **TAXPAYER IDENTIFICATION REQUIREMENT.**—No credit shall be allowed under this section if the identifying number of the taxpayer was issued after the due date for filing the return of tax for the taxable year.”.

(B) Section 24 is amended by striking subsection (h).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

#### **SEC. 123. INCREASED LIMITATION FOR CERTAIN CHARITABLE CONTRIBUTIONS.**

(a) **IN GENERAL.**—Section 170(b)(1)(G) is amended to read as follows:

“(G) **CASH CONTRIBUTIONS.**—

“(i) **IN GENERAL.**—Any contribution of cash to an organization described in subparagraph (A)

shall be allowed to the extent that the aggregate of such contributions does not exceed 60 percent of the taxpayer’s contribution base for the taxable year, reduced by the aggregate amount of contributions allowable under subparagraph (A) for such taxpayer for such year.

“(ii) **CARRYOVER.**—If the aggregate amount of contributions described in clause (i) exceeds the limitation of clause (i), such excess shall be treated (in a manner consistent with the rules of subsection (d)(1)) as a charitable contribution to which clause (i) applies in each of the 5 succeeding years in order of time.”.

(b) **COORDINATION WITH LIMITATIONS ON OTHER CONTRIBUTIONS.**—

(1) **COORDINATION WITH 50 PERCENT LIMITATION.**—Section 170(b)(1)(A) is amended by striking “Any charitable contribution” and inserting “Any charitable contribution other than a contribution described in subparagraph (G)”.

(2) **COORDINATION WITH 30 PERCENT LIMITATION.**—Section 170(b)(1)(B) is amended—

(A) in the matter preceding clause (i), by striking “to which subparagraph (A) applies” and inserting “to which subparagraph (A) or (G) applies”;

(B) by amending clause (ii) to read as follows: “(ii) the excess of—

“(I) the sum of 50 percent of the taxpayer’s contribution base for the taxable year, plus so much of the amount of charitable contributions allowable under subparagraph (G) as does not exceed 10 percent of such contribution base, over

“(II) the amount of charitable contributions allowable under subparagraphs (A) and (G) (determined without regard to subparagraph (C)).”, and

(C) in the matter following clause (ii), by striking “(to which subparagraph (A) does not apply)” and inserting “(to which neither subparagraph (A) nor (G) applies)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2017.

#### **SEC. 124. INCREASED CONTRIBUTIONS TO ABLE ACCOUNTS.**

(a) **INCREASE IN LIMITATION FOR CONTRIBUTIONS FROM COMPENSATION OF INDIVIDUALS WITH DISABILITIES.**—Section 529A(b)(2)(B)(ii) is amended by striking “before January 1, 2026”.

(b) **ALLOWANCE OF SAVER’S CREDIT FOR ABLE CONTRIBUTIONS BY ACCOUNT HOLDER.**—Section 25B(d)(1)(D) is amended by striking “made before January 1, 2026”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

#### **SEC. 125. ROLLOVERS TO ABLE PROGRAMS FROM 529 PROGRAMS.**

(a) **IN GENERAL.**—Section 529(c)(3)(C)(i)(III) is amended by striking “before January 1, 2026”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to distributions after December 31, 2017.

#### **SEC. 126. TREATMENT OF CERTAIN INDIVIDUALS PERFORMING SERVICES IN THE SINAI PENINSULA OF EGYPT.**

(a) **IN GENERAL.**—Section 112(c)(2) is amended—

(1) by striking “means any area” and inserting “means—

“(A) any area”, and

(2) by striking the period at the end and inserting “, and

“(B) the Sinai Peninsula of Egypt.”.

(b) **PERIOD OF TREATMENT.**—Section 112(c)(3) is amended—

(1) by striking “only if performed” and inserting “only if—

“(A) in the case of an area described in paragraph (2)(A), such service is performed”, and

(2) by striking the period at the end and inserting “, and

“(B) in the case of the area described in paragraph (2)(B), such service is performed during any period with respect to which one or more

members of the Armed Forces of the United States are entitled to special pay under section 310 of title 37, United States Code (relating to special pay; duty subject to hostile fire or imminent danger), for service performed in such area.”.

(c) **CONFORMING AMENDMENT.**—The Tax Cuts and Jobs Act is amended by striking section 11026.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to services performed on or after the date of the enactment of this Act.

#### **SEC. 127. EXTENSION OF REDUCTION IN THRESHOLD FOR MEDICAL EXPENSE DEDUCTION.**

(a) **IN GENERAL.**—Section 213(a) is amended by inserting “(7.5 percent in the case of any taxable year beginning after December 31, 2018, and ending before January 1, 2021)” after “10 percent”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 56(b)(1) is amended by striking subparagraph (B) and by redesignating subparagraphs (C) through (F) as subparagraphs (B) through (E), respectively.

(2) Section 213 is amended by striking subsection (f).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2018.

#### **Subtitle D—Education**

#### **SEC. 131. TREATMENT OF STUDENT LOANS DISCHARGED ON ACCOUNT OF DEATH OR DISABILITY.**

(a) **IN GENERAL.**—Section 108(f)(5) is amended by striking “after December 31, 2017, and before January 1, 2026”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to discharges of indebtedness after December 31, 2017.

#### **Subtitle E—Deductions and Exclusions**

#### **SEC. 141. REPEAL OF DEDUCTION FOR PERSONAL EXEMPTIONS.**

(a) **IN GENERAL.**—Part V of subchapter B of chapter 1 is hereby repealed.

(b) **DEFINITION OF DEPENDENT RETAINED.**—Section 152, prior to the repeal made by subsection (a), is hereby redesignated as section 7706 and moved to the end of chapter 79.

(c) **APPLICATION TO TRUSTS AND ESTATES.**—Section 642(b) is amended—

(1) in paragraph (2)(C)—

(A) in clause (i), by striking “the exemption amount under section 151(d)” and all that follows through the period at the end and inserting “the dollar amount in effect under section 7706(d)(1)(B).”, and

(B) by striking clause (iii),

(2) by striking paragraph (3), and

(3) by striking “DEDUCTION FOR PERSONAL EXEMPTION” in the heading thereof and inserting “BASIC DEDUCTION”.

(d) **APPLICATION TO NONRESIDENT ALIENS.**—Section 873(b) is amended by striking paragraph (3).

(e) **MODIFICATION OF RETURN REQUIREMENT.**—

(1) **IN GENERAL.**—Section 6012(a)(1) is amended to read as follows:

“(1) Every individual who has gross income for the taxable year, except that a return shall not be required of—

“(A) an individual who is not married (determined by applying section 7703) and who has gross income for the taxable year which does not exceed the standard deduction applicable to such individual for such taxable year under section 63, or

“(B) an individual entitled to make a joint return if—

“(i) the gross income of such individual, when combined with the gross income of such individual’s spouse, for the taxable year does not exceed the standard deduction which would be applicable for such taxable year under section 63 if such individual and such individual’s spouse made a joint return,

“(ii) such individual’s spouse does not make a separate return, and

“(iii) neither such individual nor such individual’s spouse is an individual described in section 63(c)(4) who has income (other than earned income) in excess of the amount in effect under section 63(c)(4)(A).”.

(2) **BANKRUPTCY ESTATES.**—Section 6012(a)(8) is amended by striking “the sum of the exemption amount plus the basic standard deduction under section 63(c)(2)(C)” and inserting “the standard deduction in effect under section 63(c)(1)(B)”.

(3) **CONFORMING AMENDMENT.**—Section 6012 is amended by striking subsection (f).

(f) **CONFORMING AMENDMENTS.**—

(1) Section 1(f)(7), as amended by section 121, is amended—

(A) by striking “, section 68(b)(2) or section 151(d)(4)” in subparagraph (A) and inserting “or section 68(b)(2)”, and

(B) by striking “(other than with respect to section 151(d)(4)(A))” in subparagraph (B).

(2) Section 1(g)(5)(A) is amended by striking “section 152(e)” and inserting “section 7706(e)”.

(3) Section 2(a)(1)(B) is amended—

(A) by striking “section 152” and inserting “section 7706”, and

(B) by striking “with respect to whom the taxpayer is entitled to a deduction for the taxable year under section 151” and inserting “whose TIN is included on the taxpayer’s return of tax for the taxable year”.

(4) Section 2(b)(1)(A)(i) is amended—

(A) in the matter preceding subclause (I)—

(i) by striking “section 152(c)” and inserting “section 7706(c)”, and

(ii) by striking “section 152(e)” and inserting “section 7706(e)”, and

(B) in subclause (II), by striking “section 152(b)(2) or 152(b)(3)” and inserting “section 7706(b)(2) or 7706(b)(3)”.

(5) Section 2(b)(1)(A)(ii) is amended by striking “if the taxpayer is entitled to a deduction for the taxable year for such person under section 151” and inserting “if the taxpayer included such person’s TIN on the return of tax for the taxable year”.

(6) Section 2(b)(1)(B) is amended by striking “if the taxpayer is entitled to a deduction for the taxable year for such father or mother under section 151” and inserting “if such father or mother is a dependent of the taxpayer and the taxpayer included such father or mother’s TIN on the return of tax for the taxable year”.

(7) Section 2(b)(3)(B) is amended—

(A) by striking “section 152(d)(2)” in clause (i) and inserting “section 7706(d)(2)”, and

(B) by striking “section 152(d)” in clause (ii) and inserting “section 7706(d)”.

(8) Section 21(b)(1)(A) is amended by striking “section 152(a)(1)” and inserting “section 7706(a)(1)”.

(9) Section 21(b)(1)(B) is amended by striking “section 152” and inserting “section 7706”.

(10) Section 21(e)(5)(A) is amended by striking “section 152(e)” and inserting “section 7706(e)”.

(11) Section 21(e)(5) is amended by striking “section 152(e)(4)(A)” in the matter following subparagraph (B) and inserting “section 7706(e)(4)(A)”.

(12) Section 21(e)(6)(A) is amended to read as follows:

“(A) who is a dependent of either the taxpayer or the taxpayer’s spouse for the taxable year, or”.

(13) Section 21(e)(6)(B) is amended by striking “section 152(f)(1)” and inserting “section 7706(f)(1)”.

(14) Section 25A(f)(1)(A)(iii) is amended by striking “with respect to whom the taxpayer is allowed a deduction under section 151”.

(15) Section 25A(g)(3) is amended by striking “If a deduction under section 151 with respect to an individual is allowed to another taxpayer” and inserting “If an individual is a dependent of another taxpayer”.

(16) Section 25B(c)(2)(A) is amended by striking “any individual with respect to whom a de-

duction under section 151 is allowed to another taxpayer” and inserting “any individual who is a dependent of another taxpayer”.

(17) Section 25B(c)(2)(B) is amended by striking “section 152(f)(2)” and inserting “section 7706(f)(2)”.

(18) Section 32(c)(1)(A)(ii)(III) is amended by striking “a dependent for whom a deduction is allowable under section 151 to another taxpayer” and inserting “a dependent of another taxpayer”.

(19) Section 32(c)(3) is amended—

(A) in subparagraph (A)—

(i) by striking “section 152(c)” and inserting “section 7706(c)”, and

(ii) by striking “section 152(e)” and inserting “section 7706(e)”,

(B) in subparagraph (B), by striking “unless the taxpayer is entitled to a deduction under section 151 for such taxable year with respect to such individual (or would be so entitled but for section 152(e))” and inserting “if such individual is not treated as a dependent of such taxpayer for such taxable year by reason of section 7706(b)(2) (determined without regard to section 7706(e))”, and

(C) in subparagraph (C), by striking “section 152(c)(1)(B)” and inserting “section 7706(c)(1)(B)”.

(20) Section 35(d)(1)(B) is amended by striking “with respect to whom the taxpayer is entitled to a deduction under section 151(c)” and inserting “if the taxpayer included such person’s TIN on the return of tax for the taxable year”.

(21) Section 35(d)(2) is amended—

(A) by striking “section 152(e)” and inserting “section 7706(e)”, and

(B) by striking “section 152(e)(4)(A)” and inserting “section 7706(e)(4)(A)”.

(22) Section 36B(b)(2)(A) is amended by striking “section 152” and inserting “section 7706”.

(23) Section 36B(b)(3)(B) is amended by striking “unless a deduction is allowed under section 151 for the taxable year with respect to a dependent” in the flush matter at the end and inserting “unless the taxpayer has a dependent for the taxable year (and the taxpayer included such dependent’s TIN on the return of tax for the taxable year)”.

(24) Section 36B(c)(1)(D) is amended by striking “with respect to whom a deduction under section 151 is allowable to another taxpayer” and inserting “who is a dependent of another taxpayer”.

(25) Section 36B(d)(1) is amended by striking “equal to the number of individuals for whom the taxpayer is allowed a deduction under section 151 (relating to allowance of deduction for personal exemptions) for the taxable year” and inserting “the sum of 1 (2 in the case of a joint return) plus the number of individuals who are dependents of the taxpayer for the taxable year”.

(26) Section 36B(e)(1) is amended by striking “1 or more individuals for whom a taxpayer is allowed a deduction under section 151 (relating to allowance of deduction for personal exemptions) for the taxable year (including the taxpayer or his spouse)” and inserting “1 or more of the taxpayer, the taxpayer’s spouse, or any dependent of the taxpayer”.

(27) Section 42(i)(3)(D)(ii)(I) is amended by striking “section 152” and inserting “section 7706”.

(28) Section 45R(e)(1)(A)(iv) is amended—

(A) by striking “section 152(d)(2)” and inserting “section 7706(d)(2)”, and

(B) by striking “section 152(d)(2)(H)” and inserting “section 7706(d)(2)(H)”.

(29) Section 51(i)(1) is amended—

(A) by striking “section 152(d)(2)” in subparagraphs (A) and (B) and inserting “section 7706(d)(2)”, and

(B) by striking “section 152(d)(2)(H)” in subparagraph (C) and inserting “section 7706(d)(2)(H)”.

(30) Section 56(b)(1)(D), as amended by the preceding provisions of this Act, is amended—

(A) by striking “, the deduction for personal exemptions under section 151,” and

(B) by striking “AND DEDUCTION FOR PERSONAL EXEMPTIONS” in the heading thereof.

(31) Section 63(b) is amended by adding “and” at the end of paragraph (1), by striking paragraph (2), and by redesignating paragraph (3) as paragraph (2).

(32) Section 63(c), as amended by section 121, is amended by striking paragraph (3) and redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(33) Section 63(c)(4), as redesignated, is amended—

(A) by striking “with respect to whom a deduction under section 151 is allowable to” and inserting “who is a dependent of”, and

(B) by striking “CERTAIN” in the heading thereof.

(34) Section 63(d) is amended by adding “and” at the end of paragraph (1), by striking paragraph (2), and by redesignating paragraph (3) as paragraph (2).

(35) Section 63(f) is amended by striking all that precedes paragraph (3) and inserting the following:

“(f) **ADDITIONAL STANDARD DEDUCTION FOR THE AGED AND BLIND.**—

“(1) **IN GENERAL.**—For purposes of subsection (c)(1), the additional standard deduction is, with respect to a taxpayer for a taxable year, the sum of—

“(A) \$600 if the taxpayer has attained age 65 before the close of such taxable year, and

“(B) \$600 if the taxpayer is blind as of the close of such taxable year.

“(2) **APPLICATION TO MARRIED INDIVIDUALS.**—

“(A) **JOINT RETURNS.**—In the case of a joint return, paragraph (1) shall be applied separately with respect to each spouse.

“(B) **CERTAIN MARRIED INDIVIDUALS FILING SEPARATELY.**—In the case of a married individual filing a separate return, if—

“(i) the spouse of such individual has no gross income for the calendar year in which the taxable year of such individual begins,

“(ii) such spouse is not the dependent of another taxpayer for a taxable year beginning in the calendar year in which such individual’s taxable year begins, and

“(iii) the TIN of such spouse is included on such individual’s return of tax for the taxable year,

the additional standard deduction shall be determined in the same manner as if such individual and such individual’s spouse filed a joint return.”.

(36) Section 63(f)(3) is amended by striking “paragraphs (1) and (2)” and inserting “subparagraphs (A) and (B) of paragraph (1)”.

(37) Section 72(t)(2)(D)(i)(III) is amended by striking “section 152” and inserting “section 7706”.

(38) Section 72(t)(7)(A)(iii) is amended by striking “section 152(f)(1)” and inserting “section 7706(f)(1)”.

(39) Section 105(b) is amended—

(A) by striking “as defined in section 152” and inserting “as defined in section 7706”,

(B) by striking “section 152(f)(1)” and inserting “section 7706(f)(1)” and

(C) by striking “section 152(e)” and inserting “section 7706(e)”.

(40) Section 105(c)(1) is amended by striking “section 152” and inserting “section 7706”.

(41) Section 125(e)(1)(D) is amended by striking “section 152” and inserting “section 7706”.

(42) Section 129(c)(1) is amended to read as follows:

“(1) who is a dependent of such employee or of such employee’s spouse, or”.

(43) Section 129(c)(2) is amended by striking “section 152(f)(1)” and inserting “section 7706(f)(1)”.

(44) Section 132(h)(2)(B) is amended—

(A) by striking “section 152(f)(1)” and inserting “section 7706(f)(1)”, and

(B) by striking “section 152(e)” and inserting “section 7706(e)”.

(45) Section 139D(c)(5) is amended by striking “section 152” and inserting “section 7706”.

(46) Section 139E(c)(2) is amended by striking “section 152” and inserting “section 7706”.

(47) Section 162(l)(1)(D) is amended by striking “section 152(f)(1)” and inserting “section 7706(f)(1)”.

(48) Section 170(g)(1) is amended by striking “section 152” and inserting “section 7706”.

(49) Section 170(g)(3) is amended by striking “section 152(d)(2)” and inserting “section 7706(d)(2)”.

(50) Section 172(d) is amended by striking paragraph (3).

(51) Section 213(a) is amended by striking “section 152” and inserting “section 7706”.

(52) Section 213(d)(5) is amended by striking “section 152(e)” and inserting “section 7706(e)”.

(53) Section 213(d)(11) is amended by striking “section 152(d)(2)” in the matter following subparagraph (B) and inserting “section 7706(d)(2)”.

(54) Section 220(b)(6) is amended by striking “with respect to whom a deduction under section 151 is allowable to” and inserting “who is a dependent of”.

(55) Section 220(d)(2)(A) is amended by striking “section 152” and inserting “section 7706”.

(56) Section 221(d)(4) is amended by striking “section 152” and inserting “section 7706”.

(57) Section 222(c)(3) is amended by striking “with respect to whom a deduction under section 151 is allowable to” and inserting “who is a dependent of”.

(58) Section 223(b)(6) is amended by striking “with respect to whom a deduction under section 151 is allowable to” and inserting “who is a dependent of”.

(59) Section 223(d)(2)(A) is amended by striking “section 152” and inserting “section 7706”.

(60) Section 401(h) is amended by striking “section 152(f)(1)” in the last sentence and inserting “section 7706(f)(1)”.

(61) Section 402(l)(4)(D) is amended by striking “section 152” and inserting “section 7706”.

(62) Section 409A(a)(2)(B)(ii)(I) is amended by striking “section 152(a)” and inserting “section 7706(a)”.

(63) Section 441(f)(2)(B)(iii) is amended by striking “, but only the adjusted amount of the deductions for personal exemptions as described in section 443(c)”.

(64) Section 443 is amended—

(A) in subsection (b)—

(i) by striking paragraph (3), and

(ii) by striking “modified taxable income” and inserting “taxable income” each place such term appears,

(B) by striking subsection (c), and

(C) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(65) Section 501(c)(9) is amended by striking “section 152(f)(1)” and inserting “section 7706(f)(1)”.

(66) Section 529(e)(2)(B) is amended by striking “section 152(d)(2)” and inserting “section 7706(d)(2)”.

(67) Section 529A(e)(4) is amended—

(A) by striking “section 152(d)(2)(B)” and inserting “section 7706(d)(2)(B)”, and

(B) by striking “section 152(f)(1)(B)” and inserting “section 7706(f)(1)(B)”.

(68) Section 643(a)(2) is amended—

(A) by striking “(relating to deduction for personal exemptions)” and inserting “(relating to basic deduction)”, and

(B) by striking “DEDUCTION FOR PERSONAL EXEMPTION” in the heading thereof and inserting “BASIC DEDUCTION”.

(69) Section 703(a)(2) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) through (F) as subparagraphs (A) through (E), respectively.

(70) Section 874 is amended by striking subsection (b) and by redesignating subsection (c) as subsection (b).

(71) Section 891 is amended by striking “under section 151 and”.

(72) Section 904(b)(1) is amended to read as follows:

“(1) DEDUCTION FOR ESTATES AND TRUSTS.—For purposes of subsection (a), the taxable income of an estate or trust shall be computed without any deduction under section 642(b).”.

(73) Section 931(b)(1) is amended to read as follows:

“(1) any deduction from gross income, or”.

(74) Section 933 is amended—

(A) by striking “as a deduction from his gross income any deductions (other than the deduction under section 151, relating to personal exemptions)” in paragraph (1) and inserting “any deduction from gross income”, and

(B) by striking “as a deduction from his gross income any deductions (other than the deduction for personal exemptions under section 151)” in paragraph (2) and inserting “any deduction from gross income”.

(75) Section 1212(b)(2)(B)(ii) is amended to read as follows:

“(ii) in the case of an estate or trust, the deduction allowed for such year under section 642(b).”.

(76) Section 1361(c)(1)(C) is amended by striking “section 152(f)(1)(C)” and inserting “section 7706(f)(1)(C)”.

(77) Section 1402(a) is amended by striking paragraph (7).

(78) Section 2032A(c)(7)(D) is amended by striking “section 152(f)(2)” and inserting “section 7706(f)(2)”.

(79) Section 3402(m)(1) is amended by striking “other than the deductions referred to in section 151 and”.

(80) Section 3402(r)(2) is amended by striking “the sum of—” and all that follows and inserting “the basic standard deduction (as defined in section 63(c)) for an individual to whom section 63(c)(2)(C) applies.”.

(81) Section 5000A(b)(3)(A) is amended by striking “section 152” and inserting “section 7706”.

(82) Section 5000A(c)(4)(A) is amended by striking “the number of individuals for whom the taxpayer is allowed a deduction under section 151 (relating to allowance of deduction for personal exemptions) for the taxable year” and inserting “the sum of 1 (2 in the case of a joint return) plus the number of the taxpayer’s dependents for the taxable year”.

(83) Section 6013(b)(3)(A) is amended—

(A) by striking “had less than the exemption amount of gross income” in clause (ii) and inserting “had no gross income”,

(B) by striking “had gross income of the exemption amount or more” in clause (iii) and inserting “had any gross income”, and

(C) by striking the flush language following clause (iii).

(84) Section 6014(a) is amended by striking “section 6012(a)(1)(C)(i)” and inserting “section 6012(a)(1)(B)(iii)”.

(85) Section 6014(b)(4) is amended by striking “63(c)(5)” and inserting “63(c)(4)”.

(86) Section 6103(l)(21)(A)(iii) is amended to read as follows:

“(iii) the number of the taxpayer’s dependents.”.

(87) Section 6213(g)(2)(H) is amended by striking “section 21 (relating to expenses for household and dependent care services necessary for gainful employment) or section 151 (relating to allowance of deductions for personal exemptions)” and inserting “subsection (a)(1)(B), (b)(1)(A)(ii), or (b)(1)(B) of section 2 or section 21, 35(d)(1)(B), 36B(b)(3)(B), or 63(f)(2)(B)”.

(88) Section 6334(d) is amended—

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

“(2) EXEMPT AMOUNT.—

“(A) IN GENERAL.—For purposes of paragraph (1), the term ‘exempt amount’ means an amount equal to—

“(i) the sum of the amount determined under subparagraph (B) and the standard deduction, divided by

“(ii) 52.

“(B) AMOUNT DETERMINED.—For purposes of subparagraph (A), the amount determined under this subparagraph is—

“(i) the dollar amount in effect under section 7706(d)(1)(B), multiplied by

“(ii) the number of the taxpayer’s dependents for the taxable year in which the levy occurs.

“(C) VERIFIED STATEMENT.—Unless the taxpayer submits to the Secretary a written and properly verified statement specifying the facts necessary to determine the proper amount under subparagraph (A), subparagraph (A) shall be applied as if the taxpayer were a married individual filing a separate return with no dependents.”.

(B) by striking paragraph (4).

(89) Section 7702B(f)(2)(C)(iii) is amended by striking “section 152(d)(2)” and inserting “section 7706(d)(2)”.

(90) Section 7703(a) is amended by striking “part V of subchapter B of chapter 1 and”.

(91) Section 7703(b)(1) is amended by striking “section 152(f)(1)” and all that follows and inserting “section 7706(f)(1) who is a dependent of such individual for the taxable year (or would be but for section 7706(e)).”.

(92) Section 7706(a), as redesignated by this section, is amended by striking “this subtitle” and inserting “subtitle A”.

(93)(A) Section 7706(d)(1)(B), as redesignated by this section, is amended by striking “the exemption amount (as defined in section 151(d))” and inserting “\$4,150”.

(B) Section 7706(d), as redesignated by this section, is amended by adding at the end the following new paragraph:

“(6) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year beginning after 2018, the \$4,150 amount in paragraph (1)(B) shall be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(c)(2)(A) for the calendar year in which such taxable year begins, determined by substituting ‘calendar year 2017’ for ‘calendar year 2016’ in clause (ii) thereof.

If any increase determined under the preceding sentence is not a multiple of \$50, such increase shall be rounded to the next lowest multiple of \$50.”.

(94) Section 7706(e)(3), as redesignated by this section, is amended by inserting “(as in effect before its repeal)” after “section 151”.

(95) Section 7706(f)(6)(B), as redesignated by this section, is amended by striking clause (i) and designating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively.

(96) The table of parts for subchapter B of chapter 1 is amended by striking the item relating to part V.

(97) The table of sections for chapter 79 is amended by adding at the end the following new item:

“Sec. 7706. Dependent defined.”.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

#### SEC. 142. LIMITATION ON DEDUCTION FOR STATE AND LOCAL, ETC. TAXES.

(a) IN GENERAL.—Section 164(b)(6) is amended by striking all that precedes “The preceding sentence” and inserting the following:

“(6) LIMITATION ON INDIVIDUAL DEDUCTIONS.—In the case of an individual—

“(A) no deduction shall be allowed under this chapter for foreign real property taxes paid or accrued during the taxable year, and

“(B) the aggregate amount of the deduction allowed under this chapter for taxes described in paragraphs (1), (2), and (3) of subsection (a) and paragraph (5) of this subsection paid or accrued by the taxpayer during the taxable year shall not exceed \$10,000 (\$5,000 in the case of a married individual filing a separate return).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

**SEC. 143. LIMITATION ON DEDUCTION FOR QUALIFIED RESIDENCE INTEREST.**

(a) **INTEREST ON HOME EQUITY INDEBTEDNESS.**—Section 163(h)(3)(A) is amended by striking “during the taxable year on” and all that follows through “residence of the taxpayer.” and inserting “during the taxable year on acquisition indebtedness with respect to any qualified residence of the taxpayer.”.

(b) **LIMITATION ON ACQUISITION INDEBTEDNESS.**—Section 163(h)(3)(B)(ii) is amended to read as follows:

“(i) **LIMITATION.**—The aggregate amount treated as acquisition indebtedness for any period shall not exceed the excess (if any) of—  
“(I) \$750,000 (\$375,000, in the case of a married individual filing a separate return), over  
“(II) the sum of the aggregate outstanding pre-October 13, 1987, indebtedness (as defined in subparagraph (D)) plus the aggregate outstanding pre-December 15, 2017, indebtedness (as defined in subparagraph (C)).”.

(c) **TREATMENT OF INDEBTEDNESS INCURRED ON OR BEFORE DECEMBER 15, 2017.**—Section 163(h)(3)(C) is amended to read as follows:

“(C) **TREATMENT OF INDEBTEDNESS INCURRED ON OR BEFORE DECEMBER 15, 2017.**—

“(i) **IN GENERAL.**—In the case of any pre-December 15, 2017, indebtedness, subparagraph (B)(ii) shall not apply and the aggregate amount of such indebtedness treated as acquisition indebtedness for any period shall not exceed the excess (if any) of—

“(I) \$1,000,000 (\$500,000, in the case of a married individual filing a separate return), over  
“(II) the aggregate outstanding pre-October 13, 1987, indebtedness (as defined in subparagraph (D)).

“(ii) **PRE-DECEMBER 15, 2017, INDEBTEDNESS.**—For purposes of this subparagraph—

“(I) **IN GENERAL.**—The term ‘pre-December 15, 2017, indebtedness’ means indebtedness (other than pre-October 13, 1987, indebtedness) incurred on or before December 15, 2017.

“(II) **BINDING WRITTEN CONTRACT EXCEPTION.**—In the case of a taxpayer who enters into a written binding contract before December 15, 2017, to close on the purchase of a principal residence before January 1, 2018, and who purchases such residence before April 1, 2018, the term ‘pre-December 15, 2017, indebtedness’ shall include indebtedness secured by such residence.

“(iii) **REFINANCING INDEBTEDNESS.**—

“(I) **IN GENERAL.**—In the case of any indebtedness which is incurred to refinance indebtedness, such refinanced indebtedness shall be treated for purposes of this subparagraph as incurred on the date that the original indebtedness was incurred to the extent the amount of the indebtedness resulting from such refinancing does not exceed the amount of the refinanced indebtedness.

“(II) **LIMITATION ON PERIOD OF REFINANCING.**—Subclause (I) shall not apply to any indebtedness after the expiration of the term of the original indebtedness or, if the principal of such original indebtedness is not amortized over its term, the expiration of the term of the 1st refinancing of such indebtedness (or if earlier, the date which is 30 years after the date of such 1st refinancing).”.

(d) **COORDINATION WITH TREATMENT OF INDEBTEDNESS INCURRED ON OR BEFORE OCTOBER 13, 1987.**—Section 163(h)(3)(D) is amended—

(1) by striking clause (ii) and redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively, and

(2) in clause (iii) (as so redesignated)—

(A) by striking “clause (iii)” in the matter preceding subclause (I) and inserting “clause (ii)”, and

(B) by striking “clause (iii)(I)” in subclauses (I) and (II) and inserting “clause (ii)(I)”.

(e) **COORDINATION WITH EXCLUSION OF INCOME FROM DISCHARGE OF INDEBTEDNESS.**—Section 108(h)(2) is amended by striking “\$1,000,000 (\$500,000)” and inserting “\$750,000 (\$375,000)”.

(f) **CONFORMING AMENDMENT.**—Section 163(h)(3) is amended by striking subparagraph (F).

(g) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

**SEC. 144. MODIFICATION OF DEDUCTION FOR PERSONAL CASUALTY LOSSES.**

(a) **IN GENERAL.**—Section 165(h)(5)(A) is amended by striking “in a taxable year beginning after December 31, 2017, and before January 1, 2026.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 165(h)(5)(B) is amended by striking “for any taxable year to which subparagraph (A) applies”.

(2) Section 165(h)(5) is amended by striking “FOR TAXABLE YEARS 2018 THROUGH 2025” in the heading thereof and inserting “TO LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to losses sustained in taxable years beginning after December 31, 2017.

**SEC. 145. TERMINATION OF MISCELLANEOUS ITEMIZED DEDUCTIONS.**

(a) **IN GENERAL.**—Section 67 is amended—

(1) by amending subsection (a) to read as follows:

“(a) **IN GENERAL.**—In the case of an individual, miscellaneous itemized deductions shall not be allowed.”, and

(2) by striking subsection (g).

(b) **MOVEMENT OF DEFINITION OF ADJUSTED GROSS INCOME FOR ESTATES AND TRUSTS.**—

(1) Section 67 is amended by striking subsection (e).

(2) Section 641 is amended by adding at the end the following new subsection:

“(d) **COMPUTATION OF ADJUSTED GROSS INCOME.**—For purposes of this title, the adjusted gross income of an estate or trust shall be computed in the same manner as in the case of an individual, except that—

“(1) the deductions for costs which are paid or incurred in connection with the administration of the estate or trust and which would not have been incurred if the property were not held in such trust or estate, and

“(2) the deductions allowable under sections 642(b), 651, and 661, shall be treated as allowable in arriving at adjusted gross income.”.

(c) **CONFORMING AMENDMENTS.**—

(1) Section 56(b)(1)(A) is amended to read as follows:

“(A) **CERTAIN TAXES.**—No deduction (other than a deduction allowable in computing adjusted gross income) shall be allowed for any taxes described in paragraph (1), (2), or (3) of section 164(a) or clause (ii) of section 164(b)(5)(A).”.

(2) Section 56(b)(1)(C), as amended by the preceding provisions of this Act, is amended by striking “subparagraph (A)(ii)” and inserting “subparagraph (A)”.

(3) Section 62(a) is amended by striking “sub-title” in the matter preceding paragraph (1) and inserting “title”.

(4) Section 641(c)(2)(E) is amended to read as follows:

“(E) Section 642(c) shall not apply.”.

(5) Section 1411(a)(2) is amended by striking “(as defined in section 67(e))”.

(6) Section 6654(d)(1)(C) is amended by striking clause (iii).

(7) Section 67 is amended in the heading, by striking “2-PERCENT FLOOR ON” and inserting “DENIAL OF”.

(8) The table of sections for part 1 of subchapter B of chapter 1 is amended by striking the item relating to section 67 and inserting the following new item:

“Sec. 67. Denial of miscellaneous itemized deductions.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

**SEC. 146. REPEAL OF OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.**

(a) **IN GENERAL.**—Part 1 of subchapter B of chapter 1 is amended by striking section 68 (and

the item relating to such section in the table of sections for such part).

(b) **CONFORMING AMENDMENTS.**—

(1) Section 1(f)(7)(A), as amended by sections 121 and 141, is amended by striking “or section 68(b)(2)”.

(2) Section 56(b)(1), as amended by the preceding provisions of this Act, is amended by striking subparagraph (E).

(3) Section 164(b)(5)(H)(ii)(III) is amended by striking “(as determined under section 68(b))”.

(4) Section 164(b)(5)(H) is amended by adding at the end the following new clause:

“(iii) **APPLICABLE AMOUNT DEFINED.**—For purposes of clause (ii), the term ‘applicable amount’ means—

“(I) \$300,000 in the case of a joint return or a surviving spouse,

“(II) \$275,000 in the case of a head of household,

“(III) \$250,000 in the case of an individual who is not married and who is not a surviving spouse or head of household, and

“(IV) ½ the amount applicable under subclause (I) in the case of a married individual filing a separate return.

For purposes of this paragraph, marital status shall be determined under section 7703. In the case of any taxable year beginning in calendar years after 2017, each of the dollar amounts in this clause shall be increased by an amount equal to such dollar amount, multiplied by the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘2012’ for ‘2016’ in subparagraph (A)(ii) thereof. If any amount after adjustment under the preceding sentence is not a multiple of \$50, such amount shall be rounded to the next lowest multiple of \$50.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

**SEC. 147. TERMINATION OF EXCLUSION FOR QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.**

(a) **IN GENERAL.**—Section 132(f)(1) is amended by striking subparagraph (D).

(b) **CONFORMING AMENDMENTS.**—

(1) Section 132(f)(2) is amended by adding “and” at the end of subparagraph (A), striking “, and” at the end of subparagraph (B) and inserting a period, and striking subparagraph (C).

(2) Section 132(f)(4) is amended by striking “(other than a qualified bicycle commuting reimbursement)”.

(3) Section 132(f) is amended by striking paragraph (8).

(4) Section 274(l)(2) is amended by striking “after December 31, 2017, and before January 1, 2026”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

**SEC. 148. QUALIFIED MOVING EXPENSE REIMBURSEMENT EXCLUSION LIMITED TO MEMBERS OF ARMED FORCES.**

(a) **IN GENERAL.**—Section 132(g) is amended—  
(1) by striking “by an individual” in paragraph (1) and inserting “by a qualified military individual”, and

(2) by striking paragraph (2) and inserting the following new paragraph:

“(2) **QUALIFIED MILITARY INDIVIDUAL.**—For purposes of this subsection, the term ‘qualified military individual’ means a member of the Armed Forces of the United States on active duty who moves pursuant to a military order and incident to a permanent change of station.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

**SEC. 149. DEDUCTION FOR MOVING EXPENSES LIMITED TO MEMBERS OF ARMED FORCES.**

(a) **IN GENERAL.**—Section 217 is amended—



(1) by amending subsection (a) to read as follows:

“(a) DEDUCTION ALLOWED.—There shall be allowed as a deduction moving expenses paid or incurred during the taxable year by a member of the Armed Forces of the United States on active duty who moves pursuant to a military order and incident to a permanent change of station.”.

(2) by striking subsections (c), (d), (f), and (g) and redesignating subsections (h), (i), (j), and (k) as subsections (c), (d), (f) and (g), respectively, and

(3) by inserting after subsection (d), as so redesignated, the following new subsection:

“(e) EXPENSES FURNISHED IN KIND.—Any moving and storage expenses which are furnished in kind (or for which reimbursement or an allowance is provided, but only to the extent of the expenses paid or incurred)—

“(1) to such member, his spouse, or his dependents, shall not be includible in gross income, and no reporting with respect to such expenses shall be required by the Secretary of Defense or the Secretary of Transportation, as the case may be, and

“(2) to such member's spouse and his dependents with regard to moving to a location other than the one to which such member moves (or from a location other than the one from which such member moves), this section shall apply with respect to the moving expenses of his spouse and dependents as if his spouse commenced work as an employee at a new principal place of work at such location.”.

(b) CONFORMING AMENDMENTS.—

(1) Subsections (d)(3)(C) and (e) of section 23 are each amended by striking “section 217(h)(3)” and inserting “section 217(c)(3)”.

(2) Section 7872(f) is amended by striking paragraph (1).

(3) Section 217 is amended in the heading by striking “MOVING EXPENSES” and inserting “CERTAIN MOVING EXPENSES OF MEMBERS OF ARMED FORCES”.

(4) The table of sections for part VII of subchapter B of chapter 1 is amended by striking the item relating to section 217 and inserting the following new item:

“Sec. 217. Certain moving expenses of members of Armed Forces.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

#### SEC. 150. LIMITATION ON WAGERING LOSSES.

(a) IN GENERAL.—Section 165(d) is amended by striking “in the case of taxable years beginning after December 31, 2017, and before January 1, 2026.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

#### Subtitle F—Increase in Estate and Gift Tax Exemption

#### SEC. 151. INCREASE IN ESTATE AND GIFT TAX EXEMPTION.

(a) IN GENERAL.—Section 2010(c)(3) is amended in subparagraph (A), by striking “\$5,000,000” and inserting “\$10,000,000”.

(b) CONFORMING AMENDMENTS.—

(1) Section 2001(g) is amended to read as follows:

“(g) MODIFICATIONS TO GIFT TAX PAYABLE TO REFLECT DIFFERENT TAX RATES.—For purposes of applying subsection (b)(2) with respect to 1 or more gifts, the rates of tax under subsection (c) in effect at the decedent's death shall, in lieu of the rates of tax in effect at the time of such gifts, be used both to compute—

“(1) the tax imposed by chapter 12 with respect to such gifts, and

“(2) the credit allowed against such tax under section 2505, including in computing—

“(A) the applicable credit amount under section 2505(a)(1), and

“(B) the sum of the amounts allowed as a credit for all preceding periods under section 2505(a)(2).”.

(2) Section 2010(c)(3) is amended by striking subparagraph (C).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying and gifts made after December 31, 2017.

#### TITLE II—INCREASED EXEMPTION FOR ALTERNATIVE MINIMUM TAX MADE PERMANENT

#### SEC. 201. INCREASED EXEMPTION FOR INDIVIDUALS.

(a) IN GENERAL.—Section 55(d)(1) is amended—

(1) by striking “\$78,750” in subparagraph (A) and inserting “\$109,400”, and

(2) by striking “\$50,600” in subparagraph (B) and inserting “\$70,300”.

(b) PHASE-OUT OF EXEMPTION AMOUNT.—Section 55(d)(2) is amended—

(1) by striking “\$150,000” in subparagraph (A) and inserting “\$1,000,000”, and

(2) by striking subparagraphs (B) and (C) and by inserting the following new subparagraphs:

“(B) 50 percent of the dollar amount applicable under subparagraph (A) in the case of a taxpayer described in paragraph (1)(B) or (1)(C), and

“(C) \$75,000 in the case of a taxpayer described in paragraph (1)(D).”.

(c) INFLATION ADJUSTMENT.—Section 55(d)(3) is amended to read as follows:

“(3) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2018, each dollar amount described in clause (i) or (ii) of subparagraph (B) shall be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting—

“(i) in the case of a dollar amount contained in paragraph (1)(D) or (2)(C) or in subsection (b)(1)(A), ‘calendar year 2011’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof, and

“(ii) in the case of a dollar amount contained in paragraph (1)(A), (1)(B), or (2)(A), ‘calendar year 2017’ for ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

Any increased amount determined under this paragraph shall be rounded to the nearest multiple of \$100 (\$50 in the case of the dollar amount contained in paragraph (2)(C)).”.

(d) CONFORMING AMENDMENT.—Section 55(d) is amended by striking paragraph (4).

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

#### TITLE III—BUDGETARY EFFECTS

#### SEC. 301. BUDGETARY EFFECTS.

(a) ISTATUTORY PAYGO SCORECARDS.—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) ISENATE PAYGO SCORECARDS.—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from Texas (Mr. BRADY) and the gentleman from Massachusetts (Mr. NEAL) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent that all Mem-

bers may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6760, currently under consideration.

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

There was no objection.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for far too long, hard-working American taxpayers watched as an entitled Federal Government took a bigger and bigger slice from their family's budget. But that changed last year. With the Tax Cuts and Jobs Act, we choose you, the hard-working taxpayers of this country.

With our new Tax Code, we were determined to let you keep more of what you worked so hard to earn, and, boy, have the results been incredible.

Eight months later, we have seen an economic turnaround with more jobs, bigger paychecks, and historic Main Street optimism. We have gone from asking, “Where are the jobs?” to asking, “Where are the workers?”

One Main Street small-business owner recently told me that, thanks to the new Tax Code, they are hiring more, giving bonuses, buying more equipment, and, as he said, they are set to have their best year ever.

This has meant real change for real people, with nearly 1.7 million new jobs created just since January, and paychecks rising at their fastest rate in 9 years.

While this economic turnaround for America has come as a shock to opponents of the new Tax Code here in Washington, it is no surprise to millions of hardworking families and small businesses across America who were overtaxed and overregulated far too long.

Thanks to our new pro-growth Tax Code, there is new hope and a new optimism in America that wasn't here before. To call it a sudden change from the sluggish Obama-era economy would be an understatement. For a decade, it was like America's economy was going through a 25-mile-per-hour zone.

Now that the high taxes and the uncompetitive regulations of our Democratic friends are gone, we are on an open highway again. It is critical that we keep this strong momentum going, especially for Americans who were hit hardest by the Great Recession.

That is what this bill before us today is all about. By making the new code permanent for our families and small businesses, the Protecting Family and Small Business Tax Cuts Act will keep America's economy booming and middle class families growing again.

In fact, the nonpartisan Tax Foundation estimates that this bill will add 1.5 million new jobs and increase America's economy over 2 percent. That is on top, as I said, of the 1.7 million new jobs we have already seen created since President Trump signed the new Tax Code into law.



We don't want to go back to the bad old days of higher taxes, with Washington taking more of what our single moms, our hardworking parents, and our Main Street-owned business owners have worked so hard to earn. We don't want to go back to the bad old days when Main Street wasn't hiring, jobs were going overseas, and our economic growth was puttering along.

So given the choice between keeping taxes high and allowing families to keep more of their money, Republicans chose, and continue to choose, the American people.

I thank Representative RODNEY DAVIS for introducing this bill, and Representative MARK MEADOWS and Representative MARK WALKER, along with all of our Republican Ways and Means members, for being the original cosponsors and leaders of this bill.

In closing, empowering families to run their own lives is at the heart of the American Dream. It is the key to America's economic success, and it is the reason that 8 months after tax reform became law, Americans are more hopeful about their future and the American Dream.

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

Mr. NEAL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in opposition to the Republican tax sham.

It has been 8 months since the Republicans passed their massive, unpaid-for tax cut without a single Democratic vote. At that time, Democrats and independent experts warned that their so-called tax reform plan that wasn't paid for and that was so heavily skewed to the wealthy and big corporations would harm our economy and damage important programs like Medicare and Social Security.

Now we are beginning to see what many of us feared coming true. Health insurance companies in State after State are announcing higher premiums for next year, while health coverage for those living with preexisting conditions happens to be on the chopping block.

To make matters worse, the Medicare trustees have cut 3 years off the life of the Medicare trust fund because of the Republican tax bill.

Think of it: This vote this morning will add \$631 billion to the national debt, on top of the \$2.3 trillion that they have already embraced with the recklessness of their tax package.

But instead of backing away from this mistake, they are doubling down this morning. Their second round of tax cuts for the wealthy will further compromise the future of Medicare and Social Security, depriving seniors of the benefits that they have earned.

Today's bill will, once again, demonstrate that they are hardly the party of fiscal rectitude or conservatism. The original tax bill, as I noted a moment ago, adds \$2.3 trillion to the debt.

So that people understand, this is all borrowed money that will go to cor-

porations and high-income earners, who undoubtedly will receive the bulk of these benefits in the tax cut.

Now, Republicans want to give the most well-off and well-connected Americans even more tax cuts with their new proposal, again, emphasizing the following: an additional \$3 trillion of debt, all based upon borrowed money.

The Republicans are doubling down on this tax law's attack and, once again, harming the American middle class. There is virtually nothing in here that comes to the aid of the middle class, because they give it to them on one hand and take it away on the other.

This proposal would make permanent the \$10,000 cap on the State and local tax deduction for individuals, even while corporations will face no limits on their SALT deductions. This, at the same time, we should recognize, eliminates many tax incentives and pretty important incentives for middle class families to get ahead.

So, once again, this package, like the one before it, is being rushed through with no hearings, with no witnesses, and with no input from stakeholders. A rushed and lopsided process resulted in the disaster that we voted on just weeks ago. In fact, my staff has identified more than 100 problems with this proposal, and we are happy to share those with any who are interested.

This provision that we are voting on today is reckless, and it is a cut for the wealthy that leaves behind hard-working families.

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

Mr. BRADY of Texas. Mr. Speaker, I am proud to yield 2 minutes to the gentleman from Illinois (Mr. DAVIS), the leader and the original sponsor of this bill.

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I rise today in strong support of my bill, H.R. 6760, the Protecting Family and Small Business Tax Cuts Act of 2018.

Mr. Speaker, I thank Chairman BRADY, the entire Ways and Means Committee, and the Ways and Means staff for their hard work in getting tax reform 2.0 to the House floor.

Last December, this Congress passed the Tax Cuts and Jobs Act. That legislation was the first major tax reform in 31 years and delivered on our promise to bring tax relief to middle class families across the country.

In fact, in my district in central Illinois, the average family of four making the median income of \$78,500 will see a tax cut of roughly \$2,200 this year. That is certainly not crumbs, Mr. Speaker.

Since passage of tax reform, we have seen historic growth in our economy. It currently sits at 3.9 percent unemployment, with approximately 6.6 million open jobs, and a GDP last quarter of 4.2 percent. With companies raising wages and increasing benefits, it is no wonder 90 percent of workers are seeing bigger

paychecks, thanks to last year's tax cuts.

Unfortunately, last year, the constraints of the budget reconciliation process in the Senate forced us to sunset many of the provisions found within that act. H.R. 6760 simply makes those sunset provisions permanent.

These provisions include the expanded child tax credit, which we increased from \$1,000 to \$2,000; the new double standard deduction; and the improved tax brackets, which have lowered rates for all taxpayers.

As the economy continues to reach new heights, H.R. 6760 represents our continued commitment to the millions of hardworking middle class Americans who have benefited from the tax cuts enacted last year.

Mr. Speaker, I urge my colleagues to support middle class families by voting for this bill.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMPSON), a very valued member of the Ways and Means Committee.

Mr. THOMPSON of California. Mr. Speaker, I rise in opposition to this bill.

This bill represents a gross disregard for the responsibilities entrusted to us by our constituents. We are the stewards of Medicare, a critical support for nearly every American at some point in their lives. This bill will trigger hundreds of millions of dollars in across-the-board cuts to that important program.

We are responsible for the Federal Tax Code, a charge that requires us to consider tax proposals fully and fairly. Yet, we will vote on this unpaid-for tax bill developed behind closed doors without the benefit of a single hearing. Most important, we are the custodians of the Federal budget.

With passage of this bill, Republicans will have added more than \$3 trillion to our national debt in less than a year. This is a handout for the rich at the expense of our children and our grandchildren. It is an excuse for the majority party to ransack Medicare and Social Security. It is dangerous, and it is reckless. We should vote "no" on this bill.

Mr. BRADY of Texas. Mr. Speaker, I am very proud to yield 3 minutes to the gentleman from North Carolina (Mr. WALKER), one of the three original leaders of this bill.

Mr. WALKER. Mr. Speaker, the Tax Cuts and Jobs Act has transformed the economy, delivering economic growth in the form of more jobs, bigger paychecks, increased investment, and historically high small business optimism.

Today, I rise in support as an original cosponsor of H.R. 6760, the Protecting Family and Small Business Tax Cuts Act of 2018.

I thank Chairman BRADY for his tireless work over the last year and a half to make this legislation possible, continuing to build on the success of the

Tax Cuts and Jobs Act by locking in those tax cuts for individuals, families, and small businesses.

Today's bill makes permanent the transformational tax reforms included in the legislation we enacted last December.

Mr. Speaker, locking in those important reforms provides certainty and enhances growth. In fact, according to the Tax Foundation's analysis, making these reforms permanent will create 1.5 million new jobs, increase wages by nearly a full percentage point, and increase the overall GDP by 2.2 percent. Those are facts.

Locking in these important reforms reduces burdensome complexity. Because of this legislation, the vast majority of individuals and families will choose the enhanced standard deduction and will no longer need to do the recordkeeping required for itemizing deductions.

The alternative minimum tax, which requires individuals and families to calculate their tax twice each year and pay the higher amount, will be eliminated for close to 96 percent of those who have had to pay in 2017. A recent Tax Foundation study shows that a reduction in time spent on tax compliance that is expected to come from the simplification in the Tax Cuts and Jobs Act will, indeed, translate into savings of \$3.1 billion to \$5.4 billion for individuals and families.

Locking in these important reforms will fuel the small businesses that fuel the American economy.

The Tax Cuts and Jobs Act delivered lower tax rates in a new 20 percent deduction for pass-through business income. Today's bill locks in those benefits.

Mr. Speaker, now is the time to keep our economy booming and protect the family and small business tax reforms delivered last December. I urge my colleagues to support this and help lock in these benefits for all Americans by passing H.R. 6760.

□ 0930

Mr. NEAL. A reminder, Mr. Speaker, that this is \$3 trillion of borrowed money to provide for a tax cut for the wealthy.

Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN), who is a longtime and valuable member of the Ways and Means Committee.

Mr. LEVIN. Mr. Speaker, I ask so-called fiscal conservatives: Why add to the deficit \$3 trillion?

I guess it is consistency. If you dig a hole, dig it deeper.

Oh, it is for workers.

Workers? One-half of the top percent get 50 percent of the benefit. It won't pass the Senate.

So why do it?

They thought it would be politically helpful. Now it is turning out it won't be. It is going to be immigration. This is a desperate move. It is desperately wrong.

Mr. Speaker, I urge we vote "no."

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. SMITH), who is one of our key members on the Ways and Means Committee from rural communities on this tax reform bill.

Mr. SMITH of Nebraska. Mr. Speaker, I thank the chairman for his time and certainly his leadership on this issue.

Mr. Speaker, I rise today in support of this bill to make permanent the tax cuts for families and small businesses we passed last year through the Tax Cuts and Jobs Act. I am particularly pleased this bill also makes permanent the grain glitch fix we enacted last spring.

This important provision ensures producers and buyers across agriculture could benefit from tax reform as intended. This bill also continues the treatment of property taxes on agricultural land and property as a fully deductible business expense, which is vital to ag producers in Nebraska's Third Congressional District as well as across the country.

The initial version of tax reform we moved out of the Ways and Means Committee and passed in this House last year provided permanent tax relief, and our families, farmers, ranchers, and small businesses deserve the certainty of knowing their taxes will not increase. I am disappointed we could not get this permanence through the Senate last year, but I am pleased we have another opportunity to do so.

This year our economy is booming with economic growth continuing above 3 percent, and the certainty of permanence will allow our small businesses to make future investments and families to know they can keep more of their paychecks as well as plan for the future.

Mr. Speaker, I urge strong support for this bill.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DANNY K. DAVIS), who is a very valuable member of the Ways and Means Committee and the voice of Chicago.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I rise in strong opposition to another tax giveaway to the wealthiest in this country who need it the least.

The Republicans' tax cut already has damaged the health of the Medicare trust fund. This bill is more of the same.

After decades of wage stagnation, when over 41 million laborers earn less than \$12 an hour, when almost none of their employers offer health insurance, when more than one-quarter of Americans struggle to cover housing costs, this Republican bill helps millionaires giving an average tax cut of over \$39,000 to the top 1 percent.

The Republican plan will permanently double tax over 40 million families due to the cap on the State and local income tax deduction.

The Republican plan permanently takes away critical personal exemp-

tions from millions of families with children which we need to help. We need to help hardworking, middle-class citizens. We don't need to give \$39,000 tax breaks to the wealthy.

Mr. BRADY of Texas. Mr. Speaker, I'm very proud to yield 2 minutes to the gentleman from Missouri (Mr. SMITH), who is a key member of our Ways and Means Committee and who played, again, such a leadership role on tax reform for small businesses and agriculture.

Mr. SMITH of Missouri. Mr. Speaker, I rise today in support of this legislation.

Last year, Congress partnered with our President, President Trump, to lower taxes and put more money in the hands of our American people. I heard from the other side how the tax cut was just basically crumbs and scraps. But in my district in southern Missouri, the Tax Cuts and Jobs Act makes a real difference.

In the 9 months that the Tax Cuts and Jobs Act has passed, I have traveled throughout my district, and I have seen small businesses in West Plains, Missouri that told me: Congressman, because of the Tax Cuts and Jobs Act, I can now build a new building.

I have spoken to workers in St. James, in Rolla, in Caruthersville, in Cape Girardeau, in Perryville, in Sikeston, in Malden, in Bernie, in Gainesville, in Theodosia, and all the other 29 counties in our congressional district of how their wages have increased and how these employees have benefited from the Tax Cuts and Jobs Act.

I have spoken to mothers who, because of their wages being increased, were able to purchase new child seats in their cars. These were real tax breaks. These were real advantages. For people in my congressional district, the median income is \$40,000 a year. It is not scraps. It is not crumbs. It makes a real difference. It is car payments, it is house payments, and it is food on the table.

Mr. Speaker, we need to make sure that this is permanent. This bill was not permanent because of some arcane Senate rules that allowed it to just be temporary. I am hoping that the other side will join us today in making sure that we deliver this tax relief permanently for families in southeast Missouri and families throughout this country.

Mr. NEAL. Mr. Speaker, a reminder, this is \$3 trillion of borrowed money for this tax plan that the Republicans are offering.

Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND), who is a very important member of the Ways and Means Committee.

Mr. KIND. Mr. Speaker, I rise in opposition to this legislation because this bill today, again, shatters one of the greatest cons ever perpetrated on the American people, that the modern-day national Republican Party is the party of fiscal responsibility.

The three bills that we have before us this week, coupled with the tax cut version that passed last year, will add over \$5 trillion to our national debt at a time when 70 million baby boomers are fully invested in Social Security and Medicare, giving them the excuse later on to come back and say that we have to cut Social Security and Medicare because we don't have revenue anymore.

If we are entrusted with the majority next year, we will do tax reform the right way. We will simplify it, we will make it more competitive, we will certainly make it fair, and we will do it fiscally responsibly by shutting down extraneous loopholes in the Code to pay for it. We will do it with hearings and with the proper feedback which was lacking here.

For all these reasons, Mr. Speaker, we should reject this bill and do tax reform the right way.

Mr. BRADY of Texas. Mr. Speaker, I am proud to yield 2 minutes to the gentlewoman from South Dakota (Mrs. NOEM), who is a key member of the Ways and Means Committee.

Mrs. NOEM. Mr. Speaker, I just wanted to clarify.

I firmly disagree with my colleague on the other side of the aisle who just talked about Social Security and Medicare. In fact, the economic statistics that have recently come back have talked about how the Medicare trust fund and how Social Security are actually doing better since we did this historic tax cut bill because more people are working. They are earning more money. They are paying into those programs, and those programs are more secure into the future because we did historic tax reform.

Mr. Speaker, today I rise in support of the Protecting Family and Small Business Tax Cuts Act—a key component of tax reform 2.0. I strongly support this legislation, because I worked on it for many years, but also because of the stories I hear across South Dakota every day.

I had, several months ago, a single mom of two kids come up to me. She is a bank teller. She told me that because of tax reform that her check is \$80 bigger every 2 weeks. That meant that her 10-year-old son could get new basketball shoes this year instead of going out and trying to find some that were used from another student who had outgrown them.

I also had another woman from Platte, South Dakota, contact my office and tell me that because of tax reform and tax cuts—her family doesn't usually get much money. They don't make a lot of money. Their wages aren't great. But because of that bill, they have more money in their pockets today. It has made a huge difference in paying their day-to-day bills.

Mr. Speaker, there are dozens of other stories that I could tell you from folks across the State of South Dakota of the benefits of tax reform. Our energy costs have gone down. Our utility

bills have gone down. Companies have paid increasing wages for families. They have also paid out bonuses. The tax cuts have been life changing for many in our State.

With that passage and with the passage of this bill today, we will have the opportunity to ensure the upward economic trajectory we have experienced because of a permanent culture of growth and stability that is rooted in the Tax Code.

So tax reform 2.0 is going to make sure that with the benefits families are enjoying today they will still be able to enjoy them long into the future. While no tax plan is perfect in everybody's eyes, I am optimistic that this package today will have a huge benefit for the people of South Dakota. Our Tax Code should help people, not punish them.

Mr. Speaker, I urge my colleagues to join me in support of my legislation today.

Mr. NEAL. Mr. Speaker, a reminder that this adds \$3 trillion of debt that is all borrowed money.

Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER), who is a champion of all issues related to infrastructure in America.

Mr. BLUMENAUER. Mr. Speaker, I heard the gentlewoman from South Dakota talk about all the stories that she could tell. Sadly, that is what our Republican friends have done. They want to tell stories cherry-picked, but they are afraid to have hearings from the people whom this affects. We haven't heard from the experts, from the academics, and from people in business. They were afraid to have hearings on their tax bill, rushing it through, and they didn't even know what was in it. Now they are doubling down, adding another trillion dollars of debt without having a foundation factually to let the people know what is going on.

Look at their budget. They have declared war on Social Security and on Medicare. They understand that it is not sustainable. The tax cuts don't pay for themselves. They are putting at risk things that America cares about like Social Security and like Medicare—fundamental issues that matter.

I hope that if the American public entrusts us with the control of Congress next year that we will go forward, listen to them, make it transparent, and base it on facts.

Mr. BRADY of Texas. Mr. Speaker, because of tax reform, Main Street businesses are booming. The chairman of the Small Business Committee has played a key role in that.

Mr. Speaker, I am proud to yield 2 minutes to the gentlemen from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the chairman for yielding and for his leadership on this very important issue.

Mr. Speaker, I rise in support of H.R. 6760, the Protecting Family and Small Business Tax Cuts Act. As chairman of the House Small Business Committee, I

have closely examined the effects that the Tax Cuts and Jobs Act that we previously passed has had on America's small businesses, on startups, and on entrepreneurs.

From a Small Business Committee hearing that I chaired in July that reviewed the impact of that law on Main Street companies to the many small business optimism surveys that are published on a monthly business, the results are in, and they are positive for our Nation's 30 million small businesses that about half of the workers in this country work for. They work for small businesses.

The tax cuts have provided small businesses with the opportunity to invest in their workers, invest in their equipment, and invest in their dreams. A small business owner in my district in southern Ohio recently testified: "The recent tax reduction will have a positive impact on our employees in 2018 and beyond."

The shops on Main Street all across America are transforming our communities and neighborhoods with job growth and business expansion, and that means jobs for more Americans.

With our economic engines starting to rev, Congress should take the next step in the tax debate, which is making the tax cuts for our Nation's job creators permanent. That is what we are doing here today.

Making section 199A, the small business pass-through provision, stronger will be a benefit to small businesses from my State of Ohio and to our States all across the country, from coast to coast.

I applaud the work of Mr. DAVIS, Mr. BRADY, and the other members of the Ways and Means Committee on this issue. It has been very important. When our Nation's small businesses, entrepreneurs, and startups are thriving, so are their employees, the families of those employees, and America's consumers.

□ 0945

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, this is the sequel to "Weekend at Bernie's." But this doesn't work.

The headline yesterday in The Washington Post was: GOP Campaigns Ditch Touting Tax Law in Ads. The first one stunk. This is even worse.

Republican economist Douglas Holtz-Eakin, a good, good guy, said this past May: "There's just no evidence that the tax cuts actually pay for themselves."

Of course they don't. That is why you are targeting healthcare. That is why you are targeting Medicare. That is why you are targeting Social Security. You already targeted Medicaid.

In New Jersey—we are still a State—the average SALT deduction claimed in 2016 was more than the \$10,000 limit. In my district, the average is over \$18,000. One of the counties in my district is \$24,000.

What have you done? That means the average taxpaying household—New Jersey, listen up—now has to pay income tax on an additional \$14,000 worth of income.

We may have 12 Democrats by the end of the election.

If they are a middle-class family being taxed at 24 percent, that is an extra \$3,400 they have to come up with at tax time.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NEAL. Mr. Speaker, I yield the gentleman from New Jersey an additional 1 minute.

Mr. PASCRELL. Mr. Speaker, for hundreds of thousands of New Jersey families, that is a mortgage payment; that is a tuition bill; that is money for unexpected medical bills. Instead, it is going to be moving to pay more bills in Montana and South Dakota.

I offered an amendment to restore the full SALT. So every Member who votes for this monstrosity today is voting to make the SALT caps forever and to impose a permanent tax on middle-class families. It is mind-boggling that a Member would want to hammer his constituents like that.

I ask my colleagues: How could you vote to punish your middle-class constituents to give even more money to the 1 percent?

What is even more fascinating, a number of people on the other side, Mr. Speaker, no wonder they are voting for this thing today. They get less than 1 percent of the donations from folks like you and me. So that is why they are tuned in to corporate America.

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ALLEN), who started a small business at age 25 and built it up from the ground up.

Mr. ALLEN. Mr. Speaker, I thank the chairman for his leadership on this important bill.

Yes, I came from the small business world. Let me tell you, in my district, the small businesses are back, and I am proud to support tax reform 2.0, legislation that will build upon the tremendous success of the Tax Cuts and Jobs Act that was signed into law last year.

After 31 years under an old, outdated, and burdensome Tax Code that stifled our economy and plagued our job creators, America simply needed a change. I am happy to say that we delivered on our promise of comprehensive tax reform to the American people, and we are seeing new levels of economic growth and optimism around the country—and we are not done yet.

In the month of August alone, Georgia added over 12,000 jobs, and the unemployment rate fell below 3.8 percent. We are committed to keeping this momentum going.

Tax reform 2.0 will lock in the middle-class and small business tax cuts permanently, allowing families to more easily save their hard-earned money for retirement, helping local businesses promote retirement plans to

workers, promoting startup businesses, and much more.

As a cosponsor of tax reform 2.0, I encourage all my colleagues to join me today in supporting this important legislation that will unleash the economic engine that is the American family and small business.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. SÁNCHEZ), the vice chair of the Democratic Caucus.

Ms. SÁNCHEZ. Mr. Speaker, I stand here today saddened, but, quite frankly, not shocked, at the irresponsibility of my colleagues on the other side of the aisle. I guess their giveaway to the ultrawealthy wasn't enough last time around, so they have come back for round two: a fake tax reform 2.0.

When the bill for this new gimmick eventually comes due, I am terrified Republicans will pay for it by gutting Social Security and Medicare, two earned benefit programs on which my constituents rely.

I have heard a lot of rhetoric about how today's bill will help the middle class, but the only thing that today's legislation guarantees is adding at least \$3 trillion more to the deficit over just a period of 10 years.

And who picks up the tab? Middle-class Americans, that is who. They are working families who are being priced out of home ownership, saving for retirement, or trying to put their kids through school.

I urge my colleagues to vote down this terrible bill and let common sense reign.

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

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, today's sorry's sequel is as phony as the original Republican tax sham. It comes from an administration for whom truth is a stranger, clocked in, by one analysis, at 7½ lies, on the average, per day. But even for such an administration, this bill is based on a true whopper.

Here we have it from the Executive Office of the President telling us as his official administration policy that for every American family, the average household income will be increased by at least \$4,000, annually. Yet today, fewer than 5 percent of American families have gotten a dime increase in their income as a result of this bill. Truly, a giant whopper.

But like the promise that Mexico would pay for the wall, that drug companies would bring down their prices, all we have is more misrepresentation today.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NEAL. Mr. Speaker, I yield the gentleman from Texas an additional 1 minute.

Mr. DOGGETT. Corporate giants who got giant tax breaks gave them back to some of their shareholders and their

CEOs, but they didn't increase wages for workers or give more than a handful any compensation as a result of this.

Now, here on election eve, we have a proposal where they are telling the American taxpayers: We promise relief in seven years, which is what this bill does. Families can't put off rising healthcare costs or their other needs for seven years.

But there is one American family who does really well out of this bill. It is the family of Donald J. Trump. They got a special provision written into the bill that this proposal freezes into permanent law that gives them a tax windfall, most likely of millions of dollars.

That is what this bill was all about: helping Donald Trump, his cronies, and allies, not helping the American people.

The first tax bill was a hit-and-run job. With this second bill, Republicans back up and run over working families again. Democrats need to take the wheel and help Americans get some money in their own wallet.

Mr. BRADY of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, let me just fact-check my colleague from Texas.

Since the tax reform bill became law on New Year's Day, 1.7 million jobs have been created in America, with wages rising at the fastest rate in 9 years.

Today, following these new policies, the median income for a married couple with two kids has \$3,200 more in their take-home pay than it did just 12 months ago.

I will remind the voters in Mr. DOGGETT's district that an average family of four making \$60,000 a year sees a tax cut of \$1,131 that my Democratic colleagues want to steal back.

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

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentlewoman from Alabama (Ms. SEWELL).

Ms. SEWELL of Alabama. Mr. Speaker, less than a year after the first disastrous tax bill, here we are voting on another bill that will double down on this betrayal and put hardworking families who are working every day to make ends meet even further into debt.

As my constituents remember, the first tax law cost us \$2.3 trillion. Those working to reach the middle class will see less investment in their communities; will see their Social Security, Medicare, and Medicaid shrink; and will see the costs of healthcare insurance rise.

It is unconscionable that Republicans are trying to pass another batch of tax cuts that will add another \$650 billion to the \$2.3 trillion they have already spent through the Tax Code. This will end up costing us \$5 trillion over the next 20 years.

Vote "no" on this reckless tax cut.

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from

Arizona (Mr. SCHWEIKERT), a key leader and member of the Ways and Means Committee.

Mr. SCHWEIKERT. Mr. Speaker, before comments, this was my first term on the Ways and Means Committee. I will tell you that, both on the Democratic side and the Republican side, is a group of very special Members, having been on other committees, even in moments like this, where we see the world very differently. Everyone is freaky smart, incredibly respectful, and if they could see what goes on in the back where we actually get along, it is a very special committee. But the fact of the matter is we sort of see the world very differently.

Have you ever had that moment where you were walking up to the podium and you were going to read something? I was going to originally read the comments from a number of Members, particularly on the other side, who were incredibly critical of the fact that many of these tax cuts expired and now they are complaining that we are extending them. We do have this sort of body where we race to whatever the current argument is. But that would actually be a little hard to do, right after saying such nice things about everyone. So let's actually have a couple of comments on the reality of what we see in the math.

Do you remember when the tax bill passed, the math was that we needed a 0.4 percent growth in GDP over 10 years and the tax reform paid for itself? How are we doing so far?

We have had, now, multiple revisions upward. Something is working out there in our society when you see more jobs than workers; when you see, in my community, the populations that have had a really rough decade with the growth recession of the last decade, they have jobs. There are good things happening.

You would think there would be almost this joy on both the left and the right when you see job training in our Arizona prisons. We actually brought one of the three-time convicted felons to testify in the Ways and Means Committee. It is so hard for this body to actually give a little and say: Look at the great societal things that are happening right now.

Also, we have the backup on the math. If we do not have substantial economic growth this decade and next, we can't keep our societal promises.

I would like to argue, when we get beyond this, we have the conversation of: What does tax reform do for future economic expansion? Again, yes, we are going to have to talk about a lot of difficult things to keep that economic expansion, but the baseline math—and I know we are only 8, 9 months into the data—it is working. Could we at least have a little sound of joy for what is working?

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the highly effective Democratic leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding, and I thank him for his extraordinary leadership in representing the House Democrats as the ranking member on the Ways and Means Committee. He brings to that position the values shared by the American people of fairness, transparency, and openness in what goes on here in Congress, and doing so in a way that is accountable to the American people. So I thank him for his leadership.

□ 1000

Sadly, I come to the floor again to talk against, yet again, another Republican tax scam. The gentleman who just spoke talked about how we should be filled with joy—filled with joy.

Well, if we are talking about emotion, let us talk about St. Augustine. St. Augustine, 17 centuries ago—17 centuries ago, 1,700 years ago—said: “A State which is not governed according to justice is just a bunch of thieves.”

Pope Benedict, who quoted Augustine, said: “The State must inevitably face the question of how justice can be achieved here and now.” Benedict cautioned against the danger of certain ethical blindness caused by the dazzling effect of power and special interest. That is what they talked about.

This is about justice, justice for our country in terms of economic justice, justice in our society in terms of everyone participating in the prosperity of America and not, yet again, the warmed-over stew of trickle-down economics. If you give 83 percent of the benefits to the top 1 percent—glory, alleluia—it may trickle down on you. If it does not, so be it. That is what the former speaker said: So be it.

Let me quote some of the Republicans, enforcing what I said earlier. Who are these tax scams for?

Congressman CHRIS COLLINS said: “My donors are basically saying, ‘Get it done or don’t ever call me again.’”

Senator LINDSEY GRAHAM said the financial contributions will stop if this—and I say—if this tax scam fails.

Here we are again. Here we are again at a time, on this last day of the session, as this body prepares to pack its bags and return home for the next 6 weeks, the GOP’s priorities have been laid bare, as we waste our final moments debating a new version of the Republicans’ same old tax scam, with no accountability, no transparency, and no fairness for the American people.

The first GOP tax scam for the rich added \$2 trillion to the national debt, when you talk about the tax cut plus the interest on the debt, sticking our children with a bill for massive tax breaks for Big Pharma, big banks, big corporations, making it more profitable for them to ship jobs overseas, and the wealthiest 1 percent.

People across America have raised their voices to condemn the Republicans’ plan to spend trillions on tax cuts for the wealthy. What is so sad

about it is, in their first tax scam, they decided that they would set up a thing where the individual mandate was repealed and, therefore, the benefit of preexisting condition no longer barring you from having access to health insurance. Their first tax scam was an assault on the preexisting condition benefit in the Affordable Care Act.

Not only that—that was not good enough for them—the President went further in his budget and said: We have increased the debt. Now we have to pay for it, because, contrary to the illusion that our Republicans like to present, these tax breaks do not ever pay for themselves.

Don’t take it from me. Those who have worked even with Jack Kemp have said: Anybody who tells you that these tax breaks pay for themselves is telling you something that is not true, is nonsense, and is BS, except he said the whole word in our testimony.

So here they are. Now they have to pay for it. Where are they going to get the money? They have just given 83 percent of the benefits to the top 1 percent, a big tax break for corporations, enabling them to send jobs overseas. And who is going to pay for it?

Well, in the President’s budget, to make up for the \$2 billion plus, they cut \$500 billion from Medicare; \$1.4 trillion from Medicaid, legislation that is not just about poor children but middle-income seniors, a benefit for middle-income seniors; \$214 billion from food stamps, a benefit needed by our seniors, by our veterans, by our poor children in America. All of this is to pay for tax cuts for the rich.

So here we are again. Imagine what the Republicans will try to do after adding trillions more to the deficit. Their intentions are clear. The President’s adviser—whatever his title is now—Larry Kudlow, his top economic chief, said: If Republicans control Congress, they will immediately move to cut the larger entitlements, probably next year.

In budget after budget, Republicans have made their plan perfectly clear: Add trillions to the deficit with their GOP tax scams for the rich, and then use those deficits to justify slashing Medicare, Medicaid, and, actually, disability benefits for people on Social Security.

Added \$2 trillion to the debt with their first tax scam, putting forward a budget that would, again, claw millions of dollars back from seniors and hard-working Americans, and now they want to do it again.

Well, don’t take it from me. AARP wrote a letter to Congress yesterday to warn against the grievous damage that would be done by the second phase of Republicans’ deficit-exploding tax scam.

They wrote: “We have grave concerns about H.R. 6760. AARP is troubled by the further negative effect this bill will have on the Nation’s ability to fund critical priorities.”

They then said: “The Joint Committee on Taxation estimates that

H.R. 6760 will reduce Federal revenue by approximately \$631 billion over the 10-year budget window. This is in addition to the \$1.5 trillion reduction in revenue over the 10-year budget window resulting from last year's Tax Cuts and Jobs Act."

Revenue, revenue that can be used for investment. Think of what we could have done with those resources to build the infrastructure of America, a small piece of it to address the pension crisis in America, the recognition that investments in education are the best investments we can make, because nothing brings more to the Treasury than investments in education. Instead, we have this.

The AARP goes on to say: "Additional increases of this magnitude in the deficit will inevitably lead to calls for greater spending cuts, which are likely to include cuts to Medicare, Medicaid, and other important programs serving older Americans."

The letter concludes: "AARP cannot support H.R. 6760."

Again, here we are. They give this big tax break. They say people are going to get raises and bonuses.

Some got bonuses. That is good. If you worked there a long time and the rest, you got a bonus. But it didn't add to your base salary, which would have been the important increase for people to make.

One estimate by Goldman Sachs was that there would be, following the former tax bill, \$1 trillion in buybacks; in other words, corporations buying back their stock—not investing in their workforce, not recognizing that their success depends on the productivity of the workforce and that any increase in productivity should also include an increase in the wages of the workers, but, instead, an increase in the compensation for the CEO.

It is shameful.

To conclude on that point, there is a better way to do this. There could have been, instead of as they did with the first tax scam and now this one—the first one in the dark of night and in the speed of light, putting forth a bill that they almost didn't even know what they were voting for. That did a grave injustice to our Nation for what it deprives us of by giving these tax breaks at the high end.

There is a way to do it. Mr. NEAL has suggested it over and over again. Let's see what we have done before.

Ronald Reagan, Tip O'Neill, 1986, almost a year of hearings and transparency and openness where the public could see and people could understand what it meant to them in their lives.

Instead, they just go into those rooms, and say: How can we, how can we, how can we milk the public? How can we exploit the taxpayer by adding to the wealth of the wealthiest 1 percent in our country?

It is shameful.

As St. Augustine said, unless a government is formed to promote justice, it is just a bunch of thieves.

We are robbing from our children's future with this national debt. We are robbing from the participation in the full benefits of our prosperity, of our workers, in our country. We are robbing our Nation's ability to be itself, to make America good again. In doing so, again, to have people have financial stability in their lives, so that they can be entrepreneurial, so that they can take risk, so that they can invest in their children's future.

It is not only good for the individual taxpayer or person in our country; it is good for our country, because it makes us competitive in the world with our values and with our economy.

Mr. Speaker, I urge a "no" vote.

Mr. BRADY of Texas. Mr. Speaker, I note that the average middle class family in the 12th District of California will see a tax cut of \$5,508 each year.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. WENSTRUP), a key member of the Ways and Means Committee.

Mr. WENSTRUP. Mr. Speaker, I find it interesting that I keep hearing that the tax reforms were for the rich. The only phone calls I got complaining about our tax reform were from the rich.

I had one gentleman call me and actually say: For those of us with three or four homes, this is going to kill us.

Are you kidding me? And you keep saying this is a tax break for the rich. They are the only ones complaining to me.

As a former small-business owner, I can tell you how difficult it is to plan for the future. When you sit down to look at your company's finances, you may be worried about paying your employees' salaries or making the rent on time.

So many in this body, historically, have never run a business, yet they have historically done a very good job of running some businesses into the ground. The last thing any business owner wants to think about is: I wonder what the Federal Government is going to do to my taxes 5, 10, 15 years from now.

Constant uncertainty does not work for the American people. High taxes don't work for the American people. People want to keep their money.

The House of Representatives is prepared to remedy these concerns for many years to come. The Protecting Family and Small Business Tax Cuts Act of 2018 that is on the floor today as part of tax reform 2.0 would make lower tax rates for all income levels permanent.

Critically, this bill permanently extends a major deduction for pass-through businesses, which make up most of the small businesses in the U.S. This is significant peace of mind for the barbershop in town, for your neighbor's lawn care business, for the garage-to-Main Street startups, and for the millions of business dreams that, for now, are still dreams.

Mr. Speaker, we now have one of the most competitive tax codes on the

globe. Let's make certain that we keep it that way.

Mr. NEAL. Mr. Speaker, might I inquire of the distinguished chairman how many more speakers that he has.

Mr. BRADY of Texas. Mr. Speaker, I have one.

Mr. NEAL. Mr. Speaker, I am prepared to close when the chairman deems it appropriate, and I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. MEADOWS), one of the three original lead sponsors of this tax bill.

Mr. MEADOWS. Mr. Speaker, I rise today in support of the pro-growth, pro-family, and pro-small business reforms in tax reform 2.0 led by my good friend Chairman BRADY.

I want to say a special shout-out to him but also to the Ways and Means staff. Let me just tell you, a lot of times we take credit for things that are done, but it is the staff that has done not only a yeoman's job but an outstanding job in doing this. And a real shout-out to Representative RODNEY DAVIS, the bill's sponsor, who believes that it is a good thing to give more of the taxpayers' money back to them.

You have heard arguments on the floor today, Mr. Speaker, all about revenue and about what this needs to do. But the revenue that we are talking about is actually the hardworking wages of men and women on Main Street. It is their money.

I have been around this place too long. I can tell you, I would rather trust a mom and dad on Main Street to spend their money more wisely than any spenders here in Washington, D.C. It is time that we give it back.

Since we signed the last tax bill, the largest in American history, the economy has been booming. Unemployment is at a 50-year low.

□ 1015

New job openings are setting a record pace. We are increasing wages. Consumer confidence, Mr. Speaker, is at its highest level in decades. And while these strong numbers continue to roll in, Congress needs to act to make sure that we are more resolved than ever to make these tax cuts permanent.

You know, we talk about a vibrant economy—4.2 GDP growth. According to some sources, it is now at 4.4. When we look at that kind of GDP growth and economic growth, it means increased wages, it means job security, and that is what we need to make sure that we put back on the docket today.

I ask my colleagues to vote for that. Vote for the men and women on Main Street.

Yes, they may call this tax reform 2.0, but what I call this is actually make sure that we are responsible in Washington, D.C., to give the money back to its rightful owner, which is we, the people.

Now, this indeed makes the tax cuts for individuals permanent, but it also



gives a whole lot of options for families saving for education and those baby savings accounts. It encourages small business development.

It is time, Mr. Speaker, that we act on behalf of those who are doing all the hard work here in America, those small businesses and men and women on Main Street who deserve a break from Washington, D.C.

I thank Chairman BRADY and RODNEY DAVIS for their leadership. I also look forward to working with them to deliver these tax cuts and make sure they are permanent.

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

Mr. Speaker, I am still trying to sort through the commentary of one of the previous speakers who said that he took a call from somebody who said: I have three or four homes, and I am not getting enough in this tax bill.

That is the point of this. He doesn't need any tax relief. That is the very example that we have been highlighting throughout this morning.

Three or four homes and they are complaining they didn't get enough? That is a remarkable comment for somebody to pass on in this Chamber.

This bill was bad on policy and it was bad on procedure. Not one hearing on this legislation. Not one witness. So two tax bills totaling \$3 trillion of debt, all borrowed money with the promise of higher interest rates coming from the Federal Reserve Board, and they are suggesting that that poor fellow who must be sleeping on the grates with three or four homes needs more tax relief. That is exactly what this argument was about.

So the party of fiscal rectitude has now added \$3 trillion of borrowed debt to provide a tax cut for that struggling individual who has three or four homes. Now they want to give him enough, or her enough, to maybe get to five or six homes with the tax bill. Only someone who believes, perhaps, in the argument of Bigfoot would then conclude that that individual needs tax relief.

Every mainstream economist who has spoken about the debt—and this, by the way, cost \$631 billion this morning with what they are about to do, borrowed money, added to the debt, added to our children's responsibilities and our grandchildren's responsibilities.

And to make matters worse, Mr. Speaker, this represents a long-term threat, now, to Social Security and Medicare, because they are going to come back and say: Well, the debt is so high that we have to cut Social Security and we have to cut Medicare.

They should back away from the mistake that they are making this morning. Go back to some hearings. Go back through some process. Go back to a conversation with both parties. Barack Obama was at 28 percent, the corporate rate. We could have found a common point of agreement on this.

This sham is a reckless tax cut for that poor individual who has three or

four homes. But at the same time, and, simultaneously, they leave behind the hardworking average men and women of this country.

I urge our colleagues to oppose this legislation, and I yield back the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, may I ask how much time I have left.

The SPEAKER pro tempore (Mr. WEBER of Texas). The gentleman from Texas has 4 minutes remaining.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would note that the average middle-class family in my good friend Mr. NEAL's district back home in Massachusetts will see a tax cut of nearly \$2,000 each year.

So let's fact-check a couple of these claims today. Let's fact-check a few things, starting with my friend Mr. NEAL's point about Dr. Wenstrup's call.

That gentleman wasn't complaining he didn't get enough tax cuts. He said his taxes would go up significantly. And he is correct, because under the Tax Cuts and Jobs Act, this relief goes to middle-class families and low-income families working their way up.

In fact, after the Tax Cuts and Jobs Act, millionaires of America who used to shoulder 19 percent of the tax burden now will shoulder 20 percent of the tax burden. They will carry more because this tax reform was designed for middle-class, working families.

Earlier today, we heard our respected Democratic leader say many things, including that the GOP tax cuts provide at least \$1.3 trillion in tax breaks to corporations. FactCheck.org says that claim is misleading. In fact, of the \$1½ trillion, over \$1 trillion is for individual taxpayers.

Leader PELOSI said 86 million middle-class families will see a tax increase. The Washington Post gave her 2 Pinocchios, saying most every U.S. taxpayer can expect some kind of tax cut according to just about every analysis.

A lawmaker from Wisconsin, Democrat: Never let the GOP tell you again they support low taxes. They don't, unless you are already a billionaire or massive corporation.

PolitiFact gave that Democratic lawmaker a pants on fire rating, saying this will provide tax relief for the middle class, and most people in low-income households will see cuts as well.

Leader CHUCK SCHUMER said companies are laying off American workers because of tax reform. PolitiFact said that was mostly false.

A California assemblyman says GOP tax cuts are nothing more than a middle-class tax increase. PolitiFact just killed them, called that just flat-out false.

Senator CLAIRE McCASKILL said the tax cuts are not going to be helpful to the vast majority of people. The Washington Post also gave her two Pinocchios, said that is flat wrong, says she ignores the immediate impact

of the law, which means noticeable tax cuts for her constituents for a number of years.

And, of course, dozens of Democrats continue to state 83 percent of all tax breaks go to the top 1 percent. FactCheck.org—down, misleading, because it cites projections for 2027. In fact, the only way that will be true is if you vote “no” today. If you vote “yes,” these middle-class tax cuts are permanent.

We have heard, today, scare tactics about the impact to Social Security and Medicare. Let me cite the Joint Economic Committee that shows the Congressional Budget Office said the Medicare trust fund solvency improved after tax reform. The tax reform strengthened the major funding source for the Medicare trust fund. Americans leaving disability for jobs due to a stronger economy will improve Medicare solvency, and the number of uninsured Americans fell—fell—after tax reform in the individual mandate.

And the final point, let's talk about debts and deficits, Mr. Speaker. This is a pleasant surprise to hear our Democrats suddenly concerned. They weren't, under President Obama, when they doubled the national debt. They added \$2 trillion in just 1 year.

I am not going to talk about sailors who drink. I will just say this. Democrats were concerned, didn't care about deficits when they were spending your money; but now that you are spending your money, all of a sudden, everything is changed.

The truth of the matter is: Who do you trust, Washington to spend your money, or you and your family?

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward Members of the Senate.

All time for debate has expired.

Pursuant to House Resolution 1084, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

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

#### MOTION TO RECOMMIT

Mr. LARSON of Connecticut. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LARSON of Connecticut. Mr. Speaker, I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Larson of Connecticut moves to recommit the bill H.R. 6760 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following new title:

#### TITLE III—EFFECTIVE DATE

##### SEC. 300. SHORT TITLE.

This title may be cited as the “Protect Medicare and Social Security Trust Funds Act of 2018”.



**SEC. 301. EFFECTIVE DATE.**

Notwithstanding any other provision of this Act, no provision of this Act (or any amendment made thereby) shall take effect unless and until the Chief Actuaries of the Medicare Hospital Insurance Trust Fund and of the Old-Age and Survivor Insurance and Disability Insurance Trust Funds have certified that the enactment of this Act will not harm the financial position of any of these trust funds. Such analysis shall be based on widely agreed-upon economic theory, conventionally agreed-upon economic metrics of macroeconomic analysis, and accepted models of distribution and growth.

Mr. BRADY of Texas (during the reading). Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will continue to read.

The Clerk continued to read.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. LARSON) is recognized for 5 minutes in support of his motion.

Mr. LARSON of Connecticut. Mr. Speaker, I want to say straightforwardly to my colleagues on the other side, this is as straightforward and it is as simple as it can be: Nothing in this bill can take effect unless and until the chief actuaries have certified that this bill will do no harm to Medicare and Social Security.

Now, unlike Members of Congress who have a pension plan, who have a Thrift Savings Plan, who also have Social Security, for one-third of all seniors in this country, they rely on Social Security alone; and for two-thirds of all seniors—and that is your mothers and fathers and aunts and uncles and nieces and nephews and friends and family—90 percent of their income comes from Social Security.

Mr. Speaker, 10,000—10,000—baby boomers become eligible for Social Security every single day; and yet, as Mr. NEAL has pointed out, the lack of hearings, the lack of any substantive debate on Social Security and Medicare. It has been nonexistent.

I include in the RECORD a letter from Robert Greenstein from the Center on Budget and Policy Priorities, and I think it bears listening to so that you get a full understanding and impact of what happens when this so-called tax reform bill takes effect and its burden is thrust squarely on the people who are in most need at the time.

[From the Center on Budget and Policy Priorities, Sept. 10, 2018]

GREENSTEIN: HOUSE REPUBLICAN TAX PROPOSAL REPEATS FLAWS IN 2017 TAX LAW

CBPP released the following statement from Robert Greenstein, president, on House of Republican leaders' release of their "2.0" tax proposal:

Today's tax proposal from House Republican leaders doubles down on the fundamental flaws of the 2017 tax law by further expanding deficits and once again favoring people with the highest incomes. The proposal calls for making permanent the 2017 law's individual tax provisions. Those provisions benefit households in the top 1 percent twice as much as households in the bottom 60 percent, measured as a share of income.

Making these provisions permanent would cost roughly \$650 billion over 2019 to 2028, ac-

cording to the Joint Tax Committee. Large as it is, this estimate significantly understates the long-term cost because the bill largely affects only the final three years of the 2019–2028 "budget window." We estimate that the legislation would cost roughly \$2.9 trillion over 2026 to 2035, the first full decade it would be in effect.

The revenue loss would come at a time when the baby boom generation will be retiring in large numbers and moving into "old-old age," causing Medicare and Social Security costs to rise considerably. Indeed, 2026, the year in which most of the new GOP tax legislation would start having effect, is the first year in which all members of the baby boom generation—including the youngest—will be eligible to draw Social Security retirement benefits. It's also the year in which the oldest baby boomers will turn 80; people in their 80s have higher health care costs, on average, than younger seniors do. The nation will need more revenues to help meet these and other challenges, such as a decaying infrastructure, not fewer revenues.

Policymakers should fix the flaws of the 2017 tax law, not extend them and compound the damage.

The Center on Budget and Policy Priorities is a nonprofit, nonpartisan research organization and policy institute that conducts research and analysis on a range of government policies and programs. It is supported primarily by foundation grants.

Mr. LARSON of Connecticut. Mr. Speaker, Mr. Greenstein says: "We estimate that the legislation would cost roughly \$2.9 trillion over 2026 to 2035, the first full decade it would be in effect."

"The revenue loss would come at a time when the baby boom generation will be retiring in large numbers . . . causing Medicare and Social Security costs to rise considerably."

Indeed, when this bill kicks in in 2026, it is the first year in which all members of the baby boom generation, including the youngest, will be eligible to draw on their Social Security retirement funds. It is also the year in which those in that generation will turn 80; and, as we all know, that is the time when they need medical attention the most and a time when the Nation will desperately need these revenues.

My Republican colleagues are paying for this tax reform on the backs of American seniors, forcing devastating cuts to Social Security and Medicare. Under the guise of tax reform, the trillions they are adding to the deficit is no accident, and cutting Social Security and Medicare has always been the next step.

News flash to my colleagues who refer to Social Security and Medicare as an entitlement: It is not an entitlement. It is the insurance that people have paid for, working all their life.

And how do we know this? How do we know this, America? Because all they have to do is check their pay stub where it says, "FICA," Federal Insurance Contributions Act.

Whose? Theirs, the hardworking people of America, who understand that this is the insurance that they have paid for. This is what they need in life. And at the very critical time when the full complement of baby boomers are retiring, they get burdened and saddled with this debt.

□ 1030

I would like to hope that our colleagues would at least listen to President Trump, President Trump, who said: We're not going to hurt the people who are paying into Social Security their whole life, and then, all of a sudden they're supposed to get less?

I hope our colleagues follow their President's lead, and understand the vital importance of making sure, not only that we protect Social Security, that we expand it at a time when it is most critical to all of them.

It would be great if we ever have a public hearing on it; but I have a profound inclination to understand that when Mr. NEAL is chairman of this committee, we will take this bill up.

Mr. Speaker, I yield back the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I withdraw my reservation of a point of order.

The SPEAKER pro tempore. The reservation of a point of order is withdrawn.

Mr. BRADY of Texas. Mr. Speaker, I rise in opposition to the motion to reconsider.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. BRADY of Texas. Mr. Speaker, you know Washington. You know Washington. If you don't have an argument, just scare people; just frighten them to death. That will work.

But people are smart. When you calm down all the rhetoric and all the anger and all the outrage, what we know is this: The Congressional Budget Office—it isn't Republican or Democrat—it found the Medicare Trust Fund solvency got better after tax reform.

In fact, tax reform strengthened the major funding source for the Medicare Trust Fund and now, because we have more people, especially those disabled, going back to work, getting a job that they had hoped for, it is actually improving Medicare solvency. So that great big scare tactic just got fact-checked.

In fact, already this year, the Federal Government is receiving \$105 billion more, Mr. Speaker, in payroll taxes and individual taxes, and those payroll taxes are what are the foundation of Social Security and Medicare.

The truth of the matter is, as we look at this bill, both parties claim to be champions of hardworking taxpayers. Well, let's check.

So, under this bill, a single mom, working her way out of poverty, permanently will see \$1,700 more in her paycheck each year. Democrats who vote "no" will steal that money back from that single mom.

Middle-class family of two, two teachers in my district, with two kids, under this bill, permanently will see a tax cut of \$2636. A "no" vote steals that money back from that family.

That Main Street business, moms and pops working all hours, all weekends, all year, under this bill, permanently they will see a tax cut of \$3,000

every year, and they can write off on their taxes that new computer, that new equipment, that new improvement to their store. A “no” vote hammers America’s Main Street businesses.

Young parents, struggling to raise kids, where every dollar matters, this bill makes sure that that doubling of the child tax credit is permanent, and millions more Americans, middle-class families, will get help raising their precious children. A “no” vote is to take that money back from those young parents. Oh, by the way, take back their tax-free savings for school and college for that child as well.

And, yes, in this bill, we make sure seniors can write off more of their high medical expenses. Some called it the cancer tax. A “yes” vote will help millions of seniors and millions of families with high medical bills more easily write those taxes off. A “no” vote is to deny American seniors, American families’ ability to write off those taxes.

Now, we know, thanks to ObamaCare, high out-of-pocket costs is now the pre-existing condition. This bill makes sure that we stand on the side of those seniors, whether they are battling cancer or some other menaces.

At the end of the day, while some would say, look, we need to raise the SALT cap, let me just say this: That SALT cap is a \$10 tax cut for the middle class and a \$146,000 tax cut for millionaires. In other words, Democrats who vote “no” say they just want more tax cuts for the rich.

And the fact of the matter is, States are seeing a \$20 billion windfall. State governments and Governors, all they need do, don’t pocket that money for their budget, pass it on to hard working taxpayers.

At the end of the day, the revenues are up. Payroll taxes are up. Social Security and Medicare are strengthened.

So at the end of the day, who do you trust? Who do you trust with your hard-earned money? Is it Washington, so they can take it and spend it on their special interests? Is it you? Is it your family? Is it your American Dream?

This bill is about making sure that we choose the American people. We choose you, the middle-class families. We choose you, Main Street America, to better use your money than Washington does.

As we conclude, Mr. Speaker, I would like to thank our tax team, led by Barbara Angus, our Chief Tax Counsel, Aharon Friedman, Randy Gartin, Aaron Junge, Loren Ponds, John Sandell, Donald Schneider, Victoria Glover, John Schoenecker, and Quinton Brady, for doing a remarkable job for us and for the American people.

I urge a “yes” on protecting tax cuts for individuals, middle-class families, and small businesses.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit. The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. LARSON of Connecticut. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

The House will resume proceedings on postponed questions at a later time.

#### SUBSTANCE USE-DISORDER PREVENTION THAT PROMOTES OPIOID RECOVERY AND TREATMENT FOR PATIENTS AND COMMUNITIES ACT

Mr. WALDEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1099) providing for the concurrence by the House in the Senate amendment to H.R. 6, with an amendment.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1099

*Resolved*, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker’s table the bill, H.R. 6, with the Senate amendment thereto, and to have concurred in the Senate amendment with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

##### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act” or the “SUPPORT for Patients and Communities Act”.

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

Sec. 1. Short title; table of contents.

##### TITLE I—MEDICAID PROVISIONS TO ADDRESS THE OPIOID CRISIS

Sec. 1001. At-risk youth Medicaid protection.

Sec. 1002. Health insurance for former foster youth.

Sec. 1003. Demonstration project to increase substance use provider capacity under the Medicaid program.

Sec. 1004. Medicaid drug review and utilization.

Sec. 1005. Guidance to improve care for infants with neonatal abstinence syndrome and their mothers; GAO study on gaps in Medicaid coverage for pregnant and postpartum women with substance use disorder.

Sec. 1006. Medicaid health homes for substance-use-disorder Medicaid enrollees.

Sec. 1007. Caring recovery for infants and babies.

Sec. 1008. Peer support enhancement and evaluation review.

Sec. 1009. Medicaid substance use disorder treatment via telehealth.

Sec. 1010. Enhancing patient access to non-opioid treatment options.

Sec. 1011. Assessing barriers to opioid use disorder treatment.

Sec. 1012. Help for moms and babies.

Sec. 1013. Securing flexibility to treat substance use disorders.

Sec. 1014. MACPAC study and report on MAT utilization controls under State Medicaid programs.

Sec. 1015. Opioid addiction treatment programs enhancement.

Sec. 1016. Better data sharing to combat the opioid crisis.

Sec. 1017. Report on innovative State initiatives and strategies to provide housing-related services and supports to individuals struggling with substance use disorders under Medicaid.

Sec. 1018. Technical assistance and support for innovative State strategies to provide housing-related supports under Medicaid.

##### TITLE II—MEDICARE PROVISIONS TO ADDRESS THE OPIOID CRISIS

Sec. 2001. Expanding the use of telehealth services for the treatment of opioid use disorder and other substance use disorders.

Sec. 2002. Comprehensive screenings for seniors.

Sec. 2003. Every prescription conveyed securely.

Sec. 2004. Requiring prescription drug plan sponsors under Medicare to establish drug management programs for at-risk beneficiaries.

Sec. 2005. Medicare coverage of certain services furnished by opioid treatment programs.

Sec. 2006. Encouraging appropriate prescribing under Medicare for victims of opioid overdose.

Sec. 2007. Automatic escalation to external review under a Medicare part D drug management program for at-risk beneficiaries.

Sec. 2008. Suspension of payments by Medicare prescription drug plans and MA-PD plans pending investigations of credible allegations of fraud by pharmacies.

##### TITLE III—FDA AND CONTROLLED SUBSTANCE PROVISIONS

###### Subtitle A—FDA Provisions

###### CHAPTER 1—IN GENERAL

Sec. 3001. Clarifying FDA regulation of non-addictive pain products.

Sec. 3002. Evidence-based opioid analgesic prescribing guidelines and report.

###### CHAPTER 2—STOP COUNTERFEIT DRUGS BY REGULATING AND ENHANCING ENFORCEMENT NOW

Sec. 3011. Short title.

Sec. 3012. Notification, nondistribution, and recall of controlled substances.

Sec. 3013. Single source pattern of imported illegal drugs.

Sec. 3014. Strengthening FDA and CBP coordination and capacity.

###### CHAPTER 3—STOP ILLICIT DRUG IMPORTATION

Sec. 3021. Short title.

Sec. 3022. Restricting entrance of illicit drugs.

CHAPTER 4—SECURING OPIOIDS AND UNUSED NARCOTICS WITH DELIBERATE DISPOSAL AND PACKAGING

Sec. 3031. Short title.  
Sec. 3032. Safety-enhancing packaging and disposal features.

CHAPTER 5—POSTAPPROVAL STUDY REQUIREMENTS

Sec. 3041. Clarifying FDA postmarket authorities.

Subtitle B—Controlled Substance Provisions  
CHAPTER 1—MORE FLEXIBILITY WITH RESPECT TO MEDICATION-ASSISTED TREATMENT FOR OPIOID USE DISORDERS

Sec. 3201. Allowing for more flexibility with respect to medication-assisted treatment for opioid use disorders.  
Sec. 3202. Medication-assisted treatment for recovery from substance use disorder.  
Sec. 3203. Grants to enhance access to substance use disorder treatment.  
Sec. 3204. Delivery of a controlled substance by a pharmacy to be administered by injection or implantation.

CHAPTER 2—EMPOWERING PHARMACISTS IN THE FIGHT AGAINST OPIOID ABUSE

Sec. 3211. Short title.  
Sec. 3212. Programs and materials for training on certain circumstances under which a pharmacist may decline to fill a prescription.

CHAPTER 3—SAFE DISPOSAL OF UNUSED MEDICATION

Sec. 3221. Short title.  
Sec. 3222. Disposal of controlled substances of a hospice patient by employees of a qualified hospice program.  
Sec. 3223. GAO study and report on hospice safe drug management.

CHAPTER 4—SPECIAL REGISTRATION FOR TELEMEDICINE CLARIFICATION

Sec. 3231. Short title.  
Sec. 3232. Regulations relating to a special registration for telemedicine.

CHAPTER 5—SYNTHETIC ABUSE AND LABELING OF TOXIC SUBSTANCES

Sec. 3241. Controlled substance analogues.

CHAPTER 6—ACCESS TO INCREASED DRUG DISPOSAL

Sec. 3251. Short title.  
Sec. 3252. Definitions.  
Sec. 3253. Authority to make grants.  
Sec. 3254. Application.  
Sec. 3255. Use of grant funds.  
Sec. 3256. Eligibility for grant.  
Sec. 3257. Duration of grants.  
Sec. 3258. Accountability and oversight.  
Sec. 3259. Duration of program.  
Sec. 3260. Authorization of appropriations.

CHAPTER 7—USING DATA TO PREVENT OPIOID DIVERSION

Sec. 3271. Short title.  
Sec. 3272. Purpose.  
Sec. 3273. Amendments.  
Sec. 3274. Report.

CHAPTER 8—OPIOID QUOTA REFORM

Sec. 3281. Short title.  
Sec. 3282. Strengthening considerations for DEA opioid quotas.

CHAPTER 9—PREVENTING DRUG DIVERSION

Sec. 3291. Short title.  
Sec. 3292. Improvements to prevent drug diversion.

TITLE IV—OFFSETS

Sec. 4001. Promoting value in Medicaid managed care.  
Sec. 4002. Requiring reporting by group health plans of prescription drug coverage information for purposes of identifying primary payer situations under the Medicare program.

Sec. 4003. Additional religious exemption from health coverage responsibility requirement.

Sec. 4004. Modernizing the reporting of biological and biosimilar products.

TITLE V—OTHER MEDICAID PROVISIONS

Subtitle A—Mandatory Reporting With Respect to Adult Behavioral Health Measures

Sec. 5001. Mandatory reporting with respect to adult behavioral health measures.

Subtitle B—Medicaid IMD Additional Info

Sec. 5011. Short title.  
Sec. 5012. MACPAC exploratory study and report on institutions for mental diseases requirements and practices under Medicaid.

Subtitle C—CHIP Mental Health and Substance Use Disorder Parity

Sec. 5021. Short title.  
Sec. 5022. Ensuring access to mental health and substance use disorder services for children and pregnant women under the Children's Health Insurance Program.

Subtitle D—Medicaid Reentry

Sec. 5031. Short title.  
Sec. 5032. Promoting State innovations to ease transitions integration to the community for certain individuals.

Subtitle E—Medicaid Partnership

Sec. 5041. Short title.  
Sec. 5042. Medicaid providers are required to note experiences in record systems to help in-need patients.

Subtitle F—IMD CARE Act

Sec. 5051. Short title.  
Sec. 5052. State option to provide Medicaid coverage for certain individuals with substance use disorders who are patients in certain institutions for mental diseases.

Subtitle G—Medicaid Improvement Fund

Sec. 5061. Medicaid Improvement Fund.

TITLE VI—OTHER MEDICARE PROVISIONS

Subtitle A—Testing of Incentive Payments for Behavioral Health Providers for Adoption and Use of Certified Electronic Health Record Technology

Sec. 6001. Testing of incentive payments for behavioral health providers for adoption and use of certified electronic health record technology.

Subtitle B—Abuse Deterrent Access

Sec. 6011. Short title.  
Sec. 6012. Study on abuse-deterrent opioid formulations access barriers under Medicare.

Subtitle C—Medicare Opioid Safety Education

Sec. 6021. Medicare opioid safety education.

Subtitle D—Opioid Addiction Action Plan

Sec. 6031. Short title.  
Sec. 6032. Action plan on recommendations for changes under Medicare and Medicaid to prevent opioids addictions and enhance access to medication-assisted treatment.

Subtitle E—Advancing High Quality Treatment for Opioid Use Disorders in Medicare

Sec. 6041. Short title.  
Sec. 6042. Opioid use disorder treatment demonstration program.

Subtitle F—Responsible Education Achieves Care and Healthy Outcomes for Users' Treatment

Sec. 6051. Short title.

Sec. 6052. Grants to provide technical assistance to outlier prescribers of opioids.

Subtitle G—Preventing Addiction for Susceptible Seniors

Sec. 6061. Short title.  
Sec. 6062. Electronic prior authorization for covered part D drugs.  
Sec. 6063. Program integrity transparency measures under Medicare parts C and D.  
Sec. 6064. Expanding eligibility for medication therapy management programs under part D.  
Sec. 6065. Commit to opioid medical prescriber accountability and safety for seniors.  
Sec. 6066. No additional funds authorized.

Subtitle H—Expanding Oversight of Opioid Prescribing and Payment

Sec. 6071. Short title.  
Sec. 6072. Medicare Payment Advisory Commission report on opioid payment, adverse incentives, and data under the Medicare program.  
Sec. 6073. No additional funds authorized.

Subtitle I—Dr. Todd Graham Pain Management, Treatment, and Recovery

Sec. 6081. Short title.  
Sec. 6082. Review and adjustment of payments under the Medicare outpatient prospective payment system to avoid financial incentives to use opioids instead of non-opioid alternative treatments.

Sec. 6083. Expanding access under the Medicare program to addiction treatment in Federally qualified health centers and rural health clinics.

Sec. 6084. Studying the availability of supplemental benefits designed to treat or prevent substance use disorders under Medicare Advantage plans.

Sec. 6085. Clinical psychologist services models under the Center for Medicare and Medicaid Innovation; GAO study and report.

Sec. 6086. Dr. Todd Graham pain management study.

Subtitle J—Combating Opioid Abuse for Care in Hospitals

Sec. 6091. Short title.  
Sec. 6092. Developing guidance on pain management and opioid use disorder prevention for hospitals receiving payment under part A of the Medicare program.

Sec. 6093. Requiring the review of quality measures relating to opioids and opioid use disorder treatments furnished under the Medicare program and other federal health care programs.

Sec. 6094. Technical expert panel on reducing surgical setting opioid use; Data collection on perioperative opioid use.

Sec. 6095. Requiring the posting and periodic update of opioid prescribing guidance for Medicare beneficiaries.

Subtitle K—Providing Reliable Options for Patients and Educational Resources

Sec. 6101. Short title.  
Sec. 6102. Requiring Medicare Advantage plans and part D prescription drug plans to include information on risks associated with opioids and coverage of non-pharmacological therapies and nonopioid medications or devices used to treat pain.

- Sec. 6103. Requiring Medicare Advantage plans and prescription drug plans to provide information on the safe disposal of prescription drugs.
- Sec. 6104. Revising measures used under the Hospital Consumer Assessment of Healthcare Providers and Systems survey relating to pain management.
- Subtitle L—Fighting the Opioid Epidemic With Sunshine
- Sec. 6111. Fighting the opioid epidemic with sunshine.
- TITLE VII—PUBLIC HEALTH PROVISIONS**
- Subtitle A—Awareness and Training
- Sec. 7001. Report on effects on public health of synthetic drug use.
- Sec. 7002. First responder training.
- Subtitle B—Pilot Program for Public Health Laboratories To Detect Fentanyl and Other Synthetic Opioids
- Sec. 7011. Pilot program for public health laboratories to detect fentanyl and other synthetic opioids.
- Subtitle C—Indexing Narcotics, Fentanyl, and Opioids
- Sec. 7021. Establishment of substance use disorder information dashboard.
- Sec. 7022. Interdepartmental Substance Use Disorders Coordinating Committee.
- Sec. 7023. National milestones to measure success in curtailing the opioid crisis.
- Sec. 7024. Study on prescribing limits.
- Subtitle D—Ensuring Access to Quality Sober Living
- Sec. 7031. National recovery housing best practices.
- Subtitle E—Advancing Cutting Edge Research
- Sec. 7041. Unique research initiatives.
- Sec. 7042. Pain research.
- Subtitle F—Jessie's Law
- Sec. 7051. Inclusion of opioid addiction history in patient records.
- Sec. 7052. Communication with families during emergencies.
- Sec. 7053. Development and dissemination of model training programs for substance use disorder patient records.
- Subtitle G—Protecting Pregnant Women and Infants
- Sec. 7061. Report on addressing maternal and infant health in the opioid crisis.
- Sec. 7062. Protecting moms and infants.
- Sec. 7063. Early interventions for pregnant women and infants.
- Sec. 7064. Prenatal and postnatal health.
- Sec. 7065. Plans of safe care.
- Subtitle H—Substance Use Disorder Treatment Workforce
- Sec. 7071. Loan repayment program for substance use disorder treatment workforce.
- Sec. 7072. Clarification regarding service in schools and other community-based settings.
- Sec. 7073. Programs for health care workforce.
- Subtitle I—Preventing Overdoses While in Emergency Rooms
- Sec. 7081. Program to support coordination and continuation of care for drug overdose patients.
- Subtitle J—Alternatives to Opioids in the Emergency Department
- Sec. 7091. Emergency department alternatives to opioids demonstration program.
- Subtitle K—Treatment, Education, and Community Help To Combat Addiction
- Sec. 7101. Establishment of regional centers of excellence in substance use disorder education.
- Sec. 7102. Youth prevention and recovery.
- Subtitle L—Information From National Mental Health and Substance Use Policy Laboratory
- Sec. 7111. Information from National Mental Health and Substance Use Policy Laboratory.
- Subtitle M—Comprehensive Opioid Recovery Centers
- Sec. 7121. Comprehensive opioid recovery centers.
- Subtitle N—Trauma-Informed Care
- Sec. 7131. CDC surveillance and data collection for child, youth, and adult trauma.
- Sec. 7132. Task force to develop best practices for trauma-informed identification, referral, and support.
- Sec. 7133. National Child Traumatic Stress Initiative.
- Sec. 7134. Grants to improve trauma support services and mental health care for children and youth in educational settings.
- Sec. 7135. Recognizing early childhood trauma related to substance abuse.
- Subtitle O—Eliminating Opioid Related Infectious Diseases
- Sec. 7141. Reauthorization and expansion of program of surveillance and education regarding infections associated with illicit drug use and other risk factors.
- Subtitle P—Peer Support Communities of Recovery
- Sec. 7151. Building communities of recovery.
- Sec. 7152. Peer support technical assistance center.
- Subtitle Q—Creating Opportunities That Necessitate New and Enhanced Connections That Improve Opioid Navigation Strategies
- Sec. 7161. Preventing overdoses of controlled substances.
- Sec. 7162. Prescription drug monitoring program.
- Subtitle R—Review of Substance Use Disorder Treatment Providers Receiving Federal Funding
- Sec. 7171. Review of substance use disorder treatment providers receiving Federal funding.
- Subtitle S—Other Health Provisions
- Sec. 7181. State response to the opioid abuse crisis.
- Sec. 7182. Report on investigations regarding parity in mental health and substance use disorder benefits.
- Sec. 7183. CAREER Act.
- TITLE VIII—MISCELLANEOUS**
- Subtitle A—Synthetics Trafficking and Overdose Prevention
- Sec. 8001. Short title.
- Sec. 8002. Customs fees.
- Sec. 8003. Mandatory advance electronic information for postal shipments.
- Sec. 8004. International postal agreements.
- Sec. 8005. Cost recoupment.
- Sec. 8006. Development of technology to detect illicit narcotics.
- Sec. 8007. Civil penalties for postal shipments.
- Sec. 8008. Report on violations of arrival, reporting, entry, and clearance requirements and falsity or lack of manifest.
- Sec. 8009. Effective date; regulations.
- Subtitle B—Opioid Addiction Recovery Fraud Prevention
- Sec. 8021. Short title.
- Sec. 8022. Definitions.
- Sec. 8023. Unfair or deceptive acts or practices with respect to substance use disorder treatment service and products.
- Subtitle C—Addressing Economic and Workforce Impacts of the Opioid Crisis
- Sec. 8041. Addressing economic and workforce impacts of the opioid crisis.
- Subtitle D—Peer Support Counseling Program for Women Veterans
- Sec. 8051. Peer support counseling program for women veterans.
- Subtitle E—Treating Barriers to Prosperity
- Sec. 8061. Short title.
- Sec. 8062. Drug abuse mitigation initiative.
- Subtitle F—Pilot Program to Help Individuals in Recovery From a Substance Use Disorder Become Stably Housed
- Sec. 8071. Pilot program to help individuals in recovery from a substance use disorder become stably housed.
- Subtitle G—Human Services
- Sec. 8081. Supporting family-focused residential treatment.
- Sec. 8082. Improving recovery and reunifying families.
- Sec. 8083. Building capacity for family-focused residential treatment.
- Subtitle H—Reauthorizing and Extending Grants for Recovery From Opioid Use Programs
- Sec. 8091. Short title.
- Sec. 8092. Reauthorization of the comprehensive opioid abuse grant program.
- Subtitle I—Fighting Opioid Abuse in Transportation
- Sec. 8101. Short title.
- Sec. 8102. Alcohol and controlled substance testing of mechanical employees.
- Sec. 8103. Department of Transportation public drug and alcohol testing database.
- Sec. 8104. GAO report on Department of Transportation's collection and use of drug and alcohol testing data.
- Sec. 8105. Transportation Workplace Drug and Alcohol Testing Program; addition of fentanyl and other substances.
- Sec. 8106. Status reports on hair testing guidelines.
- Sec. 8107. Mandatory Guidelines for Federal Workplace Drug Testing Programs using Oral Fluid.
- Sec. 8108. Electronic recordkeeping.
- Sec. 8109. Status reports on Commercial Driver's License Drug and Alcohol Clearinghouse.
- Subtitle J—Eliminating Kickbacks in Recovery
- Sec. 8121. Short title.
- Sec. 8122. Criminal penalties.
- Subtitle K—Substance Abuse Prevention
- Sec. 8201. Short title.
- Sec. 8202. Reauthorization of the Office of National Drug Control Policy.
- Sec. 8203. Reauthorization of the Drug-Free Communities Program.
- Sec. 8204. Reauthorization of the National Community Anti-Drug Coalition Institute.
- Sec. 8205. Reauthorization of the High-Intensity Drug Trafficking Area Program.
- Sec. 8206. Reauthorization of drug court program.
- Sec. 8207. Drug court training and technical assistance.

Sec. 8208. Drug overdose response strategy.  
 Sec. 8209. Protecting law enforcement officers from accidental exposure.  
 Sec. 8210. COPS Anti-Meth Program.  
 Sec. 8211. COPS anti-heroin task force program.  
 Sec. 8212. Comprehensive Addiction and Recovery Act education and awareness.  
 Sec. 8213. Reimbursement of substance use disorder treatment professionals.  
 Sec. 8214. Sobriety Treatment and Recovery Teams (START).  
 Sec. 8215. Provider education.  
 Sec. 8216. Definitions.  
 Sec. 8217. Amendments to administration of the Office.  
 Sec. 8218. Emerging threats committee, plan, and media campaign.  
 Sec. 8219. Drug interdiction.  
 Sec. 8220. GAO Audit.  
 Sec. 8221. National Drug Control Strategy.  
 Sec. 8222. Technical and conforming amendments to the Office of National Drug Control Policy Reauthorization Act of 1998.

#### Subtitle L—Budgetary Effects

Sec. 8231. Budgetary effect.

### TITLE I—MEDICAID PROVISIONS TO ADDRESS THE OPIOID CRISIS

#### SEC. 1001. AT-RISK YOUTH MEDICAID PROTECTION.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)—

(A) by striking “and” at the end of paragraph (82);

(B) by striking the period at the end of paragraph (83) and inserting “; and”; and

(C) by inserting after paragraph (83) the following new paragraph:

“(84) provide that—

“(A) the State shall not terminate eligibility for medical assistance under the State plan for an individual who is an eligible juvenile (as defined in subsection (nn)(2)) because the juvenile is an inmate of a public institution (as defined in subsection (nn)(3)), but may suspend coverage during the period the juvenile is such an inmate;

“(B) in the case of an individual who is an eligible juvenile described in paragraph (2)(A) of subsection (nn), the State shall, prior to the individual’s release from such a public institution, conduct a redetermination of eligibility for such individual with respect to such medical assistance (without requiring a new application from the individual) and, if the State determines pursuant to such redetermination that the individual continues to meet the eligibility requirements for such medical assistance, the State shall restore coverage for such medical assistance to such an individual upon the individual’s release from such public institution; and

“(C) in the case of an individual who is an eligible juvenile described in paragraph (2)(B) of subsection (nn), the State shall process any application for medical assistance submitted by, or on behalf of, such individual such that the State makes a determination of eligibility for such individual with respect to such medical assistance upon release of such individual from such public institution.”; and

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

“(nn) JUVENILE; ELIGIBLE JUVENILE; PUBLIC INSTITUTION.—For purposes of subsection (a)(84) and this subsection:

“(1) JUVENILE.—The term ‘juvenile’ means an individual who is—

“(A) under 21 years of age; or

“(B) described in subsection (a)(10)(A)(i)(IX).

“(2) ELIGIBLE JUVENILE.—The term ‘eligible juvenile’ means a juvenile who is an inmate of a public institution and who—

“(A) was determined eligible for medical assistance under the State plan immediately before becoming an inmate of such a public institution; or

“(B) is determined eligible for such medical assistance while an inmate of a public institution.

“(3) INMATE OF A PUBLIC INSTITUTION.—The term ‘inmate of a public institution’ has the meaning given such term for purposes of applying the subdivision (A) following paragraph (30) of section 1905(a), taking into account the exception in such subdivision for a patient of a medical institution.”.

(b) NO CHANGE IN EXCLUSION FROM MEDICAL ASSISTANCE FOR INMATES OF PUBLIC INSTITUTIONS.—Nothing in this section shall be construed as changing the exclusion from medical assistance under the subdivision (A) following paragraph (30) of section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)), as redesignated by section 1006(b)(2)(B) of this Act, including any applicable restrictions on a State submitting claims for Federal financial participation under title XIX of such Act for such assistance.

(c) NO CHANGE IN CONTINUITY OF ELIGIBILITY BEFORE ADJUDICATION OR SENTENCING.—Nothing in this section shall be construed to mandate, encourage, or suggest that a State suspend or terminate coverage for individuals before they have been adjudicated or sentenced.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) shall apply to eligibility of juveniles who become inmates of public institutions on or after the date that is 1 year after the date of the enactment of this Act.

(2) RULE FOR CHANGES REQUIRING STATE LEGISLATION.—In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

#### SEC. 1002. HEALTH INSURANCE FOR FORMER FOSTER YOUTH.

(a) COVERAGE CONTINUITY FOR FORMER FOSTER CARE CHILDREN UP TO AGE 26.—

(1) IN GENERAL.—Section 1902(a)(10)(A)(i)(IX) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)(IX)) is amended—

(A) in item (bb), by striking “are not described in or enrolled under” and inserting “are not described in and are not enrolled under”;

(B) in item (cc), by striking “responsibility of the State” and inserting “responsibility of a State”; and

(C) in item (dd), by striking “the State plan under this title or under a waiver of the” and inserting “a State plan under this title or under a waiver of such a”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect with respect to foster youth who attain 18 years of age on or after January 1, 2023.

(b) GUIDANCE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue guidance to States, with respect to the State Medicaid programs of such States—

(1) on best practices for—

(A) removing barriers and ensuring streamlined, timely access to Medicaid coverage for former foster youth up to age 26; and

(B) conducting outreach and raising awareness among such youth regarding Medicaid coverage options for such youth; and

(2) which shall include examples of States that have successfully extended Medicaid coverage to former foster youth up to age 26.

#### SEC. 1003. DEMONSTRATION PROJECT TO INCREASE SUBSTANCE USE PROVIDER CAPACITY UNDER THE MEDICAID PROGRAM.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following new subsection:

“(aa) DEMONSTRATION PROJECT TO INCREASE SUBSTANCE USE PROVIDER CAPACITY.—

“(1) IN GENERAL.—Not later than the date that is 180 days after the date of the enactment of this subsection, the Secretary shall, in consultation, as appropriate, with the Director of the Agency for Healthcare Research and Quality and the Assistant Secretary for Mental Health and Substance Use, conduct a 54-month demonstration project for the purpose described in paragraph (2) under which the Secretary shall—

“(A) for the first 18-month period of such project, award planning grants described in paragraph (3); and

“(B) for the remaining 36-month period of such project, provide to each State selected under paragraph (4) payments in accordance with paragraph (5).

“(2) PURPOSE.—The purpose described in this paragraph is for each State selected under paragraph (4) to increase the treatment capacity of providers participating under the State plan (or a waiver of such plan) to provide substance use disorder treatment or recovery services under such plan (or waiver) through the following activities:

“(A) For the purpose described in paragraph (3)(C)(i), activities that support an ongoing assessment of the behavioral health treatment needs of the State, taking into account the matters described in subclauses (I) through (IV) of such paragraph.

“(B) Activities that, taking into account the results of the assessment described in subparagraph (A), support the recruitment, training, and provision of technical assistance for providers participating under the State plan (or a waiver of such plan) that offer substance use disorder treatment or recovery services.

“(C) Improved reimbursement for and expansion of, through the provision of education, training, and technical assistance, the number or treatment capacity of providers participating under the State plan (or waiver) that—

“(i) are authorized to dispense drugs approved by the Food and Drug Administration for individuals with a substance use disorder who need withdrawal management or maintenance treatment for such disorder;

“(ii) have in effect a registration or waiver under section 303(g) of the Controlled Substances Act for purposes of dispensing narcotic drugs to individuals for maintenance treatment or detoxification treatment and are in compliance with any regulation promulgated by the Assistant Secretary for Mental Health and Substance Use for purposes of carrying out the requirements of such section 303(g); and



“(iii) are qualified under applicable State law to provide substance use disorder treatment or recovery services.

“(D) Improved reimbursement for and expansion of, through the provision of education, training, and technical assistance, the number or treatment capacity of providers participating under the State plan (or waiver) that have the qualifications to address the treatment or recovery needs of—

“(i) individuals enrolled under the State plan (or a waiver of such plan) who have neonatal abstinence syndrome, in accordance with guidelines issued by the American Academy of Pediatrics and American College of Obstetricians and Gynecologists relating to maternal care and infant care with respect to neonatal abstinence syndrome;

“(ii) pregnant women, postpartum women, and infants, particularly the concurrent treatment, as appropriate, and comprehensive case management of pregnant women, postpartum women and infants, enrolled under the State plan (or a waiver of such plan);

“(iii) adolescents and young adults between the ages of 12 and 21 enrolled under the State plan (or a waiver of such plan); or

“(iv) American Indian and Alaska Native individuals enrolled under the State plan (or a waiver of such plan).

“(3) PLANNING GRANTS.—

“(A) IN GENERAL.—The Secretary shall, with respect to the first 18-month period of the demonstration project conducted under paragraph (1), award planning grants to at least 10 States selected in accordance with subparagraph (B) for purposes of preparing an application described in paragraph (4)(C) and carrying out the activities described in subparagraph (C).

“(B) SELECTION.—In selecting States for purposes of this paragraph, the Secretary shall—

“(i) select States that have a State plan (or waiver of the State plan) approved under this title;

“(ii) select States in a manner that ensures geographic diversity; and

“(iii) give preference to States with a prevalence of substance use disorders (in particular opioid use disorders) that is comparable to or higher than the national average prevalence, as measured by aggregate per capita drug overdoses, or any other measure that the Secretary deems appropriate.

“(C) ACTIVITIES DESCRIBED.—Activities described in this subparagraph are, with respect to a State, each of the following:

“(i) Activities that support the development of an initial assessment of the behavioral health treatment needs of the State to determine the extent to which providers are needed (including the types of such providers and geographic area of need) to improve the network of providers that treat substance use disorders under the State plan (or waiver), including the following:

“(I) An estimate of the number of individuals enrolled under the State plan (or a waiver of such plan) who have a substance use disorder.

“(II) Information on the capacity of providers to provide substance use disorder treatment or recovery services to individuals enrolled under the State plan (or waiver), including information on providers who provide such services and their participation under the State plan (or waiver).

“(III) Information on the gap in substance use disorder treatment or recovery services under the State plan (or waiver) based on the information described in subclauses (I) and (II).

“(IV) Projections regarding the extent to which the State participating under the demonstration project would increase the

number of providers offering substance use disorder treatment or recovery services under the State plan (or waiver) during the period of the demonstration project.

“(ii) Activities that, taking into account the results of the assessment described in clause (i), support the development of State infrastructure to, with respect to the provision of substance use disorder treatment or recovery services under the State plan (or a waiver of such plan), recruit prospective providers and provide training and technical assistance to such providers.

“(D) FUNDING.—For purposes of subparagraph (A), there is appropriated, out of any funds in the Treasury not otherwise appropriated, \$50,000,000, to remain available until expended.

“(4) POST-PLANNING STATES.—

“(A) IN GENERAL.—The Secretary shall, with respect to the remaining 36-month period of the demonstration project conducted under paragraph (1), select not more than 5 States in accordance with subparagraph (B) for purposes of carrying out the activities described in paragraph (2) and receiving payments in accordance with paragraph (5).

“(B) SELECTION.—In selecting States for purposes of this paragraph, the Secretary shall—

“(i) select States that received a planning grant under paragraph (3);

“(ii) select States that submit to the Secretary an application in accordance with the requirements in subparagraph (C), taking into consideration the quality of each such application;

“(iii) select States in a manner that ensures geographic diversity; and

“(iv) give preference to States with a prevalence of substance use disorders (in particular opioid use disorders) that is comparable to or higher than the national average prevalence, as measured by aggregate per capita drug overdoses, or any other measure that the Secretary deems appropriate.

“(C) APPLICATIONS.—

“(i) IN GENERAL.—A State seeking to be selected for purposes of this paragraph shall submit to the Secretary, at such time and in such form and manner as the Secretary requires, an application that includes such information, provisions, and assurances, as the Secretary may require, in addition to the following:

“(I) A proposed process for carrying out the ongoing assessment described in paragraph (2)(A), taking into account the results of the initial assessment described in paragraph (3)(C)(i).

“(II) A review of reimbursement methodologies and other policies related to substance use disorder treatment or recovery services under the State plan (or waiver) that may create barriers to increasing the number of providers delivering such services.

“(III) The development of a plan, taking into account activities carried out under paragraph (3)(C)(ii), that will result in long-term and sustainable provider networks under the State plan (or waiver) that will offer a continuum of care for substance use disorders. Such plan shall include the following:

“(aa) Specific activities to increase the number of providers (including providers that specialize in providing substance use disorder treatment or recovery services, hospitals, health care systems, Federally qualified health centers, and, as applicable, certified community behavioral health clinics) that offer substance use disorder treatment, recovery, or support services, including short-term detoxification services, outpatient substance use disorder services, and evidence-based peer recovery services.

“(bb) Strategies that will incentivize providers described in subparagraphs (C) and (D) of paragraph (2) to obtain the necessary training, education, and support to deliver substance use disorder treatment or recovery services in the State.

“(cc) Milestones and timeliness for implementing activities set forth in the plan.

“(dd) Specific measurable targets for increasing the substance use disorder treatment and recovery provider network under the State plan (or a waiver of such plan).

“(IV) A proposed process for reporting the information required under paragraph (6)(A), including information to assess the effectiveness of the efforts of the State to expand the capacity of providers to deliver substance use disorder treatment or recovery services during the period of the demonstration project under this subsection.

“(V) The expected financial impact of the demonstration project under this subsection on the State.

“(VI) A description of all funding sources available to the State to provide substance use disorder treatment or recovery services in the State.

“(VII) A preliminary plan for how the State will sustain any increase in the capacity of providers to deliver substance use disorder treatment or recovery services resulting from the demonstration project under this subsection after the termination of such demonstration project.

“(VIII) A description of how the State will coordinate the goals of the demonstration project with any waiver granted (or submitted by the State and pending) pursuant to section 1115 for the delivery of substance use services under the State plan, as applicable.

“(ii) CONSULTATION.—In completing an application under clause (i), a State shall consult with relevant stakeholders, including Medicaid managed care plans, health care providers, and Medicaid beneficiary advocates, and include in such application a description of such consultation.

“(5) PAYMENT.—

“(A) IN GENERAL.—For each quarter occurring during the period for which the demonstration project is conducted (after the first 18 months of such period), the Secretary shall pay under this subsection, subject to subparagraph (C), to each State selected under paragraph (4) an amount equal to 80 percent of so much of the qualified sums expended during such quarter.

“(B) QUALIFIED SUMS DEFINED.—For purposes of subparagraph (A), the term ‘qualified sums’ means, with respect to a State and a quarter, the amount equal to the amount (if any) by which the sums expended by the State during such quarter attributable to substance use disorder treatment or recovery services furnished by providers participating under the State plan (or a waiver of such plan) exceeds 1/4 of such sums expended by the State during fiscal year 2018 attributable to substance use disorder treatment or recovery services.

“(C) NON-DUPLICATION OF PAYMENT.—In the case that payment is made under subparagraph (A) with respect to expenditures for substance use disorder treatment or recovery services furnished by providers participating under the State plan (or a waiver of such plan), payment may not also be made under subsection (a) with respect to expenditures for the same services so furnished.

“(6) REPORTS.—

“(A) STATE REPORTS.—A State receiving payments under paragraph (5) shall, for the period of the demonstration project under this subsection, submit to the Secretary a quarterly report, with respect to expenditures for substance use disorder treatment or recovery services for which payment is made

to the State under this subsection, on the following:

“(i) The specific activities with respect to which payment under this subsection was provided.

“(ii) The number of providers that delivered substance use disorder treatment or recovery services in the State under the demonstration project compared to the estimated number of providers that would have otherwise delivered such services in the absence of such demonstration project.

“(iii) The number of individuals enrolled under the State plan (or a waiver of such plan) who received substance use disorder treatment or recovery services under the demonstration project compared to the estimated number of such individuals who would have otherwise received such services in the absence of such demonstration project.

“(iv) Other matters as determined by the Secretary.

“(B) CMS REPORTS.—

“(i) INITIAL REPORT.—Not later than October 1, 2020, the Administrator of the Centers for Medicare & Medicaid Services shall, in consultation with the Director of the Agency for Healthcare Research and Quality and the Assistant Secretary for Mental Health and Substance Use, submit to Congress an initial report on—

“(I) the States awarded planning grants under paragraph (3);

“(II) the criteria used in such selection; and

“(III) the activities carried out by such States under such planning grants.

“(ii) INTERIM REPORT.—Not later than October 1, 2022, the Administrator of the Centers for Medicare & Medicaid Services shall, in consultation with the Director of the Agency for Healthcare Research and Quality and the Assistant Secretary for Mental Health and Substance Use, submit to Congress an interim report—

“(I) on activities carried out under the demonstration project under this subsection;

“(II) on the extent to which States selected under paragraph (4) have achieved the stated goals submitted in their applications under subparagraph (C) of such paragraph;

“(III) with a description of the strengths and limitations of such demonstration project; and

“(IV) with a plan for the sustainability of such project.

“(iii) FINAL REPORT.—Not later than October 1, 2024, the Administrator of the Centers for Medicare & Medicaid Services shall, in consultation with the Director of the Agency for Healthcare Research and Quality and the Assistant Secretary for Mental Health and Substance Use, submit to Congress a final report—

“(I) providing updates on the matters reported in the interim report under clause (ii);

“(II) including a description of any changes made with respect to the demonstration project under this subsection after the submission of such interim report; and

“(III) evaluating such demonstration project.

“(C) AHRQ REPORT.—Not later than 3 years after the date of the enactment of this subsection, the Director of the Agency for Healthcare Research and Quality, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, shall submit to Congress a summary on the experiences of States awarded planning grants under paragraph (3) and States selected under paragraph (4).

“(7) DATA SHARING AND BEST PRACTICES.—During the period of the demonstration project under this subsection, the Secretary shall, in collaboration with States selected under paragraph (4), facilitate data sharing

and the development of best practices between such States and States that were not so selected.

“(8) CMS FUNDING.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, \$5,000,000 to the Centers for Medicare & Medicaid Services for purposes of implementing this subsection. Such amount shall remain available until expended.”.

#### SEC. 1004. MEDICAID DRUG REVIEW AND UTILIZATION.

(a) MEDICAID DRUG UTILIZATION REVIEW.—

(1) STATE PLAN REQUIREMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), as amended by section 1001, is further amended—

(A) in paragraph (83), at the end, by striking “and”;

(B) in paragraph (84), at the end, by striking the period and inserting “; and”; and

(C) by inserting after paragraph (84) the following new paragraph:

“(85) provide that the State is in compliance with the drug review and utilization requirements under subsection (oo)(1).”.

(2) DRUG REVIEW AND UTILIZATION REQUIREMENTS.—Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by section 1001, is further amended by adding at the end the following new subsection:

“(oo) DRUG REVIEW AND UTILIZATION REQUIREMENTS.—

“(1) IN GENERAL.—For purposes of subsection (a)(85), the drug review and utilization requirements under this subsection are, subject to paragraph (3) and beginning October 1, 2019, the following:

“(A) CLAIMS REVIEW LIMITATIONS.—

“(i) IN GENERAL.—The State has in place—

“(I) safety edits (as specified by the State) for subsequent fills for opioids and a claims review automated process (as designed and implemented by the State) that indicates when an individual enrolled under the State plan (or under a waiver of the State plan) is prescribed a subsequent fill of opioids in excess of any limitation that may be identified by the State;

“(II) safety edits (as specified by the State) on the maximum daily morphine equivalent that can be prescribed to an individual enrolled under the State plan (or under a waiver of the State plan) for treatment of chronic pain and a claims review automated process (as designed and implemented by the State) that indicates when an individual enrolled under the plan (or waiver) is prescribed the morphine equivalent for such treatment in excess of any limitation that may be identified by the State; and

“(III) a claims review automated process (as designed and implemented by the State) that monitors when an individual enrolled under the State plan (or under a waiver of the State plan) is concurrently prescribed opioids and—

“(aa) benzodiazepines; or

“(bb) antipsychotics.

“(ii) MANAGED CARE ENTITIES.—The State requires each managed care entity (as defined in section 1932(a)(1)(B)) with respect to which the State has a contract under section 1903(m) or under section 1905(t)(3) to have in place, subject to paragraph (3), with respect to individuals who are eligible for medical assistance under the State plan (or under a waiver of the State plan) and who are enrolled with the entity, the limitations described in subclauses (I) and (II) of clause (i) and a claims review automated process described in subclause (III) of such clause.

“(iii) RULES OF CONSTRUCTION.—Nothing in this subparagraph may be construed as prohibiting a State or managed care entity from designing and implementing a claims review automated process under this subparagraph that provides for prospective or retrospective

reviews of claims. Nothing in this subparagraph shall be understood as prohibiting the exercise of clinical judgment from a provider enrolled as a participating provider in a State plan (or waiver of the State plan) or contracting with a managed care entity regarding the best items and services for an individual enrolled under such State plan (or waiver).

“(B) PROGRAM TO MONITOR ANTIPSYCHOTIC MEDICATIONS BY CHILDREN.—The State has in place a program (as designed and implemented by the State) to monitor and manage the appropriate use of antipsychotic medications by children enrolled under the State plan (or under a waiver of the State plan) and submits annually to the Secretary such information as the Secretary may require on activities carried out under such program for individuals not more than the age of 18 years generally and children in foster care specifically.

“(C) FRAUD AND ABUSE IDENTIFICATION.—The State has in place a process (as designed and implemented by the State) that identifies potential fraud or abuse of controlled substances by individuals enrolled under the State plan (or under a waiver of the State plan), health care providers prescribing drugs to individuals so enrolled, and pharmacies dispensing drugs to individuals so enrolled.

“(D) REPORTS.—The State shall include in the annual report submitted to the Secretary under section 1927(g)(3)(D) information on the limitations, requirement, program, and processes applied by the State under subparagraphs (A) through (C) in accordance with such manner and time as specified by the Secretary.

“(E) CLARIFICATION.—Nothing shall prevent a State from satisfying the requirement—

“(i) described in subparagraph (A) by having safety edits or a claims review automated process described in such subparagraph that was in place before October 1, 2019;

“(ii) described in subparagraph (B) by having a program described in such subparagraph that was in place before such date; or

“(iii) described in subparagraph (C) by having a process described in such subparagraph that was in place before such date.

“(2) ANNUAL REPORT BY SECRETARY.—For each fiscal year beginning with fiscal year 2020, the Secretary shall submit to Congress a report on the most recent information submitted by States under paragraph (1)(D).

“(3) EXCEPTIONS.—

“(A) CERTAIN INDIVIDUALS EXEMPTED.—The drug review and utilization requirements under this subsection shall not apply with respect to an individual who—

“(i) is receiving—

“(I) hospice or palliative care; or

“(II) treatment for cancer;

“(ii) is a resident of a long-term care facility, of a facility described in section 1905(d), or of another facility for which frequently abused drugs are dispensed for residents through a contract with a single pharmacy; or

“(iii) the State elects to treat as exempted from such requirements.

“(B) EXCEPTION RELATING TO ENSURING ACCESS.—In order to ensure reasonable access to health care, the Secretary shall waive the drug review and utilization requirements under this subsection, with respect to a State, in the case of natural disasters and similar situations, and in the case of the provision of emergency services (as defined for purposes of section 1860D-4(c)(5)(D)(ii)(II)).”.

(3) MANAGED CARE ENTITIES.—Section 1932 of the Social Security Act (42 U.S.C. 1396a-2) is amended by adding at the end the following new subsection:



“(i) DRUG UTILIZATION REVIEW ACTIVITIES AND REQUIREMENTS.—Beginning not later than October 1, 2019, each contract under a State plan with a managed care entity (other than a primary care case manager) under section 1903(m) shall provide that the entity is in compliance with the applicable provisions of section 438.3(s)(2) of title 42, Code of Federal Regulations, section 483.3(s)(4) of such title, and section 483.3(s)(5) of such title, as such provisions were in effect on March 31, 2018.”.

(b) IDENTIFYING AND ADDRESSING INAPPROPRIATE PRESCRIBING AND BILLING PRACTICES UNDER MEDICAID.—

(1) IN GENERAL.—Section 1927(g) of the Social Security Act (42 U.S.C. 1396r-8(g)) is amended—

(A) in paragraph (1)(A)—

(i) by striking “of section 1903(i)(10)(B)” and inserting “of section 1902(a)(54)”;

(ii) by striking “, by not later than January 1, 1993,”;

(iii) by inserting after “gross overuse,” the following: “excessive utilization,”; and

(iv) by striking “or inappropriate or medically unnecessary care” and inserting “inappropriate or medically unnecessary care, or prescribing or billing practices that indicate abuse or excessive utilization”;

(B) in paragraph (2)(B)—

(i) by inserting after “gross overuse,” the following: “excessive utilization,”; and

(ii) by striking “or inappropriate or medically unnecessary care” and inserting “inappropriate or medically unnecessary care, or prescribing or billing practices that indicate abuse or excessive utilization”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect with respect to retrospective drug use reviews conducted on or after October 1, 2020.

**SEC. 1005. GUIDANCE TO IMPROVE CARE FOR INFANTS WITH NEONATAL ABSTINENCE SYNDROME AND THEIR MOTHERS; GAO STUDY ON GAPS IN MEDICAID COVERAGE FOR PREGNANT AND POSTPARTUM WOMEN WITH SUBSTANCE USE DISORDER.**

(a) GUIDANCE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue guidance to improve care for infants with neonatal abstinence syndrome and their families. Such guidance shall include—

(1) best practices from States with respect to innovative or evidenced-based payment models that focus on prevention, screening, treatment, plans of safe care, and postdischarge services for mothers and fathers with substance use disorders and babies with neonatal abstinence syndrome that improve care and clinical outcomes;

(2) recommendations for States on available financing options under the Medicaid program under title XIX of such Act and under the Children's Health Insurance Program under title XXI of such Act for Children's Health Insurance Program Health Services Initiative funds for parents with substance use disorders, infants with neonatal abstinence syndrome, and home-visiting services;

(3) guidance and technical assistance to State Medicaid agencies regarding additional flexibilities and incentives related to screening, prevention, and postdischarge services, including parenting supports, and infant-caregiver bonding, including breastfeeding when it is appropriate; and

(4) guidance regarding suggested terminology and ICD codes to identify infants with neonatal abstinence syndrome and neonatal opioid withdrawal syndrome, which could include opioid-exposure, opioid withdrawal not requiring pharmacotherapy, and opioid withdrawal requiring pharmacotherapy.

(b) GAO STUDY.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study, and submit to Congress a report, addressing gaps in coverage for pregnant women with substance use disorder under the Medicaid program under title XIX of the Social Security Act, and gaps in coverage for postpartum women with substance use disorder who had coverage during their pregnancy under the Medicaid program under such title.

**SEC. 1006. MEDICAID HEALTH HOMES FOR SUBSTANCE-USE-DISORDER MEDICAID ENROLLEES.**

(a) EXTENSION OF ENHANCED FMAP FOR CERTAIN HEALTH HOMES FOR INDIVIDUALS WITH SUBSTANCE USE DISORDERS.—Section 1945(c) of the Social Security Act (42 U.S.C. 1396w-4(c)) is amended—

(1) in paragraph (1), by inserting “subject to paragraph (4),” after “except that,”; and

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

“(4) SPECIAL RULE RELATING TO SUBSTANCE USE DISORDER HEALTH HOMES.—

“(A) IN GENERAL.—In the case of a State with an SUD-focused State plan amendment approved by the Secretary on or after October 1, 2018, the Secretary may, at the request of the State, extend the application of the Federal medical assistance percentage described in paragraph (1) to payments for the provision of health home services to SUD-eligible individuals under such State plan amendment, in addition to the first 8 fiscal year quarters the State plan amendment is in effect, for the subsequent 2 fiscal year quarters that the State plan amendment is in effect. Nothing in this section shall be construed as prohibiting a State with a State plan amendment that is approved under this section and that is not an SUD-focused State plan amendment from additionally having approved on or after such date an SUD-focused State plan amendment under this section, including for purposes of application of this paragraph.

“(B) REPORT REQUIREMENTS.—In the case of a State with an SUD-focused State plan amendment for which the application of the Federal medical assistance percentage has been extended under subparagraph (A), such State shall, at the end of the period of such State plan amendment, submit to the Secretary a report on the following, with respect to SUD-eligible individuals provided health home services under such State plan amendment:

“(i) The quality of health care provided to such individuals, with a focus on outcomes relevant to the recovery of each such individual.

“(ii) The access of such individuals to health care.

“(iii) The total expenditures of such individuals for health care.

For purposes of this subparagraph, the Secretary shall specify all applicable measures for determining quality, access, and expenditures.

“(C) BEST PRACTICES.—Not later than October 1, 2020, the Secretary shall make publicly available on the internet website of the Centers for Medicare & Medicaid Services best practices for designing and implementing an SUD-focused State plan amendment, based on the experiences of States that have State plan amendments approved under this section that include SUD-eligible individuals.

“(D) DEFINITIONS.—For purposes of this paragraph:

“(i) SUD-ELIGIBLE INDIVIDUALS.—The term ‘SUD-eligible individual’ means, with respect to a State, an individual who satisfies all of the following:

“(I) The individual is an eligible individual with chronic conditions.

“(II) The individual is an individual with a substance use disorder.

“(III) The individual has not previously received health home services under any other State plan amendment approved for the State under this section by the Secretary.

“(ii) SUD-FOCUSED STATE PLAN AMENDMENT.—The term ‘SUD-focused State plan amendment’ means a State plan amendment under this section that is designed to provide health home services primarily to SUD-eligible individuals.”.

(b) REQUIREMENT FOR STATE MEDICAID PLANS TO PROVIDE COVERAGE FOR MEDICATION-ASSISTED TREATMENT.—

(1) REQUIREMENT FOR STATE MEDICAID PLANS TO PROVIDE COVERAGE FOR MEDICATION-ASSISTED TREATMENT.—Section 1902(a)(10)(A) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)) is amended, in the matter preceding clause (i), by striking “and (28)” and inserting “(28), and (29)”.

(2) INCLUSION OF MEDICATION-ASSISTED TREATMENT AS MEDICAL ASSISTANCE.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(A) in paragraph (28), by striking “and” at the end;

(B) by redesignating paragraph (29) as paragraph (30); and

(C) by inserting after paragraph (28) the following new paragraph:

“(29) subject to paragraph (2) of subsection (ee), for the period beginning October 1, 2020, and ending September 30, 2025, medication-assisted treatment (as defined in paragraph (1) of such subsection); and”.

(3) MEDICATION-ASSISTED TREATMENT DEFINED; WAIVERS.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

“(ee) MEDICATION-ASSISTED TREATMENT.—

“(1) DEFINITION.—For purposes of subsection (a)(29), the term ‘medication-assisted treatment’—

“(A) means all drugs approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), including methadone, and all biological products licensed under section 351 of the Public Health Service Act (42 U.S.C. 262) to treat opioid use disorders; and

“(B) includes, with respect to the provision of such drugs and biological products, counseling services and behavioral therapy.

“(2) EXCEPTION.—The provisions of paragraph (29) of subsection (a) shall not apply with respect to a State for the period specified in such paragraph, if before the beginning of such period the State certifies to the satisfaction of the Secretary that implementing such provisions statewide for all individuals eligible to enroll in the State plan (or waiver of the State plan) would not be feasible by reason of a shortage of qualified providers of medication-assisted treatment, or facilities providing such treatment, that will contract with the State or a managed care entity with which the State has a contract under section 1903(m) or under section 1905(t)(3).”.

(4) EFFECTIVE DATE.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by this subsection shall apply with respect to medical assistance provided on or after October 1, 2020, and before October 1, 2025.

(B) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) that the Secretary of Health and Human Services determines requires State legislation in order for the respective plan to meet any requirement imposed by the amendments made by this subsection, the respective plan shall not be regarded as failing to comply with the requirements of such

title solely on the basis of its failure to meet such an additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

#### SEC. 1007. CARING RECOVERY FOR INFANTS AND BABIES.

(a) STATE PLAN AMENDMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), as amended by sections 1001 and 1004, is further amended—

(1) in paragraph (84)(C), by striking “and” after the semicolon;

(2) in paragraph (85), by striking the period at the end and inserting “; and”; and

(3) by inserting after paragraph (85), the following new paragraph:

“(86) provide, at the option of the State, for making medical assistance available on an inpatient or outpatient basis at a residential pediatric recovery center (as defined in subsection (pp)) to infants with neonatal abstinence syndrome.”.

(b) RESIDENTIAL PEDIATRIC RECOVERY CENTER DEFINED.—Section 1902 of such Act (42 U.S.C. 1396a), as amended by sections 1001 and 1004, is further amended by adding at the end the following new subsection:

“(pp) RESIDENTIAL PEDIATRIC RECOVERY CENTER DEFINED.—

“(1) IN GENERAL.—For purposes of section 1902(a)(86), the term ‘residential pediatric recovery center’ means a center or facility that furnishes items and services for which medical assistance is available under the State plan to infants with the diagnosis of neonatal abstinence syndrome without any other significant medical risk factors.

“(2) COUNSELING AND SERVICES.—A residential pediatric recovery center may offer counseling and other services to mothers (and other appropriate family members and caretakers) of infants receiving treatment at such centers if such services are otherwise covered under the State plan under this title or under a waiver of such plan. Such other services may include the following:

“(A) Counseling or referrals for services.

“(B) Activities to encourage caregiver-infant bonding.

“(C) Training on caring for such infants.”.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of this Act and shall apply to medical assistance furnished on or after that date, without regard to final regulations to carry out such amendments being promulgated as of such date.

#### SEC. 1008. PEER SUPPORT ENHANCEMENT AND EVALUATION REVIEW.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Energy and Commerce of the House of Representatives, the Committee on Finance of the Senate, and the Committee on Health, Education, Labor and Pensions of the Senate a report on the provision of peer support services under the Medicaid program.

(b) CONTENT OF REPORT.—

(1) IN GENERAL.—The report required under subsection (a) shall include the following information:

(A) Information on State coverage of peer support services under Medicaid, including—

(i) the mechanisms through which States may provide such coverage, including through existing statutory authority or through waivers;

(ii) the populations to which States have provided such coverage;

(iii) the payment models, including any alternative payment models, used by States to pay providers of such services; and

(iv) where available, information on Federal and State spending under Medicaid for peer support services.

(B) Information on selected State experiences in providing medical assistance for peer support services under State Medicaid plans and whether States measure the effects of providing such assistance with respect to—

(i) improving access to behavioral health services;

(ii) improving early detection, and preventing worsening, of behavioral health disorders;

(iii) reducing chronic and comorbid conditions; and

(iv) reducing overall health costs.

(2) RECOMMENDATIONS.—The report required under subsection (a) shall include recommendations, including recommendations for such legislative and administrative actions related to improving services, including peer support services, and access to peer support services under Medicaid as the Comptroller General of the United States determines appropriate.

#### SEC. 1009. MEDICAID SUBSTANCE USE DISORDER TREATMENT VIA TELEHEALTH.

(a) DEFINITIONS.—In this section:

(1) COMPTROLLER GENERAL.—The term “Comptroller General” means the Comptroller General of the United States.

(2) SCHOOL-BASED HEALTH CENTER.—The term “school-based health center” has the meaning given that term in section 2110(c)(9) of the Social Security Act (42 U.S.C. 1397jj(c)(9)).

(3) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(4) UNDERSERVED AREA.—The term “underserved area” means a health professional shortage area (as defined in section 332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(1)(A))) and a medically underserved area (according to a designation under section 330(b)(3)(A) of the Public Health Service Act (42 U.S.C. 254b(b)(3)(A))).

(b) GUIDANCE TO STATES REGARDING FEDERAL REIMBURSEMENT FOR FURNISHING SERVICES AND TREATMENT FOR SUBSTANCE USE DISORDERS UNDER MEDICAID USING SERVICES DELIVERED VIA TELEHEALTH, INCLUDING IN SCHOOL-BASED HEALTH CENTERS.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall issue guidance to States on the following:

(1) State options for Federal reimbursement of expenditures under Medicaid for furnishing services and treatment for substance use disorders, including assessment, medication-assisted treatment, counseling, medication management, and medication adherence with prescribed medication regimes, using services delivered via telehealth. Such guidance shall also include guidance on furnishing services and treatments that address the needs of high-risk individuals, including at least the following groups:

(A) American Indians and Alaska Natives.

(B) Adults under the age of 40.

(C) Individuals with a history of non-fatal overdose.

(D) Individuals with a co-occurring serious mental illness and substance use disorder.

(2) State options for Federal reimbursement of expenditures under Medicaid for education directed to providers serving Medicaid beneficiaries with substance use disorders using the hub and spoke model, through contracts with managed care entities, through administrative claiming for disease management activities, and under

Delivery System Reform Incentive Payment (“DSRIP”) programs.

(3) State options for Federal reimbursement of expenditures under Medicaid for furnishing services and treatment for substance use disorders for individuals enrolled in Medicaid in a school-based health center using services delivered via telehealth.

(c) GAO EVALUATION OF CHILDREN’S ACCESS TO SERVICES AND TREATMENT FOR SUBSTANCE USE DISORDERS UNDER MEDICAID.—

(1) STUDY.—The Comptroller General shall evaluate children’s access to services and treatment for substance use disorders under Medicaid. The evaluation shall include an analysis of State options for improving children’s access to such services and treatment and for improving outcomes, including by increasing the number of Medicaid providers who offer services or treatment for substance use disorders in a school-based health center using services delivered via telehealth, particularly in rural and underserved areas. The evaluation shall include an analysis of Medicaid provider reimbursement rates for services and treatment for substance use disorders.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the evaluation conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

(d) REPORT ON REDUCING BARRIERS TO USING SERVICES DELIVERED VIA TELEHEALTH AND REMOTE PATIENT MONITORING FOR PEDIATRIC POPULATIONS UNDER MEDICAID.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall issue a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives identifying best practices and potential solutions for reducing barriers to using services delivered via telehealth to furnish services and treatment for substance use disorders among pediatric populations under Medicaid. The report shall include—

(A) analyses of the best practices, barriers, and potential solutions for using services delivered via telehealth to diagnose and provide services and treatment for children with substance use disorders, including opioid use disorder; and

(B) identification and analysis of the differences, if any, in furnishing services and treatment for children with substance use disorders using services delivered via telehealth and using services delivered in person, such as, and to the extent feasible, with respect to—

(i) utilization rates;

(ii) costs;

(iii) avoidable inpatient admissions and readmissions;

(iv) quality of care; and

(v) patient, family, and provider satisfaction.

(2) PUBLICATION.—The Secretary shall publish the report required under paragraph (1) on a public internet website of the Department of Health and Human Services.

#### SEC. 1010. ENHANCING PATIENT ACCESS TO NON-OPIOID TREATMENT OPTIONS.

Not later than January 1, 2019, the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall issue 1 or more final guidance documents, or update existing guidance documents, to States regarding mandatory and optional items and services that may be provided under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), or under a waiver

of such a plan, for non-opioid treatment and management of pain, including, but not limited to, evidence-based, non-opioid pharmacological therapies and non-pharmacological therapies.

**SEC. 1011. ASSESSING BARRIERS TO OPIOID USE DISORDER TREATMENT.**

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States (in this section referred to as the “Comptroller General”) shall conduct a study regarding the barriers to providing medication used in the treatment of substance use disorders under Medicaid distribution models such as the “buy-and-bill” model, and options for State Medicaid programs to remove or reduce such barriers. The study shall include analyses of each of the following models of distribution of substance use disorder treatment medications, particularly buprenorphine, naltrexone, and buprenorphine-naloxone combinations:

(A) The purchasing, storage, and administration of substance use disorder treatment medications by providers.

(B) The dispensing of substance use disorder treatment medications by pharmacists.

(C) The ordering, prescribing, and obtaining substance use disorder treatment medications on demand from specialty pharmacies by providers.

(2) REQUIREMENTS.—For each model of distribution specified in paragraph (1), the Comptroller General shall evaluate how each model presents barriers or could be used by selected State Medicaid programs to reduce the barriers related to the provision of substance use disorder treatment by examining what is known about the effects of the model of distribution on—

(A) Medicaid beneficiaries’ access to substance use disorder treatment medications;

(B) the differential cost to the program between each distribution model for medication-assisted treatment; and

(C) provider willingness to provide or prescribe substance use disorder treatment medications.

(b) REPORT.—Not later than 15 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

**SEC. 1012. HELP FOR MOMS AND BABIES.**

(a) MEDICAID STATE PLAN.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)), as amended by section 1006, is further amended by adding at the end the following new sentence: “In the case of a woman who is eligible for medical assistance on the basis of being pregnant (including through the end of the month in which the 60-day period beginning on the last day of her pregnancy ends), who is a patient in an institution for mental diseases for purposes of receiving treatment for a substance use disorder, and who was enrolled for medical assistance under the State plan immediately before becoming a patient in an institution for mental diseases or who becomes eligible to enroll for such medical assistance while such a patient, the exclusion from the definition of ‘medical assistance’ set forth in the subdivision (B) following paragraph (30) of the first sentence of this subsection shall not be construed as prohibiting Federal financial participation for medical assistance for items or services that are provided to the woman outside of the institution.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) shall take effect on the date of enactment of this Act.

(2) RULE FOR CHANGES REQUIRING STATE LEGISLATION.—In the case of a State plan under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendment made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

**SEC. 1013. SECURING FLEXIBILITY TO TREAT SUBSTANCE USE DISORDERS.**

Section 1903(m) of the Social Security Act (42 U.S.C. 1396b(m)) is amended by adding at the end the following new paragraph:

“(7) Payment shall be made under this title to a State for expenditures for capitation payments described in section 438.6(e) of title 42, Code of Federal Regulations (or any successor regulation).”.

**SEC. 1014. MACPAC STUDY AND REPORT ON MAT UTILIZATION CONTROLS UNDER STATE MEDICAID PROGRAMS.**

(a) STUDY.—The Medicaid and CHIP Payment and Access Commission shall conduct a study and analysis of utilization control policies applied to medication-assisted treatment for substance use disorders under State Medicaid programs, including policies and procedures applied both in fee-for-service Medicaid and in risk-based managed care Medicaid, which shall—

(1) include an inventory of such utilization control policies and related protocols for ensuring access to medically necessary treatment;

(2) determine whether managed care utilization control policies and procedures for medication-assisted treatment for substance use disorders are consistent with section 438.210(a)(4)(ii) of title 42, Code of Federal Regulations; and

(3) identify policies that—

(A) limit an individual’s access to medication-assisted treatment for a substance use disorder by limiting the quantity of medication-assisted treatment prescriptions, or the number of refills for such prescriptions, available to the individual as part of a prior authorization process or similar utilization protocols; and

(B) apply without evaluating individual instances of fraud, waste, or abuse.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Medicaid and CHIP Payment and Access Commission shall make publicly available a report containing the results of the study conducted under subsection (a).

**SEC. 1015. OPIOID ADDICTION TREATMENT PROGRAMS ENHANCEMENT.**

(a) T-MSIS SUBSTANCE USE DISORDER DATA BOOK.—

(1) IN GENERAL.—Not later than the date that is 12 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall publish on the public website of the Centers for Medicare & Medicaid Services a report with comprehensive data on the prevalence of substance use disorders in the Medicaid beneficiary population and services provided for the treatment of substance use disorders under Medicaid.

(2) CONTENT OF REPORT.—The report required under paragraph (1) shall include, at a

minimum, the following data for each State (including, to the extent available, for the District of Columbia, Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa):

(A) The number and percentage of individuals enrolled in the State Medicaid plan or waiver of such plan in each of the major enrollment categories (as defined in a public letter from the Medicaid and CHIP Payment and Access Commission to the Secretary) who have been diagnosed with a substance use disorder and whether such individuals are enrolled under the State Medicaid plan or a waiver of such plan, including the specific waiver authority under which they are enrolled, to the extent available.

(B) A list of the substance use disorder treatment services by each major type of service, such as counseling, medication-assisted treatment, peer support, residential treatment, and inpatient care, for which beneficiaries in each State received at least 1 service under the State Medicaid plan or a waiver of such plan.

(C) The number and percentage of individuals with a substance use disorder diagnosis enrolled in the State Medicaid plan or waiver of such plan who received substance use disorder treatment services under such plan or waiver by each major type of service under subparagraph (B) within each major setting type, such as outpatient, inpatient, residential, and other home-based and community-based settings.

(D) The number of services provided under the State Medicaid plan or waiver of such plan per individual with a substance use disorder diagnosis enrolled in such plan or waiver for each major type of service under subparagraph (B).

(E) The number and percentage of individuals enrolled in the State Medicaid plan or waiver, by major enrollment category, who received substance use disorder treatment through—

(i) a Medicaid managed care entity (as defined in section 1932(a)(1)(B) of the Social Security Act (42 U.S.C. 1396u-2(a)(1)(B))), including the number of such individuals who received such assistance through a prepaid inpatient health plan or a prepaid ambulatory health plan;

(ii) a fee-for-service payment model; or

(iii) an alternative payment model, to the extent available.

(F) The number and percentage of individuals with a substance use disorder who receive substance use disorder treatment services in an outpatient or home-based and community-based setting after receiving treatment in an inpatient or residential setting, and the number of services received by such individuals in the outpatient or home-based and community-based setting.

(3) ANNUAL UPDATES.—The Secretary shall issue an updated version of the report required under paragraph (1) not later than January 1 of each calendar year through 2024.

(4) USE OF T-MSIS DATA.—The report required under paragraph (1) and updates required under paragraph (3) shall—

(A) use data and definitions from the Transformed Medicaid Statistical Information System (“T-MSIS”) data set that is no more than 12 months old on the date that the report or update is published; and

(B) as appropriate, include a description with respect to each State of the quality and completeness of the data and caveats describing the limitations of the data reported to the Secretary by the State that is sufficient to communicate the appropriate uses for the information.

(b) MAKING T-MSIS DATA ON SUBSTANCE USE DISORDERS AVAILABLE TO RESEARCHERS.—

(1) IN GENERAL.—The Secretary shall publish in the Federal Register a system of records notice for the data specified in paragraph (2) for the Transformed Medicaid Statistical Information System, in accordance with section 552a(e)(4) of title 5, United States Code. The notice shall outline policies that protect the security and privacy of the data that, at a minimum, meet the security and privacy policies of SORN 09-70-0541 for the Medicaid Statistical Information System.

(2) REQUIRED DATA.—The data covered by the systems of records notice required under paragraph (1) shall be sufficient for researchers and States to analyze the prevalence of substance use disorders in the Medicaid beneficiary population and the treatment of substance use disorders under Medicaid across all States (including the District of Columbia, Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa), forms of treatment, and treatment settings.

(3) INITIATION OF DATA-SHARING ACTIVITIES.—Not later than January 1, 2019, the Secretary shall initiate the data-sharing activities outlined in the notice required under paragraph (1).

#### SEC. 1016. BETTER DATA SHARING TO COMBAT THE OPIOID CRISIS.

(a) IN GENERAL.—Section 1903(m) of the Social Security Act (42 U.S.C. 1396b(m)), as amended by section 1013, is further amended by adding at the end the following new paragraph:

“(8)(A) The State agency administering the State plan under this title may have reasonable access, as determined by the State, to 1 or more prescription drug monitoring program databases administered or accessed by the State to the extent the State agency is permitted to access such databases under State law.

“(B) Such State agency may facilitate reasonable access, as determined by the State, to 1 or more prescription drug monitoring program databases administered or accessed by the State, to same extent that the State agency is permitted under State law to access such databases, for—

“(i) any provider enrolled under the State plan to provide services to Medicaid beneficiaries; and

“(ii) any managed care entity (as defined under section 1932(a)(1)(B)) that has a contract with the State under this subsection or under section 1905(t)(3).

“(C) Such State agency may share information in such databases, to the same extent that the State agency is permitted under State law to share information in such databases, with—

“(i) any provider enrolled under the State plan to provide services to Medicaid beneficiaries; and

“(ii) any managed care entity (as defined under section 1932(a)(1)(B)) that has a contract with the State under this subsection or under section 1905(t)(3).”.

(b) SECURITY AND PRIVACY.—All applicable State and Federal security and privacy protections and laws shall apply to any State agency, individual, or entity accessing 1 or more prescription drug monitoring program databases or obtaining information in such databases in accordance with section 1903(m)(8) of the Social Security Act (as added by subsection (a)).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

#### SEC. 1017. REPORT ON INNOVATIVE STATE INITIATIVES AND STRATEGIES TO PROVIDE HOUSING-RELATED SERVICES AND SUPPORTS TO INDIVIDUALS STRUGGLING WITH SUBSTANCE USE DISORDERS UNDER MEDICAID.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue a report to Congress describing innovative State initiatives and strategies for providing housing-related services and supports under a State Medicaid program to individuals with substance use disorders who are experiencing or at risk of experiencing homelessness.

(b) CONTENT OF REPORT.—The report required under subsection (a) shall describe the following:

(1) Existing methods and innovative strategies developed and adopted by State Medicaid programs that have achieved positive outcomes in increasing housing stability among Medicaid beneficiaries with substance use disorders who are experiencing or at risk of experiencing homelessness, including Medicaid beneficiaries with substance use disorders who are—

(A) receiving treatment for substance use disorders in inpatient, residential, outpatient, or home-based and community-based settings;

(B) transitioning between substance use disorder treatment settings; or

(C) living in supportive housing or another model of affordable housing.

(2) Strategies employed by Medicaid managed care organizations, primary care case managers, hospitals, accountable care organizations, and other care coordination providers to deliver housing-related services and supports and to coordinate services provided under State Medicaid programs across different treatment settings.

(3) Innovative strategies and lessons learned by States with Medicaid waivers approved under section 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1396n), including—

(A) challenges experienced by States in designing, securing, and implementing such waivers or plan amendments;

(B) how States developed partnerships with other organizations such as behavioral health agencies, State housing agencies, housing providers, health care services agencies and providers, community-based organizations, and health insurance plans to implement waivers or State plan amendments; and

(C) how and whether States plan to provide Medicaid coverage for housing-related services and supports in the future, including by covering such services and supports under State Medicaid plans or waivers.

(4) Existing opportunities for States to provide housing-related services and supports through a Medicaid waiver under sections 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1396n) or through a State Medicaid plan amendment, such as the Assistance in Community Integration Service pilot program, which promotes supportive housing and other housing-related supports under Medicaid for individuals with substance use disorders and for which Maryland has a waiver approved under such section 1115 to conduct the program.

(5) Innovative strategies and partnerships developed and implemented by State Medicaid programs or other entities to identify and enroll eligible individuals with substance use disorders who are experiencing or at risk of experiencing homelessness in State Medicaid programs.

#### SEC. 1018. TECHNICAL ASSISTANCE AND SUPPORT FOR INNOVATIVE STATE STRATEGIES TO PROVIDE HOUSING-RELATED SUPPORTS UNDER MEDICAID.

(a) IN GENERAL.—The Secretary of Health and Human Services shall provide technical assistance and support to States regarding the development and expansion of innovative State strategies (including through State Medicaid demonstration projects) to provide housing-related supports and services and care coordination services under Medicaid to individuals with substance use disorders.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue a report to Congress detailing a plan of action to carry out the requirements of subsection (a).

#### TITLE II—MEDICARE PROVISIONS TO ADDRESS THE OPIOID CRISIS

#### SEC. 2001. EXPANDING THE USE OF TELEHEALTH SERVICES FOR THE TREATMENT OF OPIOID USE DISORDER AND OTHER SUBSTANCE USE DISORDERS.

(a) IN GENERAL.—Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(1) in paragraph (2)(B)—

(A) in clause (i), in the matter preceding subclause (I), by striking “clause (ii)” and inserting “clause (ii) and paragraph (6)(C)”;

and

(B) in clause (ii), in the heading, by striking “FOR HOME DIALYSIS THERAPY”;

(2) in paragraph (4)(C)—

(A) in clause (i), by striking “paragraph (6)” and inserting “paragraphs (5), (6), and (7)”;

and

(B) in clause (ii)(X), by inserting “or telehealth services described in paragraph (7)” before the period at the end; and

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

“(7) TREATMENT OF SUBSTANCE USE DISORDER SERVICES FURNISHED THROUGH TELEHEALTH.—The geographic requirements described in paragraph (4)(C)(i) shall not apply with respect to telehealth services furnished on or after July 1, 2019, to an eligible telehealth individual with a substance use disorder diagnosis for purposes of treatment of such disorder or co-occurring mental health disorder, as determined by the Secretary, at an originating site described in paragraph (4)(C)(ii) (other than an originating site described in subclause (IX) of such paragraph).”.

(b) IMPLEMENTATION.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) may implement the amendments made by this section by interim final rule.

(c) REPORT.—

(1) IN GENERAL.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the impact of the implementation of the amendments made by this section with respect to telehealth services under section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) on—

(A) the utilization of health care items and services under title XVIII of such Act (42 U.S.C. 1395 et seq.) related to substance use disorders, including emergency department visits; and

(B) health outcomes related to substance use disorders, such as opioid overdose deaths.

(2) FUNDING.—For purposes of carrying out paragraph (1), in addition to funds otherwise available, the Secretary shall provide for the transfer, from the Federal Supplementary Medical Insurance Trust Fund under section 1841, of \$3,000,000 to the Centers for Medicare & Medicaid Services Program Management Account to remain available until expended.

**SEC. 2002. COMPREHENSIVE SCREENINGS FOR SENIORS.**

(a) INITIAL PREVENTIVE PHYSICAL EXAMINATION.—Section 1861(w) of the Social Security Act (42 U.S.C. 1395x(w)) is amended—

(1) in paragraph (1)—

(A) by striking “paragraph (2) and” and inserting “paragraph (2),”; and

(B) by inserting “and the furnishing of a review of any current opioid prescriptions (as defined in paragraph (4)),” after “upon the agreement with the individual,”; and

(2) in paragraph (2)—

(A) by redesignating subparagraph (N) as subparagraph (O); and

(B) by inserting after subparagraph (M) the following new subparagraph:

“(N) Screening for potential substance use disorders.”; and

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

“(4) For purposes of paragraph (1), the term ‘a review of any current opioid prescriptions’ means, with respect to an individual determined to have a current prescription for opioids—

“(A) a review of the potential risk factors to the individual for opioid use disorder;

“(B) an evaluation of the individual’s severity of pain and current treatment plan;

“(C) the provision of information on non-opioid treatment options; and

“(D) a referral to a specialist, as appropriate.”.

(b) ANNUAL WELLNESS VISIT.—Section 1861(hhh)(2) of the Social Security Act (42 U.S.C. 1395x(hhh)(2)) is amended—

(1) by redesignating subparagraph (G) as subparagraph (I); and

(2) by inserting after subparagraph (F) the following new subparagraph:

“(G) Screening for potential substance use disorders and referral for treatment as appropriate.

“(H) The furnishing of a review of any current opioid prescriptions (as defined in subsection (ww)(4)).”.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by subsection (a) or (b) shall be construed to prohibit separate payment for structured assessment and intervention services for substance abuse furnished to an individual on the same day as an initial preventive physical examination or an annual wellness visit.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to examinations and visits furnished on or after January 1, 2020.

**SEC. 2003. EVERY PRESCRIPTION CONVEYED SECURELY.**

(a) IN GENERAL.—Section 1860D-4(e) of the Social Security Act (42 U.S.C. 1395w-104(e)) is amended by adding at the end the following:

“(7) REQUIREMENT OF E-PRESCRIBING FOR CONTROLLED SUBSTANCES.—

“(A) IN GENERAL.—Subject to subparagraph (B), a prescription for a covered part D drug under a prescription drug plan (or under an MA-PD plan) for a schedule II, III, IV, or V controlled substance shall be transmitted by a health care practitioner electronically in accordance with an electronic prescription drug program that meets the requirements of paragraph (2).

“(B) EXCEPTION FOR CERTAIN CIRCUMSTANCES.—The Secretary shall, through rulemaking, specify circumstances and processes by which the Secretary may waive the requirement under subparagraph (A), with respect to a covered part D drug, including in the case of—

“(i) a prescription issued when the practitioner and dispensing pharmacy are the same entity;

“(ii) a prescription issued that cannot be transmitted electronically under the most recently implemented version of the Na-

tional Council for Prescription Drug Programs SCRIPT Standard;

“(iii) a prescription issued by a practitioner who received a waiver or a renewal thereof for a period of time as determined by the Secretary, not to exceed one year, from the requirement to use electronic prescribing due to demonstrated economic hardship, technological limitations that are not reasonably within the control of the practitioner, or other exceptional circumstance demonstrated by the practitioner;

“(iv) a prescription issued by a practitioner under circumstances in which, notwithstanding the practitioner’s ability to submit a prescription electronically as required by this subsection, such practitioner reasonably determines that it would be impractical for the individual involved to obtain substances prescribed by electronic prescription in a timely manner, and such delay would adversely impact the individual’s medical condition involved;

“(v) a prescription issued by a practitioner prescribing a drug under a research protocol;

“(vi) a prescription issued by a practitioner for a drug for which the Food and Drug Administration requires a prescription to contain elements that are not able to be included in electronic prescribing, such as a drug with risk evaluation and mitigation strategies that include elements to assure safe use;

“(vii) a prescription issued by a practitioner—

“(I) for an individual who receives hospice care under this title; and

“(II) that is not covered under the hospice benefit under this title; and

“(viii) a prescription issued by a practitioner for an individual who is—

“(I) a resident of a nursing facility (as defined in section 1919(a)); and

“(II) dually eligible for benefits under this title and title XIX.

“(C) DISPENSING.—(i) Nothing in this paragraph shall be construed as requiring a sponsor of a prescription drug plan under this part, MA organization offering an MA-PD plan under part C, or a pharmacist to verify that a practitioner, with respect to a prescription for a covered part D drug, has a waiver (or is otherwise exempt) under subparagraph (B) from the requirement under subparagraph (A).

“(ii) Nothing in this paragraph shall be construed as affecting the ability of the plan to cover or the pharmacists’ ability to continue to dispense covered part D drugs from otherwise valid written, oral, or fax prescriptions that are consistent with laws and regulations.

“(iii) Nothing in this paragraph shall be construed as affecting the ability of an individual who is being prescribed a covered part D drug to designate a particular pharmacy to dispense the covered part D drug to the extent consistent with the requirements under subsection (b)(1) and under this paragraph.

“(D) ENFORCEMENT.—The Secretary shall, through rulemaking, have authority to enforce and specify appropriate penalties for non-compliance with the requirement under subparagraph (A).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to coverage of drugs prescribed on or after January 1, 2021.

(c) UPDATE OF BIOMETRIC COMPONENT OF MULTIFACTOR AUTHENTICATION.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall update the requirements for the biometric component of multifactor authentication with respect to electronic prescriptions of controlled substances.

**SEC. 2004. REQUIRING PRESCRIPTION DRUG PLAN SPONSORS UNDER MEDICARE TO ESTABLISH DRUG MANAGEMENT PROGRAMS FOR AT-RISK BENEFICIARIES.**

Section 1860D-4(c) of the Social Security Act (42 U.S.C. 1395w-104(c)) is amended—

(1) in paragraph (1), by inserting after subparagraph (E) the following new subparagraph:

“(F) With respect to plan years beginning on or after January 1, 2022, a drug management program for at-risk beneficiaries described in paragraph (5).”; and

(2) in paragraph (5)(A), by inserting “(and for plan years beginning on or after January 1, 2022, a PDP sponsor shall)” after “A PDP sponsor may”.

**SEC. 2005. MEDICARE COVERAGE OF CERTAIN SERVICES FURNISHED BY OPIOID TREATMENT PROGRAMS.**

(a) COVERAGE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) in subparagraph (FF), by striking at the end “and”;

(2) in subparagraph (GG), by inserting at the end “and”; and

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

“(HH) opioid use disorder treatment services (as defined in subsection (jjj)).”.

(b) OPIOID USE DISORDER TREATMENT SERVICES AND OPIOID TREATMENT PROGRAM DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

“(jjj) OPIOID USE DISORDER TREATMENT SERVICES; OPIOID TREATMENT PROGRAM.—

“(1) OPIOID USE DISORDER TREATMENT SERVICES.—The term ‘opioid use disorder treatment services’ means items and services that are furnished by an opioid treatment program for the treatment of opioid use disorder, including—

“(A) opioid agonist and antagonist treatment medications (including oral, injected, or implanted versions) that are approved by the Food and Drug Administration under section 505 of the Federal Food, Drug, and Cosmetic Act for use in the treatment of opioid use disorder;

“(B) dispensing and administration of such medications, if applicable;

“(C) substance use counseling by a professional to the extent authorized under State law to furnish such services;

“(D) individual and group therapy with a physician or psychologist (or other mental health professional to the extent authorized under State law);

“(E) toxicology testing, and

“(F) other items and services that the Secretary determines are appropriate (but in no event to include meals or transportation).

“(2) OPIOID TREATMENT PROGRAM.—The term ‘opioid treatment program’ means an entity that is an opioid treatment program (as defined in section 8.2 of title 42 of the Code of Federal Regulations, or any successor regulation) that—

“(A) is enrolled under section 1866(j);

“(B) has in effect a certification by the Substance Abuse and Mental Health Services Administration for such a program;

“(C) is accredited by an accrediting body approved by the Substance Abuse and Mental Health Services Administration; and

“(D) meets such additional conditions as the Secretary may find necessary to ensure—

“(i) the health and safety of individuals being furnished services under such program; and

“(ii) the effective and efficient furnishing of such services.”.

(c) PAYMENT.—

(1) IN GENERAL.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(A) by striking “and (BB)” and inserting “(BB)”;

(B) by inserting before the semicolon at the end the following “, and (CC) with respect to opioid use disorder treatment services furnished during an episode of care, the amount paid shall be equal to the amount payable under section 1834(w) less any copayment required as specified by the Secretary”.

(2) **PAYMENT DETERMINATION.**—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

“(w) **OPIOID USE DISORDER TREATMENT SERVICES.**—

“(1) **IN GENERAL.**—The Secretary shall pay to an opioid treatment program (as defined in paragraph (2) of section 1861(jjj)) an amount that is equal to 100 percent of a bundled payment under this part for opioid use disorder treatment services (as defined in paragraph (1) of such section) that are furnished by such program to an individual during an episode of care (as defined by the Secretary) beginning on or after January 1, 2020. The Secretary shall ensure, as determined appropriate by the Secretary, that no duplicative payments are made under this part or part D for items and services furnished by an opioid treatment program.

“(2) **CONSIDERATIONS.**—The Secretary may implement this subsection through one or more bundles based on the type of medication provided (such as buprenorphine, methadone, naltrexone, or a new innovative drug), the frequency of services, the scope of services furnished, characteristics of the individuals furnished such services, or other factors as the Secretary determine appropriate. In developing such bundles, the Secretary may consider payment rates paid to opioid treatment programs for comparable services under State plans under title XIX or under the TRICARE program under chapter 55 of title 10 of the United States Code.

“(3) **ANNUAL UPDATES.**—The Secretary shall provide an update each year to the bundled payment amounts under this subsection.”.

(d) **INCLUDING OPIOID TREATMENT PROGRAMS AS MEDICARE PROVIDERS.**—Section 1866(e) of the Social Security Act (42 U.S.C. 1395cc(e)) is amended—

(1) in paragraph (1), by striking at the end “and”;

(2) in paragraph (2), by striking the period at the end and inserting “; and”;

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

“(3) opioid treatment programs (as defined in paragraph (2) of section 1861(jjj)), but only with respect to the furnishing of opioid use disorder treatment services (as defined in paragraph (1) of such section).”.

**SEC. 2006. ENCOURAGING APPROPRIATE PRESCRIBING UNDER MEDICARE FOR VICTIMS OF OPIOID OVERDOSE.**

Section 1860D-4(c)(5)(C) of the Social Security Act (42 U.S.C. 1395w-104(c)(5)(C)) is amended—

(1) in clause (i), in the matter preceding subclause (I), by striking “For purposes” and inserting “Except as provided in clause (v), for purposes”;

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

“(v) **TREATMENT OF ENROLLEES WITH A HISTORY OF OPIOID-RELATED OVERDOSE.**—

“(I) **IN GENERAL.**—For plan years beginning not later than January 1, 2021, a part D eligible individual who is not an exempted individual described in clause (ii) and who is identified under this clause as a part D eligible individual with a history of opioid-related overdose (as defined by the Secretary) shall be included as a potentially at-risk beneficiary for prescription drug abuse under the drug management program under this paragraph.

“(II) **IDENTIFICATION AND NOTICE.**—For purposes of this clause, the Secretary shall—

“(aa) identify part D eligible individuals with a history of opioid-related overdose (as so defined); and

“(bb) notify the PDP sponsor of the prescription drug plan in which such an individual is enrolled of such identification.”.

**SEC. 2007. AUTOMATIC ESCALATION TO EXTERNAL REVIEW UNDER A MEDICARE PART D DRUG MANAGEMENT PROGRAM FOR AT-RISK BENEFICIARIES.**

(a) **IN GENERAL.**—Section 1860D-4(c)(5) of the Social Security Act (42 U.S.C. 1395w-10(c)(5)) is amended—

(1) in subparagraph (B), in each of clauses (ii)(III) and (iii)(IV), by striking “and the option of an automatic escalation to external review” and inserting “, including notice that if on reconsideration a PDP sponsor affirms its denial, in whole or in part, the case shall be automatically forwarded to the independent, outside entity contracted with the Secretary for review and resolution”;

(2) in subparagraph (E), by striking “and the option” and all that follows and inserting the following: “and if on reconsideration a PDP sponsor affirms its denial, in whole or in part, the case shall be automatically forwarded to the independent, outside entity contracted with the Secretary for review and resolution.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply beginning not later January 1, 2021.

**SEC. 2008. SUSPENSION OF PAYMENTS BY MEDICARE PRESCRIPTION DRUG PLANS AND MA-PD PLANS PENDING INVESTIGATIONS OF CREDIBLE ALLEGATIONS OF FRAUD BY PHARMACIES.**

(a) **IN GENERAL.**—Section 1860D-12(b) of the Social Security Act (42 U.S.C. 1395w-112(b)) is amended by adding at the end the following new paragraph:

“(7) **SUSPENSION OF PAYMENTS PENDING INVESTIGATION OF CREDIBLE ALLEGATIONS OF FRAUD BY PHARMACIES.**—

“(A) **IN GENERAL.**—Section 1862(o)(1) shall apply with respect to a PDP sponsor with a contract under this part, a pharmacy, and payments to such pharmacy under this part in the same manner as such section applies with respect to the Secretary, a provider of services or supplier, and payments to such provider of services or supplier under this title. A PDP sponsor shall notify the Secretary regarding the imposition of any payment suspension pursuant to the previous sentence, such as through the secure internet website portal (or other successor technology) established under section 1859(i).

“(B) **RULE OF CONSTRUCTION.**—Nothing in this paragraph shall be construed as limiting the authority of a PDP sponsor to conduct postpayment review.”.

(b) **APPLICATION TO MA-PD PLANS.**—Section 1857(f)(3) of the Social Security Act (42 U.S.C. 1395w-27(f)(3)) is amended by adding at the end the following new subparagraph:

“(D) **SUSPENSION OF PAYMENTS PENDING INVESTIGATION OF CREDIBLE ALLEGATIONS OF FRAUD BY PHARMACIES.**—Section 1860D-12(b)(7).”.

(c) **CONFORMING AMENDMENT.**—Section 1862(o)(3) of the Social Security Act (42 U.S.C. 1395y(o)(3)) is amended by inserting “, section 1860D-12(b)(7) (including as applied pursuant to section 1857(f)(3)(D)),” after “this subsection”.

(d) **CLARIFICATION RELATING TO CREDIBLE ALLEGATION OF FRAUD.**—Section 1862(o) of the Social Security Act (42 U.S.C. 1395y(o)) is amended by adding at the end the following new paragraph:

“(4) **CREDIBLE ALLEGATION OF FRAUD.**—In carrying out this subsection, section 1860D-12(b)(7) (including as applied pursuant to sec-

tion 1857(f)(3)(D)), and section 1903(i)(2)(C), a fraud hotline tip (as defined by the Secretary) without further evidence shall not be treated as sufficient evidence for a credible allegation of fraud.”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2020.

**TITLE III—FDA AND CONTROLLED SUBSTANCE PROVISIONS**

**Subtitle A—FDA Provisions**  
**CHAPTER 1—IN GENERAL**

**SEC. 3001. CLARIFYING FDA REGULATION OF NON-ADDICTIVE PAIN PRODUCTS.**

(a) **PUBLIC MEETINGS.**—Not later than one year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”), acting through the Commissioner of Food and Drugs, shall hold not less than one public meeting to address the challenges and barriers of developing non-addictive medical products intended to treat acute or chronic pain or addiction, which may include—

(1) the manner by which the Secretary may incorporate the risks of misuse and abuse of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) into the risk benefit assessments under subsections (d) and (e) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), section 510(k) of such Act (21 U.S.C. 360(k)), or section 515(c) of such Act (21 U.S.C. 360e(c)), as applicable;

(2) the application of novel clinical trial designs (consistent with section 3021 of the 21st Century Cures Act (Public Law 114-255)), use of real world evidence (consistent with section 505F of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355g)), and use of patient experience data (consistent with section 569C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-8c)) for the development of non-addictive medical products intended to treat pain or addiction;

(3) the evidentiary standards and the development of opioid-sparing data for inclusion in the labeling of medical products intended to treat acute or chronic pain; and

(4) the application of eligibility criteria under sections 506 and 515B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356, 360e-3) for non-addictive medical products intended to treat pain or addiction.

(b) **GUIDANCE.**—Not less than one year after the public meetings are conducted under subsection (a) the Secretary shall issue one or more final guidance documents, or update existing guidance documents, to help address challenges to developing non-addictive medical products to treat pain or addiction. Such guidance documents shall include information regarding—

(1) how the Food and Drug Administration may apply sections 506 and 515B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356, 360e-3) to non-addictive medical products intended to treat pain or addiction, including the circumstances under which the Secretary—

(A) may apply the eligibility criteria under such sections 506 and 515B to non-addictive medical products intended to treat pain or addiction;

(B) considers the risk of addiction of controlled substances approved to treat pain when establishing unmet medical need; and

(C) considers pain, pain control, or pain management in assessing whether a disease or condition is a serious or life-threatening disease or condition;

(2) the methods by which sponsors may evaluate acute and chronic pain, endpoints for non-addictive medical products intended to treat pain, the manner in which endpoints



and evaluations of efficacy will be applied across and within review divisions, taking into consideration the etiology of the underlying disease, and the manner in which sponsors may use surrogate endpoints, intermediate endpoints, and real world evidence;

(3) the manner in which the Food and Drug Administration will assess evidence to support the inclusion of opioid-sparing data in the labeling of non-addictive medical products intended to treat acute or chronic pain, including—

(A) alternative data collection methodologies, including the use of novel clinical trial designs (consistent with section 3021 of the 21st Century Cures Act (Public Law 114-255)) and real world evidence (consistent with section 505F of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355g)), including patient registries and patient reported outcomes, as appropriate, to support product labeling;

(B) ethical considerations of exposing subjects to controlled substances in clinical trials to develop opioid-sparing data and considerations on data collection methods that reduce harm, which may include the reduction of opioid use as a clinical benefit;

(C) endpoints, including primary, secondary, and surrogate endpoints, to evaluate the reduction of opioid use;

(D) best practices for communication between sponsors and the agency on the development of data collection methods, including the initiation of data collection; and

(E) the appropriate format in which to submit such data results to the Secretary; and

(4) the circumstances under which the Food and Drug Administration considers misuse and abuse of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) in making the risk benefit assessment under paragraphs (2) and (4) of subsection (d) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and in finding that a drug is unsafe under paragraph (1) or (2) of subsection (e) of such section.

(c) **DEFINITIONS.**—In this section—

(1) the term “medical product” means a drug (as defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1))), biological product (as defined in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i))), or device (as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))); and

(2) the term “opioid-sparing” means reducing, replacing, or avoiding the use of opioids or other controlled substances intended to treat acute or chronic pain.

**SEC. 3002. EVIDENCE-BASED OPIOID ANALGESIC PRESCRIBING GUIDELINES AND REPORT.**

(a) **GUIDELINES.**—The Commissioner of Food and Drugs shall develop evidence-based opioid analgesic prescribing guidelines for the indication-specific treatment of acute pain only for the relevant therapeutic areas where such guidelines do not exist.

(b) **PUBLIC INPUT.**—In developing the guidelines under subsection (a), the Commissioner of Food and Drugs shall—

(1) consult with stakeholders, which may include conducting a public meeting of medical professional societies (including any State-based societies), health care providers, State medical boards, medical specialties including pain medicine specialty societies, patient groups, pharmacists, academic or medical research entities, and other entities with experience in health care, as appropriate;

(2) collaborate with the Director of the Centers for Disease Control and Prevention, as applicable and appropriate, and other Federal agencies with relevant expertise as appropriate; and

(3) provide for a notice and comment period consistent with section 701(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(h)) for the submission of comments by the public.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, or, if earlier, at the time the guidelines under subsection (a) are finalized, the Commissioner of Food and Drugs shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, and post on the public website of the Food and Drug Administration, a report on how the Food and Drug Administration will utilize the guidelines under subsection (a) to protect the public health and a description of the public health need with respect to each such indication-specific treatment guideline.

(d) **UPDATES.**—The Commissioner of Food and Drugs shall periodically—

(1) update the guidelines under subsection (a), informed by public input described in subsection (b); and

(2) submit to the committees specified in subsection (c) and post on the public website of the Food and Drug Administration an updated report under such subsection.

(e) **STATEMENT TO ACCOMPANY GUIDELINES AND RECOMMENDATIONS.**—The Commissioner of Food and Drugs shall ensure that opioid analgesic prescribing guidelines and other recommendations developed under this section are accompanied by a clear statement that such guidelines or recommendations, as applicable—

(1) are intended to help inform clinical decisionmaking by prescribers and patients; and

(2) are not intended to be used for the purposes of restricting, limiting, delaying, or denying coverage for, or access to, a prescription issued for a legitimate medical purpose by an individual practitioner acting in the usual course of professional practice.

**CHAPTER 2—STOP COUNTERFEIT DRUGS BY REGULATING AND ENHANCING ENFORCEMENT NOW**

**SEC. 3011. SHORT TITLE.**

This chapter may be cited as the “Stop Counterfeit Drugs by Regulating and Enhancing Enforcement Now Act” or the “SCREEN Act”.

**SEC. 3012. NOTIFICATION, NONDISTRIBUTION, AND RECALL OF CONTROLLED SUBSTANCES.**

(a) **PROHIBITED ACTS.**—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

“(eee) The failure to comply with any order issued under section 569D.”.

(b) **NOTIFICATION, NONDISTRIBUTION, AND RECALL OF CONTROLLED SUBSTANCES.**—Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following:

**“SEC. 569D. NOTIFICATION, NONDISTRIBUTION, AND RECALL OF CONTROLLED SUBSTANCES.**

“(a) **ORDER TO CEASE DISTRIBUTION AND RECALL.**—

“(1) **IN GENERAL.**—If the Secretary determines there is a reasonable probability that a controlled substance would cause serious adverse health consequences or death, the Secretary may, after providing the appropriate person with an opportunity to consult with the agency, issue an order requiring manufacturers, importers, distributors, or pharmacists, who distribute such controlled substance to immediately cease distribution of such controlled substance.

“(2) **HEARING.**—An order under paragraph (1) shall provide the person subject to the

order with an opportunity for an informal hearing, to be held not later than 10 days after the date of issuance of the order, on whether adequate evidence exists to justify an amendment to the order, and what actions are required by such amended order pursuant to subparagraph (3).

“(3) **ORDER RESOLUTION.**—After an order is issued according to the process under paragraphs (1) and (2), the Secretary shall, except as provided in paragraph (4)—

“(A) vacate the order, if the Secretary determines that inadequate grounds exist to support the actions required by the order;

“(B) continue the order ceasing distribution of the controlled substance until a date specified in such order; or

“(C) amend the order to require a recall of the controlled substance, including any requirements to notify appropriate persons, a timetable for the recall to occur, and a schedule for updates to be provided to the Secretary regarding such recall.

“(4) **RISK ASSESSMENT.**—If the Secretary determines that the risk of recalling a controlled substance presents a greater health risk than the health risk of not recalling such controlled substance from use, an amended order under subparagraph (B) or (C) of paragraph (3) shall not include either a recall order for, or an order to cease distribution of, such controlled substance, as applicable.

“(5) **ACTION FOLLOWING ORDER.**—Any person who is subject to an order pursuant to subparagraph (B) or (C) of paragraph (3) shall immediately cease distribution of or recall, as applicable, the controlled substance and provide notification as required by such order.

“(b) **NOTICE TO PERSONS AFFECTED.**—If the Secretary determines necessary, the Secretary may require the person subject to an order pursuant to paragraph (1) or an amended order pursuant to subparagraph (B) or (C) of paragraph (3) to provide either a notice of a recall order for, or an order to cease distribution of, such controlled substance, as applicable, under this section to appropriate persons, including persons who manufacture, distribute, import, or offer for sale such product that is the subject of an order and to the public. In providing such notice, the Secretary may use the assistance of health professionals who prescribed or dispensed such controlled substances.

“(c) **NONDELEGATION.**—An order described in subsection (a)(3) shall be ordered by the Secretary or an official designated by the Secretary. An official may not be so designated under this section unless the official is the Director of the Center for Drug Evaluation and Research or an official senior to such Director.

“(d) **SAVINGS CLAUSE.**—Nothing contained in this section shall be construed as limiting—

“(1) the authority of the Secretary to issue an order to cease distribution of, or to recall, any drug under any other provision of this Act or the Public Health Service Act; or

“(2) the ability of the Secretary to request any person to perform a voluntary activity related to any drug subject to this Act or the Public Health Service Act.”.

(c) **CONTROLLED SUBSTANCES SUBJECT TO REFUSAL.**—The third sentence of section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) is amended by inserting “, or is a controlled substance subject to an order under section 569D” before “, or (4)”.

(d) **EFFECTIVE DATE.**—Sections 301(eee) and 569D of the Federal Food, Drug, and Cosmetic Act, as added by subsections (a) and (b), shall be effective beginning on the date of enactment of this Act.



**SEC. 3013. SINGLE SOURCE PATTERN OF IMPORTED ILLEGAL DRUGS.**

Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381), as amended by section 3012, is further amended by adding at the end the following:

“(t) **SINGLE SOURCE PATTERN OF IMPORTED ILLEGAL DRUGS.**—If the Secretary determines that a person subject to debarment as a result of engaging in a pattern of importing or offering for import controlled substances or drugs as described in section 306(b)(3)(D), and such pattern is identified by the Secretary as being offered for import from the same manufacturer, distributor, or importer, the Secretary may by order determine all drugs being offered for import from such person as adulterated or misbranded, unless such person can provide evidence otherwise.”.

**SEC. 3014. STRENGTHENING FDA AND CBP COORDINATION AND CAPACITY.**

(a) **IN GENERAL.**—The Secretary of Health and Human Services (referred to in this section as the “Secretary”), acting through the Commissioner of Food and Drugs, shall coordinate with the Secretary of Homeland Security to carry out activities related to customs and border protection and in response to illegal controlled substances and drug imports, including at sites of import (such as international mail facilities), that will provide improvements to such facilities, technologies, and inspection capacity. Such Secretaries may carry out such activities through a memorandum of understanding between the Food and Drug Administration and the U.S. Customs and Border Protection.

(b) **FDA IMPORT FACILITIES AND INSPECTION CAPACITY.**—

(1) **IN GENERAL.**—In carrying out this section, the Secretary shall, in collaboration with the Secretary of Homeland Security and the Postmaster General of the United States Postal Service, provide that import facilities in which the Food and Drug Administration operates or carries out activities related to drug imports within the international mail facilities include—

(A) facility upgrades and improved capacity in order to increase and improve inspection and detection capabilities, which may include, as the Secretary determines appropriate—

(i) improvements to facilities, such as upgrades or renovations, and support for the maintenance of existing import facilities and sites to improve coordination between Federal agencies;

(ii) improvements in equipment and information technology enhancement to identify unapproved, counterfeit, or other unlawful controlled substances for destruction;

(iii) the construction of, or upgrades to, laboratory capacity for purposes of detection and testing of imported goods;

(iv) upgrades to the security of import facilities; and

(v) innovative technology and equipment to facilitate improved and near-real-time information sharing between the Food and Drug Administration, the Department of Homeland Security, and the United States Postal Service; and

(B) innovative technology, including controlled substance detection and testing equipment and other applicable technology, in order to collaborate with the U.S. Customs and Border Protection to share near-real-time information, including information about test results, as appropriate.

(2) **INNOVATIVE TECHNOLOGY.**—Any technology used in accordance with paragraph (1)(B) shall be interoperable with technology used by other relevant Federal agencies, including the U.S. Customs and Border Protection, as the Secretary determines appropriate and practicable.

(c) **REPORT.**—Not later than 6 months after the date of enactment of this Act, the Sec-

retary, in consultation with the Secretary of Homeland Security and the Postmaster General of the United States Postal Service, shall report to the Committee on Energy and Commerce and the Committee on Homeland Security of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Homeland Security and Governmental Affairs of the Senate on the implementation of this section, including a summary of progress made toward near-real-time information sharing and the interoperability of such technologies.

**CHAPTER 3—STOP ILLICIT DRUG IMPORTATION****SEC. 3021. SHORT TITLE.**

This chapter may be cited as the “Stop Illicit Drug Importation Act of 2018”.

**SEC. 3022. RESTRICTING ENTRANCE OF ILLICIT DRUGS.**

(a) **FOOD AND DRUG ADMINISTRATION AND U.S. CUSTOMS AND BORDER PROTECTION COOPERATION.**—

(1) **IN GENERAL.**—The Secretary of Health and Human Services (referred to in this section as the “Secretary”), acting through the Commissioner of Food and Drugs and in consultation with the U.S. Customs and Border Protection, shall develop and periodically update a mutually agreed upon list of the controlled substances that the Secretary will refer to U.S. Customs and Border Protection, unless the Secretary and U.S. Customs and Border Protection agree otherwise, when such substances are offered for import via international mail and appear to violate the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), or any other applicable law. The Secretary shall transfer controlled substances on such list to the U.S. Customs and Border Protection. If the Secretary identifies additional packages that appear to be the same as such package containing a controlled substance, such additional packages may also be transferred to U.S. Customs and Border Protection. The U.S. Customs and Border Protection shall receive such packages consistent with the requirements of the Controlled Substances Act (21 U.S.C. 801 et seq.).

(2) **REPORT.**—Not later than 9 months after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs and in consultation with the Secretary of Homeland Security, shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate on the implementation of this section.

(b) **DEBARMENT, TEMPORARY DENIAL OF APPROVAL, AND SUSPENSION.**—

(1) **PROHIBITED ACT.**—Section 301(cc) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(cc)) is amended—

(A) by inserting “or a drug” after “food”; and

(B) by inserting “from such activity” after “person debarred”.

(2) **DEBARMENT.**—Section 306(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335a(b)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting “or (3)” after “paragraph (2)”; and

(ii) in subparagraph (A), by striking the comma at the end and inserting a semicolon;

(iii) in subparagraph (B), by striking “, or” and inserting a semicolon;

(iv) in subparagraph (C), by striking the period and inserting “; or”; and

(v) by adding at the end the following:

“(D) a person from importing or offering for import into the United States a drug.”;

(B) in paragraph (3)—

(i) in the heading, by inserting “OR DRUG” after “FOOD”; and

(ii) in subparagraph (A), by striking “; or” and inserting a semicolon;

(iii) in subparagraph (B), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

“(C) the person has been convicted of a felony for conduct relating to the importation into the United States of any drug or controlled substance (as defined in section 102 of the Controlled Substances Act);

“(D) the person has engaged in a pattern of importing or offering for import—

“(i) controlled substances that are prohibited from importation under section 401(m) of the Tariff Act of 1930 (19 U.S.C. 1401(m)); or

“(ii) adulterated or misbranded drugs that are—

“(I) not designated in an authorized electronic data interchange system as a product that is regulated by the Secretary; or

“(II) knowingly or intentionally falsely designated in an authorized electronic data interchange system as a product that is regulated by the Secretary.”; and

(C) by adding at the end the following:

“(5) **DEFINITION.**—For purposes of paragraph (3)(D), the term ‘pattern of importing or offering for import’ means importing or offering for import a drug described in clause (i) or (ii) of paragraph (3)(D) in an amount, frequency, or dosage that is inconsistent with personal or household use by the importer.”.

(c) **IMPORTS AND EXPORTS.**—Section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)), as amended, is further amended—

(1) by striking “, then such article shall be refused admission” inserting “or (5) such article is being imported or offered for import in violation of section 301(cc), then any such article described in any of clauses (1) through (5) shall be refused admission”; and

(2) by inserting “If it appears from the examination of such samples or otherwise that the article is a counterfeit drug, such article shall be refused admission.” before “With respect to an article of food, if importation”; and

(3) by striking “Clause (2) of the third sentence” and all that follows through the period at the end and inserting the following: “Neither clause (2) nor clause (5) of the third sentence of this subsection shall be construed to prohibit the admission of narcotic drugs, the importation of which is permitted under the Controlled Substances Import and Export Act.”.

(d) **CERTAIN ILLICIT ARTICLES.**—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381), as amended, is amended by adding at the end the following—

“(u) **ILLICIT ARTICLES CONTAINING ACTIVE PHARMACEUTICAL INGREDIENTS.**—

“(1) **IN GENERAL.**—For purposes of this section, an article that is being imported or offered for import into the United States may be treated by the Secretary as a drug if the article—

“(A) is not—

“(i) accompanied by an electronic import entry for such article submitted using an authorized electronic data interchange system; and

“(ii) designated in such a system as an article regulated by the Secretary (which may include regulation as a drug, a device, a dietary supplement, or other product that is regulated under this Act); and

“(B) is an ingredient that presents significant public health concern and is, or contains—

“(i) an active ingredient in a drug—

“(I) that is approved under section 505 or licensed under section 351 of the Public Health Service Act; or

“(II) for which—

“(aa) an investigational use exemption has been authorized under section 505(i) of this Act or section 351(a) of the Public Health Service Act; and

“(bb) a substantial clinical investigation has been instituted, and such investigation has been made public; or

“(ii) a substance that has a chemical structure that is substantially similar to the chemical structure of an active ingredient in a drug or biological product described in subclause (I) or (II) of clause (i).

“(2) EFFECT.—This subsection shall not be construed to bear upon any determination of whether an article is a drug within the meaning of section 201(g), other than for the purposes described in paragraph (1).”.

#### **CHAPTER 4—SECURING OPIOIDS AND UNUSED NARCOTICS WITH DELIBERATE DISPOSAL AND PACKAGING**

##### **SEC. 3031. SHORT TITLE.**

This chapter may be cited as the “Securing Opioids and Unused Narcotics with Deliberate Disposal and Packaging Act of 2018” or the “SOUND Disposal and Packaging Act”.

##### **SEC. 3032. SAFETY-ENHANCING PACKAGING AND DISPOSAL FEATURES.**

(a) DELIBERATE DISPOSAL AND PACKAGING ELEMENTS OF STRATEGY.—Section 505-1(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355-1(e)) is amended by adding at the end the following:

“(4) PACKAGING AND DISPOSAL.—The Secretary may require a risk evaluation mitigation strategy for a drug for which there is a serious risk of an adverse drug experience described in subparagraph (B) or (C) of subsection (b)(1), taking into consideration the factors described in subparagraphs (C) and (D) of subsection (f)(2) and in consultation with other relevant Federal agencies with authorities over drug disposal packaging, which may include requiring that—

“(A) the drug be made available for dispensing to certain patients in unit dose packaging, packaging that provides a set duration, or another packaging system that the Secretary determines may mitigate such serious risk; or

“(B) the drug be dispensed to certain patients with a safe disposal packaging or safe disposal system for purposes of rendering drugs nonretrievable (as defined in section 1300.05 of title 21, Code of Federal Regulations (or any successor regulation)) if the Secretary determines that such safe disposal packaging or system may mitigate such serious risk and is sufficiently available.”.

(b) ASSURING ACCESS AND MINIMIZING BURDEN.—Section 505-1(f)(2)(C) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355-1(f)(2)(C)) is amended—

(1) in clause (i) by striking “and” at the end; and

(2) by adding at the end the following:

“(iii) patients with functional limitations; and”.

(c) APPLICATION TO ABBREVIATED NEW DRUG APPLICATIONS.—Section 505-1(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355-1(i)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) inserting after subparagraph (A) the following:

“(B) A packaging or disposal requirement, if required under subsection (e)(4) for the applicable listed drug.”; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “and” at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

“(B) shall permit packaging systems and safe disposal packaging or safe disposal systems that are different from those required for the applicable listed drug under subsection (e)(4); and”.

(d) GAO REPORT.—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall prepare and submit to Congress a report containing—

(1) a description of available evidence, if any, on the effectiveness of site-of-use, in-home controlled substance disposal products and packaging technologies;

(2) an evaluation of existing reference standards with respect to controlled substance disposal products and packaging technologies, including any such standards established by a standards development organization, and how such standards should be considered in ensuring effectiveness of such products and technologies;

(3) identification of ways in which such disposal products intended for use by patients, consumers, and other end users that are not registrants under the Controlled Substances Act (21 U.S.C. 801 et seq.), are made available to the public and any barriers to the use of such disposal products;

(4) identification of ways in which packaging technologies are made available to the public and any barriers to the use of such technologies;

(5) a description of current Federal oversight, if any, of site-of-use, in-home controlled substance disposal products, including—

(A) identification of the Federal agencies that oversee such products;

(B) identification of the methods of disposal of controlled substances recommended by such agencies for site-of-use, in-home disposal; and

(C) a description of the effectiveness of such recommendations at preventing the diversion of legally prescribed controlled substances;

(6) a description of current Federal oversight, if any, of controlled substance packaging technologies, including—

(A) identification of the Federal agencies that oversee such technologies;

(B) identification of the technologies recommended by such agencies, including unit dose packaging, packaging that provides a set duration, and other packaging systems that may mitigate abuse or misuse; and

(C) a description of the effectiveness of such recommendations at preventing the diversion of legally prescribed controlled substances; and

(7) recommendations, as appropriate, on—

(A) whether site-of-use, in-home controlled substance disposal products and packaging technologies require Federal oversight and, if so, which agency or agencies should be responsible for such oversight and, as applicable, review of such products or technologies; and

(B) whether there are applicable standards that should be considered to ensure the effectiveness of such products.

#### **CHAPTER 5—POSTAPPROVAL STUDY REQUIREMENTS**

##### **SEC. 3041. CLARIFYING FDA POSTMARKET AUTHORITIES.**

(a) DEFINITION OF ADVERSE DRUG EXPERIENCE.—Section 505-1(b)(1)(E) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355-1(b)(1)(E)) is amended by striking “of the drug” and inserting “of the drug, which may include reduced effectiveness under the conditions of use prescribed in the labeling of

such drug, but which may not include reduced effectiveness that is in accordance with such labeling”.

(b) SAFETY LABELING CHANGES.—Section 505(o)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(o)(4)) is amended—

(1) in subparagraph (A) by—

(A) striking “SAFETY INFORMATION” and inserting “SAFETY OR NEW EFFECTIVENESS INFORMATION”; and

(B) by striking “If the Secretary becomes” and all that follows through “in the labeling of the drug” and inserting “If the Secretary becomes aware of new information, including any new safety information or information related to reduced effectiveness, that the Secretary determines should be included in the labeling of the drug”;

(2) in clause (i) of subparagraph (B), by inserting before the semicolon “, or new effectiveness information”;

(3) in subparagraph (C) by striking “safety information” and inserting “safety or new effectiveness information”; and

(4) in subparagraph (E) by striking “safety information” and inserting “safety or new effectiveness information”.

(c) GUIDANCE.—Not less than one year after the date of enactment of this Act, the Secretary of Health and Human Services shall issue guidance regarding the circumstances under which the Food and Drug Administration may require postmarket studies or clinical trials to assess the potential reduction in effectiveness of a drug and how such reduction in effectiveness could result in a change to the benefits of the drug and the risks to the patient. Such guidance shall also address how the Food and Drug Administration may apply this section and the amendments made thereby with respect to circumstances under which the Food and Drug Administration may require postmarket studies or clinical trials and safety labeling changes related to the use of controlled substances for acute or chronic pain.

#### **Subtitle B—Controlled Substance Provisions CHAPTER 1—MORE FLEXIBILITY WITH RESPECT TO MEDICATION-ASSISTED TREATMENT FOR OPIOID USE DISORDERS**

##### **SEC. 3201. ALLOWING FOR MORE FLEXIBILITY WITH RESPECT TO MEDICATION-ASSISTED TREATMENT FOR OPIOID USE DISORDERS.**

(a) CONFORMING APPLICABLE NUMBER.—Subclause (II) of section 303(g)(2)(B)(iii) of the Controlled Substances Act (21 U.S.C. 823(g)(2)(B)(iii)) is amended to read as follows:

“(II) The applicable number is—

“(aa) 100 if, not sooner than 1 year after the date on which the practitioner submitted the initial notification, the practitioner submits a second notification to the Secretary of the need and intent of the practitioner to treat up to 100 patients;

“(bb) 100 if the practitioner holds additional credentialing, as defined in section 8.2 of title 42, Code of Federal Regulations (or successor regulations);

“(cc) 100 if the practitioner provides medication-assisted treatment (MAT) using covered medications (as such terms are defined in section 8.2 of title 42, Code of Federal Regulations (or successor regulations)) in a qualified practice setting (as described in section 8.615 of title 42, Code of Federal Regulations (or successor regulations)); or

“(dd) 275 if the practitioner meets the requirements specified in sections 8.610 through 8.655 of title 42, Code of Federal Regulations (or successor regulations).”.

(b) ELIMINATING ANY TIME LIMITATION FOR NURSE PRACTITIONERS AND PHYSICIAN ASSISTANTS TO BECOME QUALIFYING PRACTITIONERS.—Clause (iii) of section 303(g)(2)(G)

of the Controlled Substances Act (21 U.S.C. 823(g)(2)(G)) is amended—

(1) in subclause (I), by striking “or” at the end; and

(2) by amending subclause (II) to read as follows:

“(II) a qualifying other practitioner, as defined in clause (iv), who is a nurse practitioner or physician assistant; or”.

(c) IMPOSING A TIME LIMITATION FOR CLINICAL NURSE SPECIALISTS, CERTIFIED REGISTERED NURSE ANESTHETISTS, AND CERTIFIED NURSE MIDWIVES TO BECOME QUALIFYING PRACTITIONERS.—Clause (iii) of section 303(g)(2)(G) of the Controlled Substances Act (21 U.S.C. 823(g)(2)(G)), as amended by subsection (b), is further amended by adding at the end the following:

“(III) for the period beginning on October 1, 2018, and ending on October 1, 2023, a qualifying other practitioner, as defined in clause (iv), who is a clinical nurse specialist, certified registered nurse anesthetist, or certified nurse midwife.”.

(d) DEFINITION OF QUALIFYING OTHER PRACTITIONER.—Section 303(g)(2)(G)(iv) of the Controlled Substances Act (21 U.S.C. 823(g)(2)(G)(iv)) is amended by striking “nurse practitioner or physician assistant” each place it appears and inserting “nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, certified nurse midwife, or physician assistant”.

(e) REPORT BY SECRETARY.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with the Drug Enforcement Administration, shall submit to Congress a report that assesses the care provided by qualifying practitioners (as defined in section 303(g)(2)(G)(iii) of the Controlled Substances Act (21 U.S.C. 823(g)(2)(G)(iii))) who are treating, in the case of physicians, more than 100 patients, and in the case of qualifying practitioners who are not physicians, more than 30 patients. Such report shall include recommendations on future applicable patient number levels and limits. In preparing such report, the Secretary shall study, with respect to opioid use disorder treatment—

(1) the average frequency with which qualifying practitioners see their patients;

(2) the average frequency with which patients receive counseling, including the rates by which such counseling is provided by such a qualifying practitioner directly, or by referral;

(3) the frequency of toxicology testing, including the average frequency with which random toxicology testing is administered;

(4) the average monthly patient caseload for each type of qualifying practitioner;

(5) the treatment retention rates for patients;

(6) overdose and mortality rates; and

(7) any available information regarding the diversion of drugs by patients receiving such treatment from such a qualifying practitioner.

#### SEC. 3202. MEDICATION-ASSISTED TREATMENT FOR RECOVERY FROM SUBSTANCE USE DISORDER.

(a) WAIVERS FOR MAINTENANCE TREATMENT OR DETOXIFICATION.—Section 303(g)(2)(G)(ii) of the Controlled Substances Act (21 U.S.C. 823(g)(2)(G)(ii)) is amended by adding at the end the following:

“(VIII) The physician graduated in good standing from an accredited school of allopathic medicine or osteopathic medicine in the United States during the 5-year period immediately preceding the date on which the physician submits to the Secretary a written notification under subparagraph (B) and successfully completed a comprehensive allopathic or osteopathic medicine curriculum or accredited medical residency that—

“(aa) included not less than 8 hours of training on treating and managing opioid-dependent patients; and

“(bb) included, at a minimum—

“(AA) the training described in items (aa) through (gg) of subclause (IV); and

“(BB) training with respect to any other best practice the Secretary determines should be included in the curriculum, which may include training on pain management, including assessment and appropriate use of opioid and non-opioid alternatives.”.

(b) TREATMENT FOR CHILDREN.—The Secretary of Health and Human Services shall consider ways to ensure that an adequate number of qualified practitioners, as defined in subparagraph (G)(ii) of section 303(g)(2) of the Controlled Substances Act (21 U.S.C. 823(g)(2)), who have a specialty in pediatrics or the treatment of children or adolescents, are granted a waiver under such section 303(g)(2) to treat children and adolescents with substance use disorders.

(c) TECHNICAL AMENDMENT.—Section 102(24) of the Controlled Substances Act (21 U.S.C. 802(24)) is amended by striking “Health, Education, and Welfare” and inserting “Health and Human Services”.

#### SEC. 3203. GRANTS TO ENHANCE ACCESS TO SUBSTANCE USE DISORDER TREATMENT.

(a) IN GENERAL.—The Secretary of Health and Human Services shall establish a grant program under which the Secretary may make grants to accredited schools of allopathic medicine or osteopathic medicine and teaching hospitals located in the United States to support the development of curricula that meet the requirements under subclause (VIII) of section 303(g)(2)(G)(ii) of the Controlled Substances Act, as added by section 3202(a) of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for grants under subsection (a), \$4,000,000 for each of fiscal years 2019 through 2023.

#### SEC. 3204. DELIVERY OF A CONTROLLED SUBSTANCE BY A PHARMACY TO BE ADMINISTERED BY INJECTION OR IMPLANTATION.

(a) IN GENERAL.—The Controlled Substances Act is amended by inserting after section 309 (21 U.S.C. 829) the following:

“DELIVERY OF A CONTROLLED SUBSTANCE BY A PHARMACY TO AN ADMINISTERING PRACTITIONER

“SEC. 309A. (a) IN GENERAL.—Notwithstanding section 102(10), a pharmacy may deliver a controlled substance to a practitioner in accordance with a prescription that meets the requirements of this title and the regulations issued by the Attorney General under this title, for the purpose of administering the controlled substance by the practitioner if—

“(1) the controlled substance is delivered by the pharmacy to the prescribing practitioner or the practitioner administering the controlled substance, as applicable, at the location listed on the practitioner’s certificate of registration issued under this title;

“(2) the controlled substance is to be administered for the purpose of maintenance or detoxification treatment under section 303(g)(2) and—

“(A) the practitioner who issued the prescription is a qualifying practitioner authorized under, and acting within the scope of that section; and

“(B) the controlled substance is to be administered by injection or implantation;

“(3) the pharmacy and the practitioner are authorized to conduct the activities specified in this section under the law of the State in which such activities take place;

“(4) the prescription is not issued to supply any practitioner with a stock of controlled

substances for the purpose of general dispensing to patients;

“(5) except as provided in subsection (b), the controlled substance is to be administered only to the patient named on the prescription not later than 14 days after the date of receipt of the controlled substance by the practitioner; and

“(6) notwithstanding any exceptions under section 307, the prescribing practitioner, and the practitioner administering the controlled substance, as applicable, maintain complete and accurate records of all controlled substances delivered, received, administered, or otherwise disposed of under this section, including the persons to whom controlled substances were delivered and such other information as may be required by regulations of the Attorney General.

“(b) MODIFICATION OF NUMBER OF DAYS BEFORE WHICH CONTROLLED SUBSTANCE SHALL BE ADMINISTERED.—

“(1) INITIAL 2-YEAR PERIOD.—During the 2-year period beginning on the date of enactment of this section, the Attorney General, in coordination with the Secretary, may reduce the number of days described in subsection (a)(5) if the Attorney General determines that such reduction will—

“(A) reduce the risk of diversion; or

“(B) protect the public health.

“(2) MODIFICATIONS AFTER SUBMISSION OF REPORT.—After the date on which the report described in section 3204(b) of the SUPPORT for Patients and Communities Act is submitted, the Attorney General, in coordination with the Secretary, may modify the number of days described in subsection (a)(5).

“(3) MINIMUM NUMBER OF DAYS.—Any modification under this subsection shall be for a period of not less than 7 days.”.

(b) STUDY AND REPORT.—Not later than 2 years after the date of enactment of this section, the Comptroller General of the United States shall conduct a study and submit to Congress a report on access to and potential diversion of controlled substances administered by injection or implantation.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the item relating to section 309 the following:

“Sec. 309A. Delivery of a controlled substance by a pharmacy to an administering practitioner.”.

#### CHAPTER 2—EMPOWERING PHARMACISTS IN THE FIGHT AGAINST OPIOID ABUSE

##### SEC. 3211. SHORT TITLE.

This chapter may be cited as the “Empowering Pharmacists in the Fight Against Opioid Abuse Act”.

##### SEC. 3212. PROGRAMS AND MATERIALS FOR TRAINING ON CERTAIN CIRCUMSTANCES UNDER WHICH A PHARMACIST MAY DECLINE TO FILL A PRESCRIPTION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Administrator of the Drug Enforcement Administration, Commissioner of Food and Drugs, Director of the Centers for Disease Control and Prevention, and Assistant Secretary for Mental Health and Substance Use, shall develop and disseminate, as appropriate, materials for pharmacists, health care providers, and patients on—

(1) circumstances under which a pharmacist may, consistent with section 309 of the Controlled Substances Act (21 U.S.C. 829) and regulations thereunder, including section 1306.04 of title 21, Code of Federal Regulations, decline to fill a prescription for a

controlled substance because the pharmacist suspects the prescription is fraudulent, forged, or of doubtful, questionable, or suspicious origin; and

(2) other Federal requirements pertaining to declining to fill a prescription under such circumstances, including the partial fill of prescriptions for certain controlled substances.

(b) **MATERIALS INCLUDED.**—In developing materials under subsection (a), the Secretary of Health and Human Services shall include information for—

(1) pharmacists on how to decline to fill a prescription and actions to take after declining to fill a prescription; and

(2) other health care practitioners and the public on a pharmacist's ability to decline to fill prescriptions in certain circumstances and a description of those circumstances (as described in the materials developed under subsection (a)(1)).

(c) **STAKEHOLDER INPUT.**—In developing the programs and materials required under subsection (a), the Secretary of Health and Human Services shall seek input from relevant national, State, and local associations, boards of pharmacy, medical societies, licensing boards, health care practitioners, and patients, including individuals with chronic pain.

### CHAPTER 3—SAFE DISPOSAL OF UNUSED MEDICATION

#### SEC. 3221. SHORT TITLE.

This chapter may be cited as the “Safe Disposal of Unused Medication Act”.

#### SEC. 3222. DISPOSAL OF CONTROLLED SUBSTANCES OF A HOSPICE PATIENT BY EMPLOYEES OF A QUALIFIED HOSPICE PROGRAM.

(a) **IN GENERAL.**—Subsection (g) of section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended by adding at the end the following:

“(5)(A) In the case of a person receiving hospice care, an employee of a qualified hospice program, acting within the scope of employment, may handle, without being registered under this section, any controlled substance that was lawfully dispensed to the person receiving hospice care, for the purpose of disposal of the controlled substance so long as such disposal occurs onsite in accordance with all applicable Federal, State, Tribal, and local law and—

“(i) the disposal occurs after the death of a person receiving hospice care;

“(ii) the controlled substance is expired; or

“(iii)(I) the employee is—

“(aa) the physician of the person receiving hospice care; and

“(bb) registered under section 303(f); and

“(II) the hospice patient no longer requires the controlled substance because the plan of care of the hospice patient has been modified.

“(B) For the purposes of this paragraph:

“(i) The terms ‘hospice care’ and ‘hospice program’ have the meanings given to those terms in section 1861(dd) of the Social Security Act.

“(ii) The term ‘employee of a qualified hospice program’ means a physician, physician assistant, nurse, or other person who—

“(I) is employed by, or pursuant to arrangements made by, a qualified hospice program;

“(II)(aa) is licensed to perform medical or nursing services by the jurisdiction in which the person receiving hospice care was located; and

“(bb) is acting within the scope of such employment in accordance with applicable State law; and

“(III) has completed training through the qualified hospice program regarding the disposal of controlled substances in a secure

and responsible manner so as to discourage abuse, misuse, or diversion.

“(iii) The term ‘qualified hospice program’ means a hospice program that—

“(I) has written policies and procedures for assisting in the disposal of the controlled substances of a person receiving hospice care after the person's death;

“(II) at the time when the controlled substances are first ordered—

“(aa) provides a copy of the written policies and procedures to the patient or patient representative and family;

“(bb) discusses the policies and procedures with the patient or representative and the family in a language and manner that they understand to ensure that these parties are educated regarding the safe disposal of controlled substances; and

“(cc) documents in the patient's clinical record that the written policies and procedures were provided and discussed; and

“(III) at the time following the disposal of the controlled substances—

“(aa) documents in the patient's clinical record the type of controlled substance, dosage, route of administration, and quantity so disposed; and

“(bb) the time, date, and manner in which that disposal occurred.”.

(b) **GUIDANCE.**—The Attorney General may issue guidance to hospice programs (as defined in paragraph (5) of section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)), as added by subsection (a)) to assist the programs in satisfying the requirements under such paragraph (5).

(c) **RULE OF CONSTRUCTION RELATING TO STATE AND LOCAL LAW.**—Nothing in this section or the amendments made by this section shall be construed to prevent a State or local government from imposing additional controls or restrictions relating to the regulation of the disposal of controlled substances in hospice care or hospice programs.

#### SEC. 3223. GAO STUDY AND REPORT ON HOSPICE SAFE DRUG MANAGEMENT.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Comptroller General of the United States (in this section referred to as the “Comptroller General”) shall conduct a study on the requirements applicable to, and challenges of, hospice programs with regard to the management and disposal of controlled substances in the home of an individual.

(2) **CONTENTS.**—In conducting the study under paragraph (1), the Comptroller General shall include—

(A) an overview of any challenges encountered by selected hospice programs regarding the disposal of controlled substances, such as opioids, in a home setting, including any key changes in policies, procedures, or best practices for the disposal of controlled substances over time; and

(B) a description of Federal requirements, including requirements under the Medicare program, for hospice programs regarding the disposal of controlled substances in a home setting, and oversight of compliance with those requirements.

(b) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations, if any, for such legislation and administrative action as the Comptroller General determines appropriate.

### CHAPTER 4—SPECIAL REGISTRATION FOR TELEMEDICINE CLARIFICATION

#### SEC. 3231. SHORT TITLE.

This chapter may be cited as the “Special Registration for Telemedicine Clarification Act of 2018”.

#### SEC. 3232. REGULATIONS RELATING TO A SPECIAL REGISTRATION FOR TELE-MEDICINE.

Section 311(h)(2) of the Controlled Substances Act (21 U.S.C. 831(h)(2)) is amended to read as follows:

“(2) **REGULATIONS.**—Not later than 1 year after the date of enactment of the SUPPORT for Patients and Communities Act, in consultation with the Secretary, the Attorney General shall promulgate final regulations specifying—

“(A) the limited circumstances in which a special registration under this subsection may be issued; and

“(B) the procedure for obtaining a special registration under this subsection.”.

### CHAPTER 5—SYNTHETIC ABUSE AND LABELING OF TOXIC SUBSTANCES

#### SEC. 3241. CONTROLLED SUBSTANCE ANALOGUES.

Section 203 of the Controlled Substances Act (21 U.S.C. 813) is amended—

(1) by striking “A controlled” and inserting “(a) **IN GENERAL.**—A controlled”; and

(2) by adding at the end the following:

“(b) **DETERMINATION.**—In determining whether a controlled substance analogue was intended for human consumption under subsection (a), the following factors may be considered, along with any other relevant factors:

“(1) The marketing, advertising, and labeling of the substance.

“(2) The known efficacy or usefulness of the substance for the marketed, advertised, or labeled purpose.

“(3) The difference between the price at which the substance is sold and the price at which the substance it is purported to be or advertised as is normally sold.

“(4) The diversion of the substance from legitimate channels and the clandestine importation, manufacture, or distribution of the substance.

“(5) Whether the defendant knew or should have known the substance was intended to be consumed by injection, inhalation, ingestion, or any other immediate means.

“(6) Any controlled substance analogue that is manufactured, formulated, sold, distributed, or marketed with the intent to avoid the provisions of existing drug laws.

“(c) **LIMITATION.**—For purposes of this section, evidence that a substance was not marketed, advertised, or labeled for human consumption, by itself, shall not be sufficient to establish that the substance was not intended for human consumption.”.

### CHAPTER 6—ACCESS TO INCREASED DRUG DISPOSAL

#### SEC. 3251. SHORT TITLE.

This chapter may be cited as the “Access to Increased Drug Disposal Act of 2018”.

#### SEC. 3252. DEFINITIONS.

In this chapter—

(1) the term “Attorney General” means the Attorney General, acting through the Assistant Attorney General for the Office of Justice Programs;

(2) the term “authorized collector” means a narcotic treatment program, a hospital or clinic with an on-site pharmacy, a retail pharmacy, or a reverse distributor, that is authorized as a collector under section 1317.40 of title 21, Code of Federal Regulations (or any successor regulation);

(3) the term “covered grant” means a grant awarded under section 3003; and

(4) the term “eligible collector” means a person who is eligible to be an authorized collector.

#### SEC. 3253. AUTHORITY TO MAKE GRANTS.

The Attorney General shall award grants to States to enable the States to increase the participation of eligible collectors as authorized collectors.

**SEC. 3254. APPLICATION.**

A State desiring a covered grant shall submit to the Attorney General an application that, at a minimum—

(1) identifies the single State agency that oversees pharmaceutical care and will be responsible for complying with the requirements of the grant;

(2) details a plan to increase participation rates of eligible collectors as authorized collectors; and

(3) describes how the State will select eligible collectors to be served under the grant.

**SEC. 3255. USE OF GRANT FUNDS.**

A State that receives a covered grant, and any subrecipient of the grant, may use the grant amounts only for the costs of installation, maintenance, training, purchasing, and disposal of controlled substances associated with the participation of eligible collectors as authorized collectors.

**SEC. 3256. ELIGIBILITY FOR GRANT.**

The Attorney General shall award a covered grant to 5 States, not less than 3 of which shall be States in the lowest quartile of States based on the participation rate of eligible collectors as authorized collectors, as determined by the Attorney General.

**SEC. 3257. DURATION OF GRANTS.**

The Attorney General shall determine the period of years for which a covered grant is made to a State.

**SEC. 3258. ACCOUNTABILITY AND OVERSIGHT.**

A State that receives a covered grant shall submit to the Attorney General a report, at such time and in such manner as the Attorney General may reasonably require, that—

(1) lists the ultimate recipients of the grant amounts;

(2) describes the activities undertaken by the State using the grant amounts; and

(3) contains performance measures relating to the effectiveness of the grant, including changes in the participation rate of eligible collectors as authorized collectors.

**SEC. 3259. DURATION OF PROGRAM.**

The Attorney General may award covered grants for each of the first 5 fiscal years beginning after the date of enactment of this Act.

**SEC. 3260. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to the Attorney General such sums as may be necessary to carry out this chapter.

## CHAPTER 7—USING DATA TO PREVENT OPIOID DIVERSION

**SEC. 3271. SHORT TITLE.**

This chapter may be cited as the “Using Data To Prevent Opioid Diversion Act of 2018”.

**SEC. 3272. PURPOSE.**

(a) **IN GENERAL.**—The purpose of this chapter is to provide drug manufacturers and distributors with access to anonymized information through the Automated Reports and Consolidated Orders System to help drug manufacturers and distributors identify, report, and stop suspicious orders of opioids and reduce diversion rates.

(b) **RULE OF CONSTRUCTION.**—Nothing in this chapter should be construed to absolve a drug manufacturer, drug distributor, or other Drug Enforcement Administration registrant from the responsibility of the manufacturer, distributor, or other registrant to—

(1) identify, stop, and report suspicious orders; or

(2) maintain effective controls against diversion in accordance with section 303 of the Controlled Substances Act (21 U.S.C. 823) or any successor law or associated regulation.

**SEC. 3273. AMENDMENTS.**

(a) **RECORDS AND REPORTS OF REGISTRANTS.**—Section 307 of the Controlled Substances Act (21 U.S.C. 827) is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively;

(2) by inserting after subsection (e) the following:

“(f)(1) The Attorney General shall, not less frequently than quarterly, make the following information available to manufacturer and distributor registrants through the Automated Reports and Consolidated Orders System, or any subsequent automated system developed by the Drug Enforcement Administration to monitor selected controlled substances:

“(A) The total number of distributor registrants that distribute controlled substances to a pharmacy or practitioner registrant, aggregated by the name and address of each pharmacy and practitioner registrant.

“(B) The total quantity and type of opioids distributed, listed by Administration Controlled Substances Code Number, to each pharmacy and practitioner registrant described in subparagraph (A).

“(2) The information required to be made available under paragraph (1) shall be made available not later than the 30th day of the first month following the quarter to which the information relates.

“(3)(A) All registered manufacturers and distributors shall be responsible for reviewing the information made available by the Attorney General under this subsection.

“(B) In determining whether to initiate proceedings under this title against a registered manufacturer or distributor based on the failure of the registrant to maintain effective controls against diversion or otherwise comply with the requirements of this title or the regulations issued thereunder, the Attorney General may take into account that the information made available under this subsection was available to the registrant.”; and

(3) by inserting after subsection (i), as so redesignated, the following:

“(j) All of the reports required under this section shall be provided in an electronic format.”.

(b) **COOPERATIVE ARRANGEMENTS.**—Section 503 of the Controlled Substances Act (21 U.S.C. 873) is amended by striking subsection (c) and inserting the following:

“(c)(1) The Attorney General shall, once every 6 months, prepare and make available to regulatory, licensing, attorneys general, and law enforcement agencies of States a standardized report containing descriptive and analytic information on the actual distribution patterns, as gathered through the Automated Reports and Consolidated Orders System, or any subsequent automated system, pursuant to section 307 and which includes detailed amounts, outliers, and trends of distributor and pharmacy registrants, in such States for the controlled substances contained in schedule II, which, in the discretion of the Attorney General, are determined to have the highest abuse.

“(2) If the Attorney General publishes the report described in paragraph (1) once every 6 months as required under paragraph (1), nothing in this subsection shall be construed to bring an action in any court to challenge the sufficiency of the information or to compel the Attorney General to produce any documents or reports referred to in this subsection.”.

(c) **CIVIL AND CRIMINAL PENALTIES.**—Section 402 of the Controlled Substances Act (21 U.S.C. 842) is amended—

(1) in subsection (a)—

(A) in paragraph (15), by striking “or” at the end;

(B) in paragraph (16), by striking the period at the end and inserting “; or”; and

(C) by inserting after paragraph (16) the following:

“(17) in the case of a registered manufacturer or distributor of opioids, to fail to review the most recent information, directly related to the customers of the manufacturer or distributor, made available by the Attorney General in accordance with section 307(f).”; and

(2) in subsection (c)—

(A) in paragraph (1), by striking subparagraph (B) and inserting the following:

“(B)(i) Except as provided in clause (ii), in the case of a violation of paragraph (5), (10), or (17) of subsection (a), the civil penalty shall not exceed \$10,000.

“(ii) In the case of a violation described in clause (i) committed by a registered manufacturer or distributor of opioids and related to the reporting of suspicious orders for opioids, failing to maintain effective controls against diversion of opioids, or failing to review the most recent information made available by the Attorney General in accordance with section 307(f), the penalty shall not exceed \$100,000.”; and

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting “or (D)” after “subparagraph (B)”; and

(ii) by adding at the end the following:

“(D) In the case of a violation described in subparagraph (A) that was a violation of paragraph (5), (10), or (17) of subsection (a) committed by a registered manufacturer or distributor of opioids that relates to the reporting of suspicious orders for opioids, failing to maintain effective controls against diversion of opioids, or failing to review the most recent information made available by the Attorney General in accordance with section 307(f), the criminal fine under title 18, United States Code, shall not exceed \$500,000.”.

**SEC. 3274. REPORT.**

Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report that provides information about how the Attorney General is using data in the Automation of Reports and Consolidated Orders System to identify and stop suspicious activity, including whether the Attorney General is looking at aggregate orders from individual pharmacies to multiple distributors that in total are suspicious, even if no individual order rises to the level of a suspicious order to a given distributor.

## CHAPTER 8—OPIOID QUOTA REFORM

**SEC. 3281. SHORT TITLE.**

This chapter may be cited as the “Opioid Quota Reform Act”.

**SEC. 3282. STRENGTHENING CONSIDERATIONS FOR DEA OPIOID QUOTAS.**

(a) **IN GENERAL.**—Section 306 of the Controlled Substances Act (21 U.S.C. 826) is amended—

(1) in subsection (a)—

(A) by inserting “(1)” after “(a)”;

(B) in the second sentence, by striking “Production” and inserting “Except as provided in paragraph (2), production”; and

(C) by adding at the end the following:

“(2) The Attorney General may, if the Attorney General determines it will assist in avoiding the overproduction, shortages, or diversion of a controlled substance, establish an aggregate or individual production quota under this subsection, or a procurement quota established by the Attorney General by regulation, in terms of pharmaceutical dosage forms prepared from or containing the controlled substance.”;

(2) in subsection (b), in the first sentence, by striking “production” and inserting “manufacturing”;

(3) in subsection (c), by striking “October” and inserting “December”; and

(4) by adding at the end the following:

“(i)(1)(A) In establishing any quota under this section, or any procurement quota established by the Attorney General by regulation, for fentanyl, oxycodone, hydrocodone, oxymorphone, or hydromorphone (in this subsection referred to as a ‘covered controlled substance’), the Attorney General shall estimate the amount of diversion of the covered controlled substance that occurs in the United States.

“(B) In estimating diversion under this paragraph, the Attorney General—

“(i) shall consider information the Attorney General, in consultation with the Secretary of Health and Human Services, determines reliable on rates of overdose deaths and abuse and overall public health impact related to the covered controlled substance in the United States; and

“(ii) may take into consideration whatever other sources of information the Attorney General determines reliable.

“(C) After estimating the amount of diversion of a covered controlled substance, the Attorney General shall make appropriate quota reductions, as determined by the Attorney General, from the quota the Attorney General would have otherwise established had such diversion not been considered.

“(2)(A) For any year for which the approved aggregate production quota for a covered controlled substance is higher than the approved aggregate production quota for the covered controlled substance for the previous year, the Attorney General, in consultation with the Secretary of Health and Human Services, shall include in the final order an explanation of why the public health benefits of increasing the quota clearly outweigh the consequences of having an increased volume of the covered controlled substance available for sale, and potential diversion, in the United States.

“(B) Not later than 1 year after the date of enactment of this subsection, and every year thereafter, the Attorney General shall submit to the Committee on the Judiciary, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate and the Committee on the Judiciary, the Committee on Energy and Commerce, and the Committee on Appropriations of the House of Representatives the following information with regard to each covered controlled substance:

“(i) An anonymized count of the total number of manufacturers issued individual manufacturing quotas that year for the covered controlled substance.

“(ii) An anonymized count of how many such manufacturers were issued an approved manufacturing quota that was higher than the quota issued to that manufacturer for the covered controlled substance in the previous year.

“(3) Not later than 1 year after the date of enactment of this subsection, the Attorney General shall submit to Congress a report on how the Attorney General, when fixing and adjusting production and manufacturing quotas under this section for covered controlled substances, will—

“(A) take into consideration changes in the accepted medical use of the covered controlled substances; and

“(B) work with the Secretary of Health and Human Services on methods to appropriately and anonymously estimate the type and amount of covered controlled substances that are submitted for collection from approved drug collection receptacles, mail-back programs, and take-back events.”.

(b) CONFORMING CHANGE.—The Law Revision Counsel is directed to amend the heading for subsection (b) of section 826 of title 21, United States Code, by striking “PRODUCTION” and inserting “MANUFACTURING”.

## CHAPTER 9—PREVENTING DRUG DIVERSION

### SEC. 3291. SHORT TITLE.

This chapter may be cited as the “Preventing Drug Diversion Act of 2018”.

### SEC. 3292. IMPROVEMENTS TO PREVENT DRUG DIVERSION.

(a) DEFINITION.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by adding at the end the following:

“(57) The term ‘suspicious order’ may include, but is not limited to—

“(A) an order of a controlled substance of unusual size;

“(B) an order of a controlled substance deviating substantially from a normal pattern; and

“(C) orders of controlled substances of unusual frequency.”.

(b) SUSPICIOUS ORDERS.—Part C of the Controlled Substances Act (21 U.S.C. 821 et seq.) is amended by adding at the end the following:

#### “SEC. 312. SUSPICIOUS ORDERS.

“(a) REPORTING.—Each registrant shall—

“(1) design and operate a system to identify suspicious orders for the registrant;

“(2) ensure that the system designed and operated under paragraph (1) by the registrant complies with applicable Federal and State privacy laws; and

“(3) upon discovering a suspicious order or series of orders, notify the Administrator of the Drug Enforcement Administration and the Special Agent in Charge of the Division Office of the Drug Enforcement Administration for the area in which the registrant is located or conducts business.

“(b) SUSPICIOUS ORDER DATABASE.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Attorney General shall establish a centralized database for collecting reports of suspicious orders.

“(2) SATISFACTION OF REPORTING REQUIREMENTS.—If a registrant reports a suspicious order to the centralized database established under paragraph (1), the registrant shall be considered to have complied with the requirement under subsection (a)(3) to notify the Administrator of the Drug Enforcement Administration and the Special Agent in Charge of the Division Office of the Drug Enforcement Administration for the area in which the registrant is located or conducts business.

“(c) SHARING INFORMATION WITH THE STATES.—

“(1) IN GENERAL.—The Attorney General shall prepare and make available information regarding suspicious orders in a State, including information in the database established under subsection (b)(1), to the point of contact for purposes of administrative, civil, and criminal oversight relating to the diversion of controlled substances for the State, as designated by the Governor or chief executive officer of the State.

“(2) TIMING.—The Attorney General shall provide information in accordance with paragraph (1) within a reasonable period of time after obtaining the information.

“(3) COORDINATION.—In establishing the process for the provision of information under this subsection, the Attorney General shall coordinate with States to ensure that the Attorney General has access to information, as permitted under State law, possessed by the States relating to prescriptions for controlled substances that will assist in enforcing Federal law.”.

(c) REPORTS TO CONGRESS.—

(1) DEFINITION.—In this subsection, the term “suspicious order” has the meaning given that term in section 102 of the Controlled Substances Act, as amended by this chapter.

(2) ONE-TIME REPORT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the reporting of suspicious orders, which shall include—

(A) a description of the centralized database established under section 312 of the Controlled Substances Act, as added by this section, to collect reports of suspicious orders;

(B) a description of the system and reports established under section 312 of the Controlled Substances Act, as added by this section, to share information with States;

(C) information regarding how the Attorney General used reports of suspicious orders before the date of enactment of this Act and after the date of enactment of this Act, including how the Attorney General received the reports and what actions were taken in response to the reports; and

(D) descriptions of the data analyses conducted on reports of suspicious orders to identify, analyze, and stop suspicious activity.

(3) ADDITIONAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter until the date that is 5 years after the date of enactment of this Act, the Attorney General shall submit to Congress a report providing, for the previous year—

(A) the number of reports of suspicious orders;

(B) a summary of actions taken in response to reports, in the aggregate, of suspicious orders; and

(C) a description of the information shared with States based on reports of suspicious orders.

(4) ONE-TIME GAO REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Administrator of the Drug Enforcement Administration, shall submit to Congress a report on the reporting of suspicious orders, which shall include an evaluation of the utility of real-time reporting of potential suspicious orders of opioids on a national level using computerized algorithms, including the extent to which such algorithms—

(A) would help ensure that potentially suspicious orders are more accurately captured, identified, and reported in real time to suppliers before orders are filled;

(B) may produce false positives of suspicious order reports that could result in market disruptions for legitimate orders of opioids; and

(C) would reduce the overall length of an investigation that prevents the diversion of suspicious orders of opioids.

## TITLE IV—OFFSETS

### SEC. 4001. PROMOTING VALUE IN MEDICAID MANAGED CARE.

Section 1903(m) of the Social Security Act (42 U.S.C. 1396b(m)), as amended by sections 1013 and 1016, is further amended by adding at the end the following new paragraph:

“(9)(A) With respect to expenditures described in subparagraph (B) that are incurred by a State for any fiscal year after fiscal year 2020 (and before fiscal year 2024), in determining the pro rata share to which the United States is equitably entitled under subsection (d)(3), the Secretary shall substitute the Federal medical assistance percentage that applies for such fiscal year to the State under section 1905(b) (without regard to any adjustments to such percentage applicable under such section or any other provision of law) for the percentage that applies to such expenditures under section 1905(y).

“(B) Expenditures described in this subparagraph, with respect to a fiscal year to which subparagraph (A) applies, are expenditures incurred by a State for payment for



medical assistance provided to individuals described in subclause (VIII) of section 1902(a)(10)(A)(i) by a managed care entity, or other specified entity (as defined in subparagraph (D)(iii)), that are treated as remittances because the State—

“(i) has satisfied the requirement of section 438.8 of title 42, Code of Federal Regulations (or any successor regulation), by electing—

“(I) in the case of a State described in subparagraph (C), to apply a minimum medical loss ratio (as defined in subparagraph (D)(ii)) that is at least 85 percent but not greater than the minimum medical loss ratio (as so defined) that such State applied as of May 31, 2018; or

“(II) in the case of a State not described in subparagraph (C), to apply a minimum medical loss ratio that is equal to 85 percent; and

“(ii) recovered all or a portion of the expenditures as a result of the entity’s failure to meet such ratio.

“(C) For purposes of subparagraph (B), a State described in this subparagraph is a State that as of May 31, 2018, applied a minimum medical loss ratio (as calculated under subsection (d) of section 438.8 of title 42, Code of Federal Regulations (as in effect on June 1, 2018)) for payment for services provided by entities described in such subparagraph under the State plan under this title (or a waiver of the plan) that is equal to or greater than 85 percent.

“(D) For purposes of this paragraph:

“(i) The term ‘managed care entity’ means a medicaid managed care organization described in section 1932(a)(1)(B)(i).

“(ii) The term ‘minimum medical loss ratio’ means, with respect to a State, a minimum medical loss ratio (as calculated under subsection (d) of section 438.8 of title 42, Code of Federal Regulations (as in effect on June 1, 2018)) for payment for services provided by entities described in subparagraph (B) under the State plan under this title (or a waiver of the plan).

“(iii) The term ‘other specified entity’ means—

“(I) a prepaid inpatient health plan, as defined in section 438.2 of title 42, Code of Federal Regulations (or any successor regulation); and

“(II) a prepaid ambulatory health plan, as defined in such section (or any successor regulation).”.

#### **SEC. 4002. REQUIRING REPORTING BY GROUP HEALTH PLANS OF PRESCRIPTION DRUG COVERAGE INFORMATION FOR PURPOSES OF IDENTIFYING PRIMARY PAYER SITUATIONS UNDER THE MEDICARE PROGRAM.**

Clause (i) of section 1862(b)(7)(A) of the Social Security Act (42 U.S.C. 1395y(b)(7)(A)) is amended to read as follows:

“(i) secure from the plan sponsor and plan participants such information as the Secretary shall specify for the purpose of identifying situations where the group health plan is or has been—

“(I) a primary plan to the program under this title; or

“(II) for calendar quarters beginning on or after January 1, 2020, a primary payer with respect to benefits relating to prescription drug coverage under part D; and”.

#### **SEC. 4003. ADDITIONAL RELIGIOUS EXEMPTION FROM HEALTH COVERAGE RESPONSIBILITY REQUIREMENT.**

(a) IN GENERAL.—Section 5000A(d)(2)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

“(A) RELIGIOUS CONSCIENCE EXEMPTIONS.—

“(i) IN GENERAL.—Such term shall not include any individual for any month if such individual has in effect an exemption under section 1311(d)(4)(H) of the Patient Protection and Affordable Care Act which certifies that—

“(I) such individual is a member of a recognized religious sect or division thereof which is described in section 1402(g)(1), and is adherent of established tenets or teachings of such sect or division as described in such section; or

“(II) such individual is a member of a religious sect or division thereof which is not described in section 1402(g)(1), who relies solely on a religious method of healing, and for whom the acceptance of medical health services would be inconsistent with the religious beliefs of the individual.

“(ii) SPECIAL RULES.—

“(I) MEDICAL HEALTH SERVICES DEFINED.—For purposes of this subparagraph, the term ‘medical health services’ does not include routine dental, vision and hearing services, midwifery services, vaccinations, necessary medical services provided to children, services required by law or by a third party, and such other services as the Secretary of Health and Human Services may provide in implementing section 1311(d)(4)(H) of the Patient Protection and Affordable Care Act.

“(II) ATTESTATION REQUIRED.—Clause (i)(II) shall apply to an individual for months in a taxable year only if the information provided by the individual under section 1411(b)(5)(A) of such Act includes an attestation that the individual has not received medical health services during the preceding taxable year.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2018.

(c) CONSTRUCTION.—Nothing in the amendment made by subsection (a) shall preempt any State law requiring the provision of medical treatment for children, especially those who are seriously ill.

#### **SEC. 4004. MODERNIZING THE REPORTING OF BIOLOGICAL AND BIOSIMILAR PRODUCTS.**

Subtitle B of title XI of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) is amended—

(1) in section 1111, as amended by section 3(1) of the Patient Right to Know Drug Prices Act—

(A) in the paragraph (3) inserted by such section 3(1), by striking “an application” and inserting “a biosimilar biological product application”; and

(B) in the paragraph (4) inserted by such section 3(1), by inserting “application” before “under section 351(k) of the Public Health Service Act”; and

(C) in the paragraph (5) inserted by such section 3(1), by striking “for licensure of a biological product under section 351(k) of the Public Health Service Act” and inserting “under section 351(k) of the Public Health Service Act for licensure of a biological product as biosimilar to, or interchangeable with, a reference product”; and

(D) in paragraph (7), as redesignated and amended by such section 3(1), by striking “or under section 351(a) of the Public Health Service Act” and inserting “or the owner, or exclusive licensee, of a patent included in a list provided under section 351(l)(3) of the Public Health Service Act”; and

(E) in the paragraph (12) added by such section 3(1), by striking “means a brand name drug for which a license is in effect under section 351(a)” and inserting “has the meaning given such term in section 351(i)”; and

(2) in section 1112, as amended by section 3(2) of the Patient Right to Know Drug Prices Act—

(A) in subsection (a)—

(i) in paragraph (1), by striking “for which a statement under section 351(l)(3)(B)(ii)(I) of the Public Health Service Act has been provided”; and

(ii) in paragraph (2)—

(I) in subparagraph (C)(i), by striking “brand name” and inserting “listed”; and

(II) by amending clause (ii) of subparagraph (C) to read as follows:

“(ii) any of the time periods referred to in section 351(k)(6) of the Public Health Service Act as such period applies to such biosimilar biological product application or to any other biosimilar biological product application based on the same reference product.”;

(B) in subsection (b)—

(i) in the subsection heading, by inserting “OR BIOSIMILAR BIOLOGICAL PRODUCT APPLICANT” after “APPLICANT”; and

(ii) in paragraph (1)(B), by striking the first sentence and inserting the following: “A biosimilar biological product applicant that has submitted a biosimilar biological product application that references a reference product and another biosimilar biological product applicant that has submitted a biosimilar biological product application that references the same reference product shall each file the agreement in accordance with subsection (c).”; and

(iii) in paragraph (2)—

(I) by striking “2 generic drug applicants” and inserting “2 or more generic drug applicants”; and

(II) by striking “or an agreement between 2 biosimilar biological product applicants regarding the 1-year period referred to in section 351(k)(6)(A) of the Public Health Service Act as it applies to the biosimilar biological product applications with which the agreement is concerned” and inserting “, an agreement between 2 or more biosimilar biological product applicants regarding a time period referred to in section 351(k)(6) of the Public Health Service Act as it applies to the biosimilar biological product, or an agreement between 2 or more biosimilar biological product applicants regarding the manufacture, marketing, or sale of a biosimilar biological product”; and

(C) in subsection (c)(2), by inserting “were entered into within 30 days of,” after “condition for,”.

#### **TITLE V—OTHER MEDICAID PROVISIONS**

##### **Subtitle A—Mandatory Reporting With Respect to Adult Behavioral Health Measures**

#### **SEC. 5001. MANDATORY REPORTING WITH RESPECT TO ADULT BEHAVIORAL HEALTH MEASURES.**

Section 1139B of the Social Security Act (42 U.S.C. 1320b–9b) is amended—

(1) in subsection (b)—

(A) in paragraph (3)—

(i) by striking “Not later than January 1, 2013” and inserting the following:

“(A) VOLUNTARY REPORTING.—Not later than January 1, 2013”; and

(ii) by adding at the end the following:

“(B) MANDATORY REPORTING WITH RESPECT TO BEHAVIORAL HEALTH MEASURES.—Beginning with the State report required under subsection (d)(1) for 2024, the Secretary shall require States to use all behavioral health measures included in the core set of adult health quality measures and any updates or changes to such measures to report information, using the standardized format for reporting information and procedures developed under subparagraph (A), regarding the quality of behavioral health care for Medicaid eligible adults.”; and

(B) in paragraph (5), by adding at the end the following new subparagraph:

“(C) BEHAVIORAL HEALTH MEASURES.—Beginning with respect to State reports required under subsection (d)(1) for 2024, the core set of adult health quality measures maintained under this paragraph (and any updates or changes to such measures) shall include behavioral health measures.”; and

(2) in subsection (d)(1)(A)—

(A) by striking “the such plan” and inserting “such plan”; and

(B) by striking “subsection (a)(5)” and inserting “subsection (b)(5) and, beginning with the report for 2024, all behavioral health measures included in the core set of adult health quality measures maintained under such subsection (b)(5) and any updates or changes to such measures (as required under subsection (b)(3))”.

#### **Subtitle B—Medicaid IMD Additional Info**

##### **SEC. 5011. SHORT TITLE.**

This subtitle may be cited as the “Medicaid Institutes for Mental Disease Are Decisive in Delivering Inpatient Treatment for Individuals but Opportunities for Needed Access are Limited without Information Needed about Facility Obligations Act” or the “Medicaid IMD ADDITIONAL INFO Act”.

##### **SEC. 5012. MACPAC EXPLORATORY STUDY AND REPORT ON INSTITUTIONS FOR MENTAL DISEASES REQUIREMENTS AND PRACTICES UNDER MEDICAID.**

(a) IN GENERAL.—Not later than January 1, 2020, the Medicaid and CHIP Payment and Access Commission established under section 1900 of the Social Security Act (42 U.S.C. 1396) shall conduct an exploratory study, using data from a representative sample of States, and submit to Congress a report on at least the following information, with respect to services furnished to individuals enrolled under State plans under the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.) (or waivers of such plans) who are patients in institutions for mental diseases and for which payment is made through fee-for-service or managed care arrangements under such State plans (or waivers):

(1) A description of such institutions for mental diseases in each such State, including at a minimum—

(A) the number of such institutions in the State;

(B) the facility type of such institutions in the State; and

(C) any coverage limitations under each such State plan (or waiver) on scope, duration, or frequency of such services.

(2) With respect to each such institution for mental diseases in each such State, a description of—

(A) such services provided at such institution;

(B) the process, including any timeframe, used by such institution to clinically assess and reassess such individuals; and

(C) the discharge process used by such institution, including any care continuum of relevant services or facilities provided or used in such process.

(3) A description of—

(A) any Federal waiver that each such State has for such institutions and the Federal statutory authority for such waiver; and

(B) any other Medicaid funding sources used by each such State for funding such institutions, such as supplemental payments.

(4) A summary of State requirements (such as certification, licensure, and accreditation) applied by each such State to such institutions in order for such institutions to receive payment under the State plan (or waiver) and how each such State determines if such requirements have been met.

(5) A summary of State standards (such as quality standards, clinical standards, and facility standards) that such institutions must meet to receive payment under such State plans (or waivers) and how each such State determines if such standards have been met.

(6) If determined appropriate by the Commission, recommendations for policies and actions by Congress and the Centers for Medicare & Medicaid Services, such as on how State Medicaid programs may improve care and improve standards and including a recommendation for how the Centers for

Medicare & Medicaid Services can improve data collection from such programs to address any gaps in information.

(b) STAKEHOLDER INPUT.—In carrying out subsection (a), the Medicaid and CHIP Payment and Access Commission shall seek input from State Medicaid directors and stakeholders, including at a minimum the Substance Abuse and Mental Health Services Administration, Centers for Medicare & Medicaid Services, State Medicaid officials, State mental health authorities, Medicaid beneficiary advocates, health care providers, and Medicaid managed care organizations.

(c) DEFINITIONS.—In this section:

(1) REPRESENTATIVE SAMPLE OF STATES.—The term “representative sample of States” means a non-probability sample in which at least two States are selected based on the knowledge and professional judgment of the selector.

(2) STATE.—The term “State” means each of the 50 States, the District of Columbia, and any commonwealth or territory of the United States.

(3) INSTITUTION FOR MENTAL DISEASES.—The term “institution for mental diseases” has the meaning given such term in section 435.1010 of title 42, Code of Federal Regulations, or any successor regulation.

#### **Subtitle C—CHIP Mental Health and Substance Use Disorder Parity**

##### **SEC. 5021. SHORT TITLE.**

This subtitle may be cited as the “CHIP Mental Health and Substance Use Disorder Parity Act”.

##### **SEC. 5022. ENSURING ACCESS TO MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES FOR CHILDREN AND PREGNANT WOMEN UNDER THE CHILDREN'S HEALTH INSURANCE PROGRAM.**

(a) IN GENERAL.—Section 2103(c)(1) of the Social Security Act (42 U.S.C. 1397cc(c)(1)) is amended by adding at the end the following new subparagraph:

“(B) Mental health and substance use disorder services (as defined in paragraph (5)).”.

(b) MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES.—

(1) IN GENERAL.—Section 2103(c) of the Social Security Act (42 U.S.C. 1397cc(c)) is amended—

(A) by redesignating paragraphs (5), (6), (7), and (8) as paragraphs (6), (7), (8), and (9), respectively; and

(B) by inserting after paragraph (4) the following new paragraph:

“(5) MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES.—Regardless of the type of coverage elected by a State under subsection (a), child health assistance provided under such coverage for targeted low-income children and, in the case that the State elects to provide pregnancy-related assistance under such coverage pursuant to section 2112, such pregnancy-related assistance for targeted low-income pregnant women (as defined in section 2112(d)) shall—

“(A) include coverage of mental health services (including behavioral health treatment) necessary to prevent, diagnose, and treat a broad range of mental health symptoms and disorders, including substance use disorders; and

“(B) be delivered in a culturally and linguistically appropriate manner.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 2103(a) of the Social Security Act (42 U.S.C. 1397cc(a)) is amended, in the matter before paragraph (1), by striking “paragraphs (5), (6), and (7)” and inserting “paragraphs (5), (6), (7), and (8)”.

(B) Section 2110(a) of the Social Security Act (42 U.S.C. 1397jj(a)) is amended—

(i) in paragraph (18), by striking “substance abuse” each place it appears and inserting “substance use”; and

(ii) in paragraph (19), by striking “substance abuse” and inserting “substance use”.

(C) Section 2110(b)(5)(A)(i) of the Social Security Act (42 U.S.C. 1397jj(b)(5)(A)(i)) is amended by striking “subsection (c)(5)” and inserting “subsection (c)(6)”.

(c) ASSURING ACCESS TO CARE.—Section 2102(a)(7)(B) of the Social Security Act (42 U.S.C. 1397bb(c)(2)) is amended by striking “section 2103(c)(5)” and inserting “paragraphs (5) and (6) of section 2103(c)”.

(d) MENTAL HEALTH SERVICES PARITY.—Subparagraph (A) of paragraph (7) of section 2103(c) of the Social Security Act (42 U.S.C. 1397cc(c)) (as redesignated by subsection (b)(1)) is amended to read as follows:

“(A) IN GENERAL.—A State child health plan shall ensure that the financial requirements and treatment limitations applicable to mental health and substance use disorder services (as described in paragraph (5)) provided under such plan comply with the requirements of section 2726(a) of the Public Health Service Act in the same manner as such requirements or limitations apply to a group health plan under such section.”.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect with respect to child health assistance provided on or after the date that is 1 year after the date of the enactment of this Act.

(2) EXCEPTION FOR STATE LEGISLATION.—In the case of a State child health plan under title XXI of the Social Security Act (or a waiver of such plan), which the Secretary of Health and Human Services determines requires State legislation in order for the respective plan (or waiver) to meet any requirement imposed by the amendments made by this section, the respective plan (or waiver) shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such an additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this section. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

#### **Subtitle D—Medicaid Reentry**

##### **SEC. 5031. SHORT TITLE.**

This subtitle may be cited as the “Medicaid Reentry Act”.

##### **SEC. 5032. PROMOTING STATE INNOVATIONS TO EASE TRANSITIONS INTEGRATION TO THE COMMUNITY FOR CERTAIN INDIVIDUALS.**

(a) STAKEHOLDER GROUP DEVELOPMENT OF BEST PRACTICES; STATE MEDICAID PROGRAM INNOVATION.—

(1) STAKEHOLDER GROUP BEST PRACTICES.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall convene a stakeholder group of representatives of managed care organizations, Medicaid beneficiaries, health care providers, the National Association of Medicaid Directors, and other relevant representatives from local, State, and Federal jail and prison systems to develop best practices (and submit to the Secretary and Congress a report on such best practices) for States—

(A) to ease the health care-related transition of an individual who is an inmate of a public institution from the public institution to the community, including best practices for ensuring continuity of health insurance coverage or coverage under the State Medicaid plan under title XIX of the Social Security Act, as applicable, and relevant social services; and

(B) to carry out, with respect to such an individual, such health care-related transition not later than 30 days after such individual is released from the public institution.

(2) **STATE MEDICAID PROGRAM INNOVATION.**—The Secretary of Health and Human Services shall work with States on innovative strategies to help individuals who are inmates of public institutions and otherwise eligible for medical assistance under the Medicaid program under title XIX of the Social Security Act transition, with respect to enrollment for medical assistance under such program, seamlessly to the community.

(b) **GUIDANCE ON INNOVATIVE SERVICE DELIVERY SYSTEMS DEMONSTRATION PROJECT OPPORTUNITIES.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, through the Administrator of the Centers for Medicare & Medicaid Services, shall issue a State Medicaid Director letter, based on best practices developed under subsection (a)(1), regarding opportunities to design demonstration projects under section 1115 of the Social Security Act (42 U.S.C. 1315) to improve care transitions for certain individuals who are soon-to-be former inmates of a public institution and who are otherwise eligible to receive medical assistance under title XIX of such Act, including systems for, with respect to a period (not to exceed 30 days) immediately prior to the day on which such individuals are expected to be released from such institution—

(1) providing assistance and education for enrollment under a State plan under the Medicaid program under title XIX of such Act for such individuals during such period; and

(2) providing health care services for such individuals during such period.

(c) **RULE OF CONSTRUCTION.**—Nothing under title XIX of the Social Security Act or any other provision of law precludes a State from reclassifying or suspending (rather than terminating) eligibility of an individual for medical assistance under title XIX of the Social Security Act while such individual is an inmate of a public institution.

#### Subtitle E—Medicaid Partnership

##### SEC. 5041. SHORT TITLE.

This subtitle may be cited as the “Medicaid Providers Are Required To Note Experiences in Record Systems to Help In-need Patients Act” or the “Medicaid PARTNERSHIP Act”.

##### SEC. 5042. MEDICAID PROVIDERS ARE REQUIRED TO NOTE EXPERIENCES IN RECORD SYSTEMS TO HELP IN-NEED PATIENTS.

(a) **REQUIREMENTS UNDER THE MEDICAID PROGRAM RELATING TO QUALIFIED PRESCRIPTION DRUG MONITORING PROGRAMS AND PRESCRIBING CERTAIN CONTROLLED SUBSTANCES.**—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1943 the following new section:

##### “SEC. 1944. REQUIREMENTS RELATING TO QUALIFIED PRESCRIPTION DRUG MONITORING PROGRAMS AND PRESCRIBING CERTAIN CONTROLLED SUBSTANCES.

“(a) **IN GENERAL.**—Subject to subsection (d), beginning October 1, 2021, a State—

“(1) shall require each covered provider to check, in accordance with such timing, manner, and form as specified by the State, the prescription drug history of a covered individual being treated by the covered provider through a qualified prescription drug monitoring program described in subsection (b) before prescribing to such individual a controlled substance; and

“(2) in the case that such a provider is not able to conduct such a check despite a good faith effort by such provider—

“(A) shall require the provider to document such good faith effort, including the reasons why the provider was not able to conduct the check; and

“(B) may require the provider to submit, upon request, such documentation to the State.

“(b) **QUALIFIED PRESCRIPTION DRUG MONITORING PROGRAM DESCRIBED.**—A qualified prescription drug monitoring program described in this subsection is, with respect to a State, a prescription drug monitoring program administered by the State that, at a minimum, satisfies each of the following criteria:

“(1) The program facilitates access by a covered provider to, at a minimum, the following information with respect to a covered individual, in as close to real-time as possible:

“(A) Information regarding the prescription drug history of a covered individual with respect to controlled substances.

“(B) The number and type of controlled substances prescribed to and filled for the covered individual during at least the most recent 12-month period.

“(C) The name, location, and contact information (or other identifying number selected by the State, such as a national provider identifier issued by the National Plan and Provider Enumeration System of the Centers for Medicare & Medicaid Services) of each covered provider who prescribed a controlled substance to the covered individual during at least the most recent 12-month period.

“(2) The program facilitates the integration of information described in paragraph (1) into the workflow of a covered provider, which may include the electronic system the covered provider uses to prescribe controlled substances.

A qualified prescription drug monitoring program described in this subsection, with respect to a State, may have in place, in accordance with applicable State and Federal law, a data-sharing agreement with the State Medicaid program that allows the medical director and pharmacy director of such program (and any designee of such a director who reports directly to such director) to access the information described in paragraph (1) in an electronic format. The State Medicaid program under this title may facilitate reasonable and limited access, as determined by the State and ensuring documented beneficiary protections regarding the use of such data, to such qualified prescription drug monitoring program for the medical director or pharmacy director of any managed care entity (as defined under section 1932(a)(1)(B)) that has a contract with the State under section 1903(m) or under section 1905(t)(3), or the medical director or pharmacy director of any entity that has a contract to manage the pharmaceutical benefit with respect to individuals enrolled in the State plan (or under a waiver of the State plan). All applicable State and Federal security and privacy laws shall apply to the directors or designees of such directors of any State Medicaid program or entity accessing a qualified prescription drug monitoring program under this section.

“(c) **APPLICATION OF PRIVACY RULES CLARIFICATION.**—The Secretary shall clarify privacy requirements, including requirements under the regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note), related to the sharing of data under subsection (b) in the same manner as the Secretary is required under subparagraph (J) of section 1860D–4(c)(5) to clarify privacy requirements related to the sharing of data described in such subparagraph.

“(d) **ENSURING ACCESS.**—In order to ensure reasonable access to health care, the Secretary shall waive the application of the requirement under subsection (a), with respect to a State, in the case of natural disasters and similar situations, and in the case of the provision of emergency services (as defined for purposes of section 1860D–4(c)(5)(D)(ii)(II)).

“(e) **REPORTS.**—

“(1) **STATE REPORTS.**—Each State shall include in the annual report submitted to the Secretary under section 1927(g)(3)(D), beginning with such reports submitted for 2023, information including, at a minimum, the following information for the most recent 12-month period:

“(A) The percentage of covered providers (as determined pursuant to a process established by the State) who checked the prescription drug history of a covered individual through a qualified prescription drug monitoring program described in subsection (b) before prescribing to such individual a controlled substance.

“(B) Aggregate trends with respect to prescribing controlled substances such as—

“(i) the quantity of daily morphine milligram equivalents prescribed for controlled substances;

“(ii) the number and quantity of daily morphine milligram equivalents prescribed for controlled substances per covered individual; and

“(iii) the types of controlled substances prescribed, including the dates of such prescriptions, the supplies authorized (including the duration of such supplies), and the period of validity of such prescriptions, in different populations (such as individuals who are elderly, individuals with disabilities, and individuals who are enrolled under both this title and title XVIII).

“(C) Whether or not the State requires (and a detailed explanation as to why the State does or does not require) pharmacists to check the prescription drug history of a covered individual through a qualified prescription drug monitoring program described in subsection (b) before dispensing a controlled substance to such individual.

“(D) An accounting of any data or privacy breach of a qualified prescription drug monitoring program described in subsection (b), the number of covered individuals impacted by each such breach, and a description of the steps the State has taken to address each such breach, including, to the extent required by State or Federal law or otherwise determined appropriate by the State, alerting any such impacted individual and law enforcement of the breach.

“(2) **REPORT BY CMS.**—Not later than October 1, 2023, the Administrator of the Centers for Medicare & Medicaid Services shall publish on the publicly available website of the Centers for Medicare & Medicaid Services a report including the following information:

“(A) Guidance for States on how States can increase the percentage of covered providers who use qualified prescription drug monitoring programs described in subsection (b).

“(B) Best practices for how States and covered providers should use such qualified prescription drug monitoring programs to reduce the occurrence of abuse of controlled substances.

“(f) **INCREASE TO FMAP AND FEDERAL MATCHING RATES FOR CERTAIN EXPENDITURES RELATING TO QUALIFIED PRESCRIPTION DRUG MONITORING PROGRAMS.**—

“(1) **IN GENERAL.**—With respect to a State that meets the condition described in paragraph (2) and any quarter occurring during fiscal year 2019 or fiscal year 2020, the Federal medical assistance percentage or Federal matching rate that would otherwise

apply to such State under section 1903(a) for such quarter, with respect to expenditures by the State for activities under the State plan (or a waiver of such plan) to design, develop, or implement a prescription drug monitoring program (and to make connections to such program) that satisfies the criteria described in paragraphs (1) and (2) of subsection (b), shall be equal to 100 percent.

“(2) **CONDITION.**—The condition described in this paragraph, with respect to a State, is that the State (in this paragraph referred to as the ‘administering State’) has in place agreements with all States that are contiguous to such administering State that, when combined, enable covered providers in all such contiguous States to access, through the prescription drug monitoring program, the information that is described in subsection (b)(1) of covered individuals of such administering State and that covered providers in such administering State are able to access through such program.

“(g) **RULE OF CONSTRUCTION.**—Nothing in this section prevents a State from requiring pharmacists to check the prescription drug history of covered individuals through a qualified prescription drug monitoring program before dispensing controlled substances to such individuals.

“(h) **DEFINITIONS.**—In this section:

“(1) **CONTROLLED SUBSTANCE.**—The term ‘controlled substance’ means a drug that is included in schedule II of section 202(c) of the Controlled Substances Act and, at the option of the State involved, a drug included in schedule III or IV of such section.

“(2) **COVERED INDIVIDUAL.**—The term ‘covered individual’ means, with respect to a State, an individual who is enrolled in the State plan (or under a waiver of such plan). Such term does not include an individual who—

“(A) is receiving—

“(i) hospice or palliative care; or

“(ii) treatment for cancer;

“(B) is a resident of a long-term care facility, of a facility described in section 1905(d), or of another facility for which frequently abused drugs are dispensed for residents through a contract with a single pharmacy; or

“(C) the State elects to treat as exempted from such term.

“(3) **COVERED PROVIDER.**—

“(A) **IN GENERAL.**—The term ‘covered provider’ means, subject to subparagraph (B), with respect to a State, a health care provider who is participating under the State plan (or waiver of the State plan) and licensed, registered, or otherwise permitted by the State to prescribe a controlled substance (or the designee of such provider).

“(B) **EXCEPTIONS.**—

“(i) **IN GENERAL.**—Beginning October 1, 2021, for purposes of this section, such term does not include a health care provider included in any type of health care provider determined by the Secretary to be exempt from application of this section under clause (ii).

“(ii) **EXCEPTIONS PROCESS.**—Not later than October 1, 2020, the Secretary, after consultation with the National Association of Medicaid Directors, national health care provider associations, Medicaid beneficiary advocates, and advocates for individuals with rare diseases, shall determine, based on such consultations, the types of health care providers (if any) that should be exempted from the definition of the term ‘covered provider’ for purposes of this section.”

(b) **GUIDANCE.**—Not later than October 1, 2019, the Administrator of the Centers for Medicare & Medicaid Services, in consultation with the Director of the Centers for Disease Control and Prevention, shall issue guidance on best practices on the uses of pre-

scription drug monitoring programs required of prescribers and on protecting the privacy of Medicaid beneficiary information maintained in and accessed through prescription drug monitoring programs.

(c) **DEVELOPMENT OF MODEL STATE PRACTICES.**—

(1) **IN GENERAL.**—Not later than October 1, 2020, the Secretary of Health and Human Services shall develop and publish model practices to assist State Medicaid program operations in identifying and implementing strategies to utilize data-sharing agreements described in the matter following paragraph (2) of section 1944(b) of the Social Security Act, as added by subsection (a), for the following purposes:

(A) Monitoring and preventing fraud, waste, and abuse.

(B) Improving health care for individuals enrolled in a State plan under title XIX of such Act (or under a waiver of such plan) who—

(i) transition in and out of coverage under such title;

(ii) may have sources of health care coverage in addition to coverage under such title; or

(iii) pay for prescription drugs with cash.

(C) Any other purposes specified by the Secretary.

(2) **ELEMENTS OF MODEL PRACTICES.**—The model practices described in paragraph (1)—

(A) shall include strategies for assisting States in allowing the medical director or pharmacy director (or designees of such a director) of managed care organizations or pharmaceutical benefit managers to access information with respect to all covered individuals served by such managed care organizations or pharmaceutical benefit managers to access as a single data set, in an electronic format; and

(B) shall include any appropriate beneficiary protections and privacy guidelines.

(3) **CONSULTATION.**—In developing model practices under this subsection, the Secretary shall consult with the National Association of Medicaid Directors, managed care entities (as defined in section 1932(a)(1)(B) of the Social Security Act) with contracts with States pursuant to section 1903(m) of such Act, pharmaceutical benefit managers, physicians and other health care providers, beneficiary advocates, and individuals with expertise in health care technology related to prescription drug monitoring programs and electronic health records.

(d) **REPORT BY COMPTROLLER GENERAL.**—Not later than October 1, 2020, the Comptroller General of the United States shall issue a report examining the operation of prescription drug monitoring programs administered by States, including data security and access standards used by such programs.

#### Subtitle F—IMD CARE Act

##### SEC. 5051. SHORT TITLE.

This title may be cited as the “Individuals in Medicaid Deserve Care that is Appropriate and Responsible in its Execution Act” or the “IMD CARE Act”.

##### SEC. 5052. STATE OPTION TO PROVIDE MEDICAID COVERAGE FOR CERTAIN INDIVIDUALS WITH SUBSTANCE USE DISORDERS WHO ARE PATIENTS IN CERTAIN INSTITUTIONS FOR MENTAL DISEASES.

(a) **IN GENERAL.**—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), as amended by preceding sections of this Act, is further amended—

(1) in section 1905(a), in the subdivision (B) that follows paragraph (30), by inserting “(except in the case of services provided under a State plan amendment described in section 1915(1))” before the period; and

(2) in section 1915, by adding at the end the following new subsection:

“(1) **STATE PLAN AMENDMENT OPTION TO PROVIDE MEDICAL ASSISTANCE FOR CERTAIN INDIVIDUALS WHO ARE PATIENTS IN CERTAIN INSTITUTIONS FOR MENTAL DISEASES.**—

“(1) **IN GENERAL.**—With respect to calendar quarters beginning during the period beginning October 1, 2019, and ending September 30, 2023, a State may elect, through a State plan amendment, to provide medical assistance for items and services furnished to an eligible individual who is a patient in an eligible institution for mental diseases in accordance with the requirements of this subsection.

“(2) **PAYMENTS.**—Subject to paragraphs (3) and (4), amounts expended under a State plan amendment under paragraph (1) for services described in such paragraph furnished, with respect to a 12-month period, to an eligible individual who is a patient in an eligible institution for mental diseases shall be treated as medical assistance for which payment is made under section 1903(a) but only to the extent that such services are furnished for not more than a period of 30 days (whether or not consecutive) during such 12-month period.

“(3) **MAINTENANCE OF EFFORT.**—

“(A) **IN GENERAL.**—As a condition for a State receiving payments under section 1903(a) for medical assistance provided in accordance with this subsection, the State shall (during the period in which it so furnished such medical assistance through a State plan amendment under this subsection) maintain on an annual basis a level of funding expended by the State (and political subdivisions thereof) other than under this title from non-Federal funds for—

“(i) items and services furnished to eligible individuals who are patients in eligible institutions for mental diseases that is not less than the level of such funding for such items and services for the most recently ended fiscal year as of the date of enactment of this subsection or, if higher, for the most recently ended fiscal year as of the date the State submits a State plan amendment to the Secretary to provide such medical assistance in accordance with this subsection; and

“(ii) items and services (including services described in subparagraph (B)) furnished to eligible individuals in outpatient and community-based settings that is not less than the level of such funding for such items and services for the most recently ended fiscal year as of the date of enactment of this subsection or, if higher, for the most recently ended fiscal year as of the date the State submits a State plan amendment to the Secretary to provide such medical assistance in accordance with this subsection.

“(B) **SERVICES DESCRIBED.**—For purposes of subparagraph (A)(ii), services described in this subparagraph are the following:

“(i) Outpatient and community-based substance use disorder treatment.

“(ii) Evidence-based recovery and support services.

“(iii) Clinically-directed therapeutic treatment to facilitate recovery skills, relapse prevention, and emotional coping strategies.

“(iv) Outpatient medication-assisted treatment, related therapies, and pharmacology.

“(v) Counseling and clinical monitoring.

“(vi) Outpatient withdrawal management and related treatment designed to alleviate acute emotional, behavioral, cognitive, or biomedical distress resulting from, or occurring with, an individual’s use of alcohol and other drugs.

“(vii) Routine monitoring of medication adherence.

“(viii) Other outpatient and community-based services for the treatment of substance

use disorders, as designated by the Secretary.

“(C) STATE REPORTING REQUIREMENT.—

“(i) IN GENERAL.—Prior to approval of a State plan amendment under this subsection, as a condition for a State receiving payments under section 1903(a) for medical assistance provided in accordance with this subsection, the State shall report to the Secretary, in accordance with the process established by the Secretary under clause (ii), the information deemed necessary by the Secretary under such clause.

“(ii) PROCESS.—Not later than the date that is 8 months after the date of enactment of this subsection, the Secretary shall establish a process for States to report to the Secretary, at such time and in such manner as the Secretary deems appropriate, such information as the Secretary deems necessary to verify a State’s compliance with subparagraph (A).

“(4) ENSURING A CONTINUUM OF SERVICES.—

“(A) IN GENERAL.—As a condition for a State receiving payments under section 1903(a) for medical assistance provided in accordance with this subsection, the State shall carry out each of the requirements described in subparagraphs (B) through (D).

“(B) NOTIFICATION.—Prior to approval of a State plan amendment under this subsection, the State shall notify the Secretary of how the State will ensure that eligible individuals receive appropriate evidence-based clinical screening prior to being furnished with items and services in an eligible institution for mental diseases, including initial and periodic assessments to determine the appropriate level of care, length of stay, and setting for such care for each individual.

“(C) OUTPATIENT SERVICES; INPATIENT AND RESIDENTIAL SERVICES.—

“(i) OUTPATIENT SERVICES.—The State shall, at a minimum, provide medical assistance for services that could otherwise be covered under the State plan, consistent with each of the following outpatient levels of care:

“(I) Early intervention for individuals who, for a known reason, are at risk of developing substance-related problems and for individuals for whom there is not yet sufficient information to document a diagnosable substance use disorder.

“(II) Outpatient services for less than 9 hours per week for adults, and for less than 6 hours per week for adolescents, for recovery or motivational enhancement therapies and strategies.

“(III) Intensive outpatient services for 9 hours or more per week for adults, and for 6 hours or more per week for adolescents, to treat multidimensional instability.

“(IV) Partial hospitalization services for 20 hours or more per week for adults and adolescents to treat multidimensional instability that does not require 24-hour care.

“(ii) INPATIENT AND RESIDENTIAL SERVICES.—The State shall provide medical assistance for services that could otherwise be covered under the State plan, consistent with at least 2 of the following inpatient and residential levels of care:

“(I) Clinically managed, low-intensity residential services that provide adults and adolescents with 24-hour living support and structure with trained personnel and at least 5 hours of clinical service per week per individual.

“(II) Clinically managed, population-specific, high-intensity residential services that provide adults with 24-hour care with trained counselors to stabilize multidimensional imminent danger along with less intense milieu and group treatment for those with cognitive or other impairments unable to use full active milieu or therapeutic community.

“(III) Clinically managed, medium-intensity residential services for adolescents, and clinically managed, high-intensity residential services for adults, that provide 24-hour care with trained counselors to stabilize multidimensional imminent danger and preparation for outpatient treatment.

“(IV) Medically monitored, high-intensity inpatient services for adolescents, and medically monitored, intensive inpatient services withdrawal management for adults, that provide 24-hour nursing care, make physicians available for significant problems in Dimensions 1, 2, or 3, and provide counseling services 16 hours per day.

“(V) Medically managed, intensive inpatient services for adolescents and adults that provide 24-hour nursing care and daily physician care for severe, unstable problems in Dimensions 1, 2 or 3.

“(D) TRANSITION OF CARE.—In order to ensure an appropriate transition for an eligible individual from receiving care in an eligible institution for mental diseases to receiving care at a lower level of clinical intensity within the continuum of care (including outpatient services), the State shall ensure that—

“(i) a placement in such eligible institution for mental diseases would allow for an eligible individual’s successful transition to the community, considering such factors as proximity to an individual’s support network (such as family members, employment, and counseling and other services near an individual’s residence); and

“(ii) all eligible institutions for mental diseases that furnish items and services to individuals for which medical assistance is provided under the State plan—

“(I) are able to provide care at such lower level of clinical intensity; or

“(II) have an established relationship with another facility or provider that is able to provide care at such lower level of clinical intensity and accepts patients receiving medical assistance under this title under which the eligible institution for mental diseases may arrange for individuals to receive such care from such other facility or provider.

“(5) APPLICATION TO MANAGED CARE.—Payments for, and limitations to, medical assistance furnished in accordance with this subsection shall be in addition to and shall not be construed to limit or supersede the ability of States to make monthly capitation payments to managed care organizations for individuals receiving treatment in institutions for mental diseases in accordance with section 438.6(e) of title 42, Code of Federal Regulations (or any successor regulation).

“(6) OTHER MEDICAL ASSISTANCE.—The provision of medical assistance for items and services furnished to an eligible individual who is a patient in an eligible institution for mental diseases in accordance with the requirements of this subsection shall not prohibit Federal financial participation for medical assistance for items or services that are provided to such eligible individual in or away from the eligible institution for mental disease during any period in which the eligible individual is receiving items or services in accordance with this subsection.

“(7) DEFINITIONS.—In this subsection:

“(A) DIMENSIONS 1, 2, OR 3.—The term ‘Dimensions 1, 2, or 3’ has the meaning given that term for purposes of the publication of the American Society of Addiction Medicine entitled ‘The ASAM Criteria: Treatment Criteria for Addictive Substance-Related, and Co-Occurring Conditions, 2013’.

“(B) ELIGIBLE INDIVIDUAL.—The term ‘eligible individual’ means an individual who—

“(i) with respect to a State, is enrolled for medical assistance under the State plan or a waiver of such plan;

“(ii) is at least 21 years of age;

“(iii) has not attained 65 years of age; and

“(iv) has at least 1 substance use disorder.

“(C) ELIGIBLE INSTITUTION FOR MENTAL DISEASES.—The term ‘eligible institution for mental diseases’ means an institution for mental diseases that—

“(i) follows reliable, evidence-based practices; and

“(ii) offers at least 2 forms of medication-assisted treatment for substance use disorders on site, including, in the case of medication-assisted treatment for opioid use disorder, at least 1 antagonist and 1 partial agonist.

“(D) INSTITUTION FOR MENTAL DISEASES.—The term ‘institution for mental diseases’ has the meaning given that term in section 1905(i).”.

(b) RULE OF CONSTRUCTION.—Nothing in the amendments made by subsection (a) shall be construed as encouraging a State to place an individual in an inpatient or a residential care setting where a home or community-based care setting would be more appropriate for the individual, or as preventing a State from conducting or pursuing a demonstration project under section 1115 of the Social Security Act to improve access to, and the quality of, substance use disorder treatment for eligible populations.

**Subtitle G—Medicaid Improvement Fund**

**SEC. 5061. MEDICAID IMPROVEMENT FUND.**

Section 1941(b)(1) of the Social Security Act (42 U.S.C. 1396w-1(b)(1)) is amended by striking “\$0” and inserting “\$31,000,000”.

**TITLE VI—OTHER MEDICARE PROVISIONS**

**Subtitle A—Testing of Incentive Payments for Behavioral Health Providers for Adoption and Use of Certified Electronic Health Record Technology**

**SEC. 6001. TESTING OF INCENTIVE PAYMENTS FOR BEHAVIORAL HEALTH PROVIDERS FOR ADOPTION AND USE OF CERTIFIED ELECTRONIC HEALTH RECORD TECHNOLOGY.**

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

“(xxv) Providing, for the adoption and use of certified EHR technology (as defined in section 1848(o)(4)) to improve the quality and coordination of care through the electronic documentation and exchange of health information, incentive payments to behavioral health providers (such as psychiatric hospitals (as defined in section 1861(f)), community mental health centers (as defined in section 1861(ff)(3)(B)), hospitals that participate in a State plan under title XIX or a waiver of such plan, treatment facilities that participate in such a State plan or such a waiver, mental health or substance use disorder providers that participate in such a State plan or such a waiver, clinical psychologists (as defined in section 1861(ii)), nurse practitioners (as defined in section 1861(aa)(5)) with respect to the provision of psychiatric services, and clinical social workers (as defined in section 1861(hh)(1))).”.

**Subtitle B—Abuse Deterrent Access**

**SEC. 6011. SHORT TITLE.**

This subtitle may be cited as the “Abuse Deterrent Access Act of 2018”.

**SEC. 6012. STUDY ON ABUSE-DETERRENT OPIOID FORMULATIONS ACCESS BARRIERS UNDER MEDICARE.**

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall conduct a study and submit to Congress a report on—

(1) the adequacy of access to abuse-deterrent opioid formulations for individuals with chronic pain enrolled in an MA-PD plan

under part C of title XVIII of the Social Security Act or a prescription drug plan under part D of such title of such Act, taking into account any barriers preventing such individuals from accessing such formulations under such MA-PD or part D plans, such as cost-sharing tiers, fail-first requirements, the price of such formulations, and prior authorization requirements; and

(2) the effectiveness of abuse-deterrent opioid formulations in preventing opioid abuse or misuse; the impact of the use of abuse-deterrent opioid formulations on the use or abuse of other prescription or illicit opioids (including changes in deaths from such opioids); and other public health consequences of the use of abuse-deterrent opioid formulations, such as an increase in rates of human immunodeficiency virus.

(b) **DEFINITION OF ABUSE-DETERRENT OPIOID FORMULATION.**—In this section, the term “abuse-deterrent opioid formulation” means an opioid that is a prodrug or that has certain abuse-deterrent properties, such as physical or chemical barriers, agonist or antagonist combinations, aversion properties, delivery system mechanisms, or other features designed to prevent abuse of such opioid.

#### **Subtitle C—Medicare Opioid Safety Education**

##### **SEC. 6021. MEDICARE OPIOID SAFETY EDUCATION.**

(a) **IN GENERAL.**—Section 1804 of the Social Security Act (42 U.S.C. 1395b-2) is amended by adding at the end the following new subsection:

“(d) The notice provided under subsection (a) shall include—

“(1) references to educational resources regarding opioid use and pain management;

“(2) a description of categories of alternative, non-opioid pain management treatments covered under this title; and

“(3) a suggestion for the beneficiary to talk to a physician regarding opioid use and pain management.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to notices distributed prior to each Medicare open enrollment period beginning after January 1, 2019.

#### **Subtitle D—Opioid Addiction Action Plan**

##### **SEC. 6031. SHORT TITLE.**

This subtitle may be cited as the “Opioid Addiction Action Plan Act”.

##### **SEC. 6032. ACTION PLAN ON RECOMMENDATIONS FOR CHANGES UNDER MEDICARE AND MEDICAID TO PREVENT OPIOIDS ADDICTIONS AND ENHANCE ACCESS TO MEDICATION-ASSISTED TREATMENT.**

(a) **IN GENERAL.**—Not later than January 1, 2020, the Secretary of Health and Human Services (in this section referred to as the “Secretary”), in collaboration with the Pain Management Best Practices Inter-Agency Task Force convened under section 101(b) of the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114-198), shall develop an action plan as described in subsection (b).

(b) **ACTION PLAN COMPONENTS.**—The action plan shall include a review by the Secretary of Medicare and Medicaid payment and coverage policies that may be viewed as potential obstacles to an effective response to the opioid crisis, and recommendations, as determined appropriate by the Secretary, on the following:

(1) A review of payment and coverage policies under the Medicare program under title XVIII of the Social Security Act and the Medicaid program under title XIX of such Act, including a review of coverage and payment under such programs of all medication-assisted treatment approved by the Food and

Drug Administration related to the treatment of opioid use disorder and other therapies that manage chronic and acute pain and treat and minimize risk of opioid misuse and abuse, including in such review, payment under the Medicare prospective payment system for inpatient hospital services under section 1886(d) of such Act (42 U.S.C. 1395ww(d)) and the Medicare prospective payment system for hospital outpatient department services under section 1833(t) of such Act (42 U.S.C. 1395I(t)), to determine whether those payment policies resulted in incentives or disincentives that have contributed to the opioid crisis.

(2) Recommendations for payment and service delivery models to be tested as appropriate by the Center for Medicare and Medicaid Innovation and other federally authorized demonstration projects, including value-based models, that may encourage the use of appropriate medication-assisted treatment approved by the Food and Drug Administration for the treatment of opioid use disorder and other therapies that manage chronic and acute pain and treat and minimize risk of opioid misuse and abuse.

(3) Recommendations for data collection that could facilitate research and policy-making regarding prevention of opioid use disorder as well as data that would aid the Secretary in making coverage and payment decisions under the Medicare and Medicaid programs related to the access to appropriate opioid dependence treatments.

(4) A review of Medicare and Medicaid beneficiaries’ access to the full range of medication-assisted treatment approved by the Food and Drug Administration for the treatment of opioid use disorder and other therapies that manage chronic and acute pain and treat and minimize risk of opioid misuse and abuse, including access of beneficiaries residing in rural or medically underserved communities.

(5) A review of payment and coverage policies under the Medicare program and the Medicaid program related to medical devices that are non-opioid based treatments approved by the Food and Drug Administration for the management of acute pain and chronic pain, for monitoring substance use withdrawal and preventing overdoses of controlled substances, and for treating substance use disorder, including barriers to patient access.

(c) **STAKEHOLDER MEETINGS.**—

(1) **IN GENERAL.**—Beginning not later than 3 months after the date of the enactment of this section, the Secretary shall convene a public stakeholder meeting to solicit public comment on the components of the action plan described in subsection (b).

(2) **PARTICIPANTS.**—Participants of meetings described in paragraph (1) shall include representatives from the Food and Drug Administration and National Institutes of Health, biopharmaceutical industry members, medical researchers, health care providers, the medical device industry, the Medicare program, the Medicaid program, and patient advocates.

(d) **REQUEST FOR INFORMATION.**—Not later than 3 months after the date of the enactment of this section, the Secretary shall issue a request for information seeking public feedback regarding ways in which the Centers for Medicare & Medicaid Services can help address the opioid crisis through the development of and application of the action plan.

(e) **REPORT TO CONGRESS.**—Not later than June 1, 2020, the Secretary shall submit to Congress, and make public, a report that includes—

(1) a summary of the results of the Secretary’s review and any recommendations under the action plan;

(2) the Secretary’s planned next steps with respect to the action plan; and

(3) an evaluation of price trends for drugs used to reverse opioid overdoses (such as naloxone), including recommendations on ways to lower such prices for consumers.

(f) **DEFINITION OF MEDICATION-ASSISTED TREATMENT.**—In this section, the term “medication-assisted treatment” includes opioid treatment programs, behavioral therapy, and medications to treat substance abuse disorder.

#### **Subtitle E—Advancing High Quality Treatment for Opioid Use Disorders in Medicare**

##### **SEC. 6041. SHORT TITLE.**

This subtitle may be cited as the “Advancing High Quality Treatment for Opioid Use Disorders in Medicare Act”.

##### **SEC. 6042. OPIOID USE DISORDER TREATMENT DEMONSTRATION PROGRAM.**

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by inserting after section 1866E (42 U.S.C. 1395cc-5) the following new section:

##### **“SEC. 1866F. OPIOID USE DISORDER TREATMENT DEMONSTRATION PROGRAM.**

“(a) **IMPLEMENTATION OF 4-YEAR DEMONSTRATION PROGRAM.**—

“(1) **IN GENERAL.**—Not later than January 1, 2021, the Secretary shall implement a 4-year demonstration program under this title (in this section referred to as the ‘Program’) to increase access of applicable beneficiaries to opioid use disorder treatment services, improve physical and mental health outcomes for such beneficiaries, and to the extent possible, reduce expenditures under this title. Under the Program, the Secretary shall make payments under subsection (e) to participants (as defined in subsection (c)(1)(A)) for furnishing opioid use disorder treatment services delivered through opioid use disorder care teams, or arranging for such services to be furnished, to applicable beneficiaries participating in the Program.

“(2) **OPIOID USE DISORDER TREATMENT SERVICES.**—For purposes of this section, the term ‘opioid use disorder treatment services’—

“(A) means, with respect to an applicable beneficiary, services that are furnished for the treatment of opioid use disorders and that utilize drugs approved under section 505 of the Federal Food, Drug, and Cosmetic Act for the treatment of opioid use disorders in an outpatient setting; and

“(B) includes—

“(i) medication-assisted treatment;

“(ii) treatment planning;

“(iii) psychiatric, psychological, or counseling services (or any combination of such services), as appropriate;

“(iv) social support services, as appropriate; and

“(v) care management and care coordination services, including coordination with other providers of services and suppliers not on an opioid use disorder care team.

“(b) **PROGRAM DESIGN.**—

“(1) **IN GENERAL.**—The Secretary shall design the Program in such a manner to allow for the evaluation of the extent to which the Program accomplishes the following purposes:

“(A) Reduces hospitalizations and emergency department visits.

“(B) Increases use of medication-assisted treatment for opioid use disorders.

“(C) Improves health outcomes of individuals with opioid use disorders, including by reducing the incidence of infectious diseases (such as hepatitis C and HIV).

“(D) Does not increase the total spending on items and services under this title.

“(E) Reduces deaths from opioid overdose.

“(F) Reduces the utilization of inpatient residential treatment.



“(2) CONSULTATION.—In designing the Program, including the criteria under subsection (e)(2)(A), the Secretary shall, not later than 3 months after the date of the enactment of this section, consult with specialists in the field of addiction, clinicians in the primary care community, and beneficiary groups.

“(C) PARTICIPANTS; OPIOID USE DISORDER CARE TEAMS.—

“(1) PARTICIPANTS.—

“(A) DEFINITION.—In this section, the term ‘participant’ means an entity or individual—

“(i) that is otherwise enrolled under this title and that is—

“(I) a physician (as defined in section 1861(r)(1));

“(II) a group practice comprised of at least one physician described in subclause (I);

“(III) a hospital outpatient department;

“(IV) a federally qualified health center (as defined in section 1861(aa)(4));

“(V) a rural health clinic (as defined in section 1861(aa)(2));

“(VI) a community mental health center (as defined in section 1861(ff)(3)(B));

“(VII) a clinic certified as a certified community behavioral health clinic pursuant to section 223 of the Protecting Access to Medicare Act of 2014; or

“(VIII) any other individual or entity specified by the Secretary;

“(ii) that applied for and was selected to participate in the Program pursuant to an application and selection process established by the Secretary; and

“(iii) that establishes an opioid use disorder care team (as defined in paragraph (2)) through employing or contracting with health care practitioners described in paragraph (2)(A), and uses such team to furnish or arrange for opioid use disorder treatment services in the outpatient setting under the Program.

“(B) PREFERENCE.—In selecting participants for the Program, the Secretary shall give preference to individuals and entities that are located in areas with a prevalence of opioid use disorders that is higher than the national average prevalence.

“(2) OPIOID USE DISORDER CARE TEAMS.—

“(A) IN GENERAL.—For purposes of this section, the term ‘opioid use disorder care team’ means a team of health care practitioners established by a participant described in paragraph (1)(A) that—

“(i) shall include—

“(I) at least one physician (as defined in section 1861(r)(1)) furnishing primary care services or addiction treatment services to an applicable beneficiary; and

“(II) at least one eligible practitioner (as defined in paragraph (3)), who may be a physician who meets the criterion in subclause (I); and

“(ii) may include other practitioners licensed under State law to furnish psychiatric, psychological, counseling, and social services to applicable beneficiaries.

“(B) REQUIREMENTS FOR RECEIPT OF PAYMENT UNDER PROGRAM.—In order to receive payments under subsection (e), each participant in the Program shall—

“(i) furnish opioid use disorder treatment services through opioid use disorder care teams to applicable beneficiaries who agree to receive the services;

“(ii) meet minimum criteria, as established by the Secretary; and

“(iii) submit to the Secretary, in such form, manner, and frequency as specified by the Secretary, with respect to each applicable beneficiary for whom opioid use disorder treatment services are furnished by the opioid use disorder care team, data and such other information as the Secretary determines appropriate to—

“(I) monitor and evaluate the Program;

“(II) determine if minimum criteria are met under clause (ii); and

“(III) determine the incentive payment under subsection (e).

“(3) ELIGIBLE PRACTITIONER DEFINED.—For purposes of this section, the term ‘eligible practitioner’ means a physician or other health care practitioner, such as a nurse practitioner, that—

“(A) is enrolled under section 1866(j)(1);

“(B) is authorized to prescribe or dispense narcotic drugs to individuals for maintenance treatment or detoxification treatment; and

“(C) has in effect a waiver in accordance with section 303(g) of the Controlled Substances Act for such purpose and is otherwise in compliance with regulations promulgated by the Substance Abuse and Mental Health Services Administration to carry out such section.

“(d) PARTICIPATION OF APPLICABLE BENEFICIARIES.—

“(1) APPLICABLE BENEFICIARY DEFINED.—In this section, the term ‘applicable beneficiary’ means an individual who—

“(A) is entitled to, or enrolled for, benefits under part A and enrolled for benefits under part B;

“(B) is not enrolled in a Medicare Advantage plan under part C;

“(C) has a current diagnosis for an opioid use disorder; and

“(D) meets such other criteria as the Secretary determines appropriate.

Such term shall include an individual who is dually eligible for benefits under this title and title XIX if such individual satisfies the criteria described in subparagraphs (A) through (D).

“(2) VOLUNTARY BENEFICIARY PARTICIPATION; LIMITATION ON NUMBER OF BENEFICIARIES.—An applicable beneficiary may participate in the Program on a voluntary basis and may terminate participation in the Program at any time. Not more than 20,000 applicable beneficiaries may participate in the Program at any time.

“(3) SERVICES.—In order to participate in the Program, an applicable beneficiary shall agree to receive opioid use disorder treatment services from a participant. Participation under the Program shall not affect coverage of or payment for any other item or service under this title for the applicable beneficiary.

“(4) BENEFICIARY ACCESS TO SERVICES.—Nothing in this section shall be construed as encouraging providers to limit applicable beneficiary access to services covered under this title, and applicable beneficiaries shall not be required to relinquish access to any benefit under this title as a condition of receiving services from a participant in the Program.

“(e) PAYMENTS.—

“(1) PER APPLICABLE BENEFICIARY PER MONTH CARE MANAGEMENT FEE.—

“(A) IN GENERAL.—The Secretary shall establish a schedule of per applicable beneficiary per month care management fees. Such a per applicable beneficiary per month care management fee shall be paid to a participant in addition to any other amount otherwise payable under this title to the health care practitioners in the participant’s opioid use disorder care team or, if applicable, to the participant. A participant may use such per applicable beneficiary per month care management fee to deliver additional services to applicable beneficiaries, including services not otherwise eligible for payment under this title.

“(B) PAYMENT AMOUNTS.—In carrying out subparagraph (A), the Secretary may—

“(i) consider payments otherwise payable under this title for opioid use disorder treat-

ment services and the needs of applicable beneficiaries;

“(ii) pay a higher per applicable beneficiary per month care management fee for an applicable beneficiary who receives more intensive treatment services from a participant and for whom those services are appropriate based on clinical guidelines for opioid use disorder care;

“(iii) pay a higher per applicable beneficiary per month care management fee for the month in which the applicable beneficiary begins treatment with a participant than in subsequent months, to reflect the greater time and costs required for the planning and initiation of treatment, as compared to maintenance of treatment; and

“(iv) take into account whether a participant’s opioid use disorder care team refers applicable beneficiaries to other suppliers or providers for any opioid use disorder treatment services.

“(C) NO DUPLICATE PAYMENT.—The Secretary shall make payments under this paragraph to only one participant for services furnished to an applicable beneficiary during a calendar month.

“(2) INCENTIVE PAYMENTS.—

“(A) IN GENERAL.—Under the Program, the Secretary shall establish a performance-based incentive payment, which shall be paid (using a methodology established and at a time determined appropriate by the Secretary) to participants based on the performance of participants with respect to criteria, as determined appropriate by the Secretary, in accordance with subparagraph (B).

“(B) CRITERIA.—

“(i) IN GENERAL.—Criteria described in subparagraph (A) may include consideration of the following:

“(I) Patient engagement and retention in treatment.

“(II) Evidence-based medication-assisted treatment.

“(III) Other criteria established by the Secretary.

“(ii) REQUIRED CONSULTATION AND CONSIDERATION.—In determining criteria described in subparagraph (A), the Secretary shall—

“(I) consult with stakeholders, including clinicians in the primary care community and in the field of addiction medicine; and

“(II) consider existing clinical guidelines for the treatment of opioid use disorders.

“(C) NO DUPLICATE PAYMENT.—The Secretary shall ensure that no duplicate payments under this paragraph are made with respect to an applicable beneficiary.

“(f) MULTIPAYER STRATEGY.—In carrying out the Program, the Secretary shall encourage other payers to provide similar payments and to use similar criteria as applied under the Program under subsection (e)(2)(C). The Secretary may enter into a memorandum of understanding with other payers to align the methodology for payment provided by such a payer related to opioid use disorder treatment services with such methodology for payment under the Program.

“(g) EVALUATION.—

“(1) IN GENERAL.—The Secretary shall conduct an intermediate and final evaluation of the program. Each such evaluation shall determine the extent to which each of the purposes described in subsection (b) have been accomplished under the Program.

“(2) REPORTS.—The Secretary shall submit to Congress—

“(A) a report with respect to the intermediate evaluation under paragraph (1) not later than 3 years after the date of the implementation of the Program; and

“(B) a report with respect to the final evaluation under paragraph (1) not later than 6 years after such date.

“(h) FUNDING.—

“(1) ADMINISTRATIVE FUNDING.—For the purposes of implementing, administering, and carrying out the Program (other than for purposes described in paragraph (2)), \$5,000,000 shall be available from the Federal Supplementary Medical Insurance Trust Fund under section 1841.

“(2) CARE MANAGEMENT FEES AND INCENTIVES.—For the purposes of making payments under subsection (e), \$10,000,000 shall be available from the Federal Supplementary Medical Insurance Trust Fund under section 1841 for each of fiscal years 2021 through 2024.

“(3) AVAILABILITY.—Amounts transferred under this subsection for a fiscal year shall be available until expended.

“(i) WAIVERS.—The Secretary may waive any provision of this title as may be necessary to carry out the Program under this section.”.

#### **Subtitle F—Responsible Education Achieves Care and Healthy Outcomes for Users' Treatment**

##### **SEC. 6051. SHORT TITLE.**

This subtitle may be cited as the “Responsible Education Achieves Care and Healthy Outcomes for Users' Treatment Act of 2018” or the “REACH OUT Act of 2018”.

##### **SEC. 6052. GRANTS TO PROVIDE TECHNICAL ASSISTANCE TO OUTLIER PRESCRIBERS OF OPIOIDS.**

(a) GRANTS AUTHORIZED.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall, through the Centers for Medicare & Medicaid Services, award grants, contracts, or cooperative agreements to eligible entities for the purposes described in subsection (b).

(b) USE OF FUNDS.—Grants, contracts, and cooperative agreements awarded under subsection (a) shall be used to support eligible entities through technical assistance—

(1) to educate and provide outreach to outlier prescribers of opioids about best practices for prescribing opioids;

(2) to educate and provide outreach to outlier prescribers of opioids about non-opioid pain management therapies; and

(3) to reduce the amount of opioid prescriptions prescribed by outlier prescribers of opioids.

(c) APPLICATION.—Each eligible entity seeking to receive a grant, contract, or cooperative agreement under subsection (a) shall submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require.

(d) GEOGRAPHIC DISTRIBUTION.—In awarding grants, contracts, and cooperative agreements under this section, the Secretary shall prioritize establishing technical assistance resources in each State.

(e) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) an organization—

(i) that has demonstrated experience providing technical assistance to health care professionals on a State or regional basis; and

(ii) that has at least—

(I) one individual who is a representative of consumers on its governing body; and

(II) one individual who is a representative of health care providers on its governing body; or

(B) an entity that is a quality improvement entity with a contract under part B of title XI of the Social Security Act (42 U.S.C. 1320c et seq.).

(2) OUTLIER PRESCRIBER OF OPIOIDS.—The term “outlier prescriber of opioids” means, with respect to a period, a prescriber identified by the Secretary under subparagraph (D)(ii) of section 1860D-4(c)(4) of the Social

Security Act (42 U.S.C. 1395w-104(c)(4)), as added by section 6065 of this Act, to be an outlier prescriber of opioids for such period.

(3) PRESCRIBERS.—The term “prescriber” means any health care professional, including a nurse practitioner or physician assistant, who is licensed to prescribe opioids by the State or territory in which such professional practices.

(f) FUNDING.—For purposes of implementing this section, \$75,000,000 shall be available from the Federal Supplementary Medical Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395f), to remain available until expended.

#### **Subtitle G—Preventing Addiction for Susceptible Seniors**

##### **SEC. 6061. SHORT TITLE.**

This subtitle may be cited as the “Preventing Addiction for Susceptible Seniors Act of 2018” or the “PASS Act of 2018”.

##### **SEC. 6062. ELECTRONIC PRIOR AUTHORIZATION FOR COVERED PART D DRUGS.**

Section 1860D-4(e)(2) of the Social Security Act (42 U.S.C. 1395w-104(e)(2)) is amended by adding at the end the following new subparagraph:

“(E) ELECTRONIC PRIOR AUTHORIZATION.—

“(i) IN GENERAL.—Not later than January 1, 2021, the program shall provide for the secure electronic transmission of—

“(I) a prior authorization request from the prescribing health care professional for coverage of a covered part D drug for a part D eligible individual enrolled in a part D plan (as defined in section 1860D-23(a)(5)) to the PDP sponsor or Medicare Advantage organization offering such plan; and

“(II) a response, in accordance with this subparagraph, from such PDP sponsor or Medicare Advantage organization, respectively, to such professional.

“(ii) ELECTRONIC TRANSMISSION.—

“(I) EXCLUSIONS.—For purposes of this subparagraph, a facsimile, a proprietary payer portal that does not meet standards specified by the Secretary, or an electronic form shall not be treated as an electronic transmission described in clause (i).

“(II) STANDARDS.—In order to be treated, for purposes of this subparagraph, as an electronic transmission described in clause (i), such transmission shall comply with technical standards adopted by the Secretary in consultation with the National Council for Prescription Drug Programs, other standard setting organizations determined appropriate by the Secretary, and stakeholders including PDP sponsors, Medicare Advantage organizations, health care professionals, and health information technology software vendors.

“(III) APPLICATION.—Notwithstanding any other provision of law, for purposes of this subparagraph, the Secretary may require the use of such standards adopted under subclause (II) in lieu of any other applicable standards for an electronic transmission described in clause (i) for a covered part D drug for a part D eligible individual.”.

##### **SEC. 6063. PROGRAM INTEGRITY TRANSPARENCY MEASURES UNDER MEDICARE PARTS C AND D.**

(a) IN GENERAL.—Section 1859 of the Social Security Act (42 U.S.C. 1395w-28) is amended by adding at the end the following new subsection:

“(i) PROGRAM INTEGRITY TRANSPARENCY MEASURES.—

“(1) PROGRAM INTEGRITY PORTAL.—

“(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this subsection, the Secretary shall, after consultation with stakeholders, establish a secure internet website portal (or other successor technology) that would allow a secure path for communication between the Secretary,

MA plans under this part, prescription drug plans under part D, and an eligible entity with a contract under section 1893 (such as a Medicare drug integrity contractor or an entity responsible for carrying out program integrity activities under this part and part D) for the purpose of enabling through such portal (or other successor technology)—

“(i) the referral by such plans of substantiated or suspicious activities, as defined by the Secretary, of a provider of services (including a prescriber) or supplier related to fraud, waste, and abuse for initiating or assisting investigations conducted by the eligible entity; and

“(ii) data sharing among such MA plans, prescription drug plans, and the Secretary.

“(B) REQUIRED USES OF PORTAL.—The Secretary shall disseminate the following information to MA plans under this part and prescription drug plans under part D through the secure internet website portal (or other successor technology) established under subparagraph (A):

“(i) Providers of services and suppliers that have been referred pursuant to subparagraph (A)(i) during the previous 12-month period.

“(ii) Providers of services and suppliers who are the subject of an active exclusion under section 1128 or who are subject to a suspension of payment under this title pursuant to section 1862(o) or otherwise.

“(iii) Providers of services and suppliers who are the subject of an active revocation of participation under this title, including for not satisfying conditions of participation.

“(iv) In the case of such a plan that makes a referral under subparagraph (A)(i) through the portal (or other successor technology) with respect to activities of substantiated or suspicious activities of fraud, waste, or abuse of a provider of services (including a prescriber) or supplier, if such provider (including a prescriber) or supplier has been the subject of an administrative action under this title or title XI with respect to similar activities, a notification to such plan of such action so taken.

“(C) RULEMAKING.—For purposes of this paragraph, the Secretary shall, through rulemaking, specify what constitutes substantiated or suspicious activities of fraud, waste, and abuse, using guidance such as what is provided in the Medicare Program Integrity Manual 4.8. In carrying out this subsection, a fraud hotline tip (as defined by the Secretary) without further evidence shall not be treated as sufficient evidence for substantiated fraud, waste, or abuse.

“(D) HIPAA COMPLIANT INFORMATION ONLY.—For purposes of this subsection, communications may only occur if the communications are permitted under the Federal regulations (concerning the privacy of individually identifiable health information) promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

“(2) QUARTERLY REPORTS.—Beginning not later than 2 years after the date of the enactment of this subsection, the Secretary shall make available to MA plans under this part and prescription drug plans under part D in a timely manner (but no less frequently than quarterly) and using information submitted to an entity described in paragraph (1) through the portal (or other successor technology) described in such paragraph or pursuant to section 1893, information on fraud, waste, and abuse schemes and trends in identifying suspicious activity. Information included in each such report shall—

“(A) include administrative actions, pertinent information related to opioid overprescribing, and other data determined appropriate by the Secretary in consultation with stakeholders; and

“(B) be anonymized information submitted by plans without identifying the source of such information.

“(3) CLARIFICATION.—Nothing in this subsection shall preclude or otherwise affect referrals to the Inspector General of the Department of Health and Human Services or other law enforcement entities.”.

(b) CONTRACT REQUIREMENT TO COMMUNICATE PLAN CORRECTIVE ACTIONS AGAINST OPIOIDS OVER-PRESCRIBERS.—Section 1857(e) of the Social Security Act (42 U.S.C. 1395w-27(e)) is amended by adding at the end the following new paragraph:

“(5) COMMUNICATING PLAN CORRECTIVE ACTIONS AGAINST OPIOIDS OVER-PRESCRIBERS.—

“(A) IN GENERAL.—Beginning with plan years beginning on or after January 1, 2021, a contract under this section with an MA organization shall require the organization to submit to the Secretary, through the process established under subparagraph (B), information on the investigations, credible evidence of suspicious activities of a provider of services (including a prescriber) or supplier related to fraud, and other actions taken by such plans related to inappropriate prescribing of opioids.

“(B) PROCESS.—Not later than January 1, 2021, the Secretary shall, in consultation with stakeholders, establish a process under which MA plans and prescription drug plans shall submit to the Secretary information described in subparagraph (A).

“(C) REGULATIONS.—For purposes of this paragraph, including as applied under section 1860D-12(b)(3)(D), the Secretary shall, pursuant to rulemaking—

“(i) specify a definition for the term ‘inappropriate prescribing’ and a method for determining if a provider of services prescribes inappropriate prescribing; and

“(ii) establish the process described in subparagraph (B) and the types of information that shall be submitted through such process.”.

(c) REFERENCE UNDER PART D TO PROGRAM INTEGRITY TRANSPARENCY MEASURES.—Section 1860D-4 of the Social Security Act (42 U.S.C. 1395w-104) is amended by adding at the end the following new subsection:

“(m) PROGRAM INTEGRITY TRANSPARENCY MEASURES.—For program integrity transparency measures applied with respect to prescription drug plan and MA plans, see section 1859(i).”.

#### **SEC. 6064. EXPANDING ELIGIBILITY FOR MEDICATION THERAPY MANAGEMENT PROGRAMS UNDER PART D.**

Section 1860D-4(c)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395w-104(c)(2)(A)(ii)) is amended—

(1) by redesignating subclauses (I) through (III) as items (aa) through (cc), respectively, and adjusting the margins accordingly;

(2) by striking “are part D eligible individuals who—” and inserting “are the following:

“(I) Part D eligible individuals who—”; and

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

“(II) Beginning January 1, 2021, at-risk beneficiaries for prescription drug abuse (as defined in paragraph (5)(C)).”.

#### **SEC. 6065. COMMIT TO OPIOID MEDICAL PRESCRIBER ACCOUNTABILITY AND SAFETY FOR SENIORS.**

Section 1860D-4(c)(4) of the Social Security Act (42 U.S.C. 1395w-104(c)(4)) is amended by adding at the end the following new subparagraph:

“(D) NOTIFICATION AND ADDITIONAL REQUIREMENTS WITH RESPECT TO OUTLIER PRESCRIBERS OF OPIOIDS.—

“(i) NOTIFICATION.—Not later than January 1, 2021, the Secretary shall, in the case of a prescriber identified by the Secretary under clause (ii) to be an outlier prescriber of opioids, provide, subject to clause (iv), an annual notification to such prescriber that such prescriber has been so identified and that includes resources on proper prescribing methods and other information as specified in accordance with clause (iii).

“(ii) IDENTIFICATION OF OUTLIER PRESCRIBERS OF OPIOIDS.—

“(I) IN GENERAL.—The Secretary shall, subject to subclause (III), using the valid prescriber National Provider Identifiers included pursuant to subparagraph (A) on claims for covered part D drugs for part D eligible individuals enrolled in prescription drug plans under this part or MA-PD plans under part C and based on the thresholds established under subclause (II), identify prescribers that are outlier opioids prescribers for a period of time specified by the Secretary.

“(II) ESTABLISHMENT OF THRESHOLDS.—For purposes of subclause (I) and subject to subclause (III), the Secretary shall, after consultation with stakeholders, establish thresholds, based on prescriber specialty and geographic area, for identifying whether a prescriber in a specialty and geographic area is an outlier prescriber of opioids as compared to other prescribers of opioids within such specialty and area.

“(III) EXCLUSIONS.—The following shall not be included in the analysis for identifying outlier prescribers of opioids under this clause:

“(aa) Claims for covered part D drugs for part D eligible individuals who are receiving hospice care under this title.

“(bb) Claims for covered part D drugs for part D eligible individuals who are receiving oncology services under this title.

“(cc) Prescribers who are the subject of an investigation by the Centers for Medicare & Medicaid Services or the Inspector General of the Department of Health and Human Services.

“(iii) CONTENTS OF NOTIFICATION.—The Secretary shall include the following information in the notifications provided under clause (i):

“(I) Information on how such prescriber compares to other prescribers within the same specialty and geographic area.

“(II) Information on opioid prescribing guidelines, based on input from stakeholders, that may include the Centers for Disease Control and Prevention guidelines for prescribing opioids for chronic pain and guidelines developed by physician organizations.

“(III) Other information determined appropriate by the Secretary.

“(iv) MODIFICATIONS AND EXPANSIONS.—

“(I) FREQUENCY.—Beginning 5 years after the date of the enactment of this subparagraph, the Secretary may change the frequency of the notifications described in clause (i) based on stakeholder input and changes in opioid prescribing utilization and trends.

“(II) EXPANSION TO OTHER PRESCRIPTIONS.—The Secretary may expand notifications under this subparagraph to include identifications and notifications with respect to concurrent prescriptions of covered Part D drugs used in combination with opioids that are considered to have adverse side effects when so used in such combination, as determined by the Secretary.

“(v) ADDITIONAL REQUIREMENTS FOR PERSISTENT OUTLIER PRESCRIBERS.—In the case of a prescriber who the Secretary determines is persistently identified under clause (i) as an outlier prescriber of opioids, the following shall apply:

“(I) Such prescriber may be required to enroll in the program under this title under section 1866(j) if such prescriber is not otherwise required to enroll, but only after other appropriate remedies have been provided, such as the provision of education funded through section 6052 of the SUPPORT for Patients and Communities Act, for a period determined by the Secretary as sufficient to correct the prescribing patterns that lead to identification of such prescriber as a persistent outlier prescriber of opioids. The Secretary shall determine the length of the period for which such prescriber is required to maintain such enrollment, which shall be the minimum period necessary to correct such prescribing patterns.

“(II) Not less frequently than annually (and in a form and manner determined appropriate by the Secretary), the Secretary, consistent with clause (iv)(I), shall communicate information on such prescribers to sponsors of a prescription drug plan and Medicare Advantage organizations offering an MA-PD plan.

“(vi) PUBLIC AVAILABILITY OF INFORMATION.—The Secretary shall make aggregate information under this subparagraph available on the internet website of the Centers for Medicare & Medicaid Services. Such information shall be in a form and manner determined appropriate by the Secretary and shall not identify any specific prescriber. In carrying out this clause, the Secretary shall consult with interested stakeholders.

“(vii) OPIOIDS DEFINED.—For purposes of this subparagraph, the term ‘opioids’ has such meaning as specified by the Secretary.

“(viii) OTHER ACTIVITIES.—Nothing in this subparagraph shall preclude the Secretary from conducting activities that provide prescribers with information as to how they compare to other prescribers that are in addition to the activities under this subparagraph, including activities that were being conducted as of the date of the enactment of this subparagraph.”.

#### **SEC. 6066. NO ADDITIONAL FUNDS AUTHORIZED.**

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

#### **Subtitle H—Expanding Oversight of Opioid Prescribing and Payment**

##### **SEC. 6071. SHORT TITLE.**

This subtitle may be cited as the “Expanding Oversight of Opioid Prescribing and Payment Act of 2018”.

##### **SEC. 6072. MEDICARE PAYMENT ADVISORY COMMISSION REPORT ON OPIOID PAYMENT, ADVERSE INCENTIVES, AND DATA UNDER THE MEDICARE PROGRAM.**

Not later than March 15, 2019, the Medicare Payment Advisory Commission shall submit to Congress a report on, with respect to the Medicare program under title XVIII of the Social Security Act, the following:

(1) A description of how the Medicare program pays for pain management treatments (both opioid and non-opioid pain management alternatives) in both inpatient and outpatient hospital settings.

(2) The identification of incentives under the hospital inpatient prospective payment system under section 1886 of the Social Security Act (42 U.S.C. 1395ww) and incentives under the hospital outpatient prospective payment system under section 1833(t) of such Act (42 U.S.C. 1395l(t)) for prescribing opioids and incentives under each such system for prescribing non-opioid treatments, and recommendations as the Commission deems appropriate for addressing any of such incentives that are adverse incentives.

(3) A description of how opioid use is tracked and monitored through Medicare claims data and other mechanisms and the identification of any areas in which further data and methods are needed for improving data and understanding of opioid use.

**SEC. 6073. NO ADDITIONAL FUNDS AUTHORIZED.**

No additional funds are authorized to be appropriated to carry out the requirements of this subtitle. Such requirements shall be carried out using amounts otherwise authorized to be appropriated.

**Subtitle I—Dr. Todd Graham Pain Management, Treatment, and Recovery**

**SEC. 6081. SHORT TITLE.**

This subtitle may be cited as the “Dr. Todd Graham Pain Management, Treatment, and Recovery Act of 2018”.

**SEC. 6082. REVIEW AND ADJUSTMENT OF PAYMENTS UNDER THE MEDICARE OUTPATIENT PROSPECTIVE PAYMENT SYSTEM TO AVOID FINANCIAL INCENTIVES TO USE OPIOIDS INSTEAD OF NON-OPIOID ALTERNATIVE TREATMENTS.**

(a) **OUTPATIENT PROSPECTIVE PAYMENT SYSTEM.**—Section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) is amended by adding at the end the following new paragraph:

“(22) **REVIEW AND REVISIONS OF PAYMENTS FOR NON-OPIOID ALTERNATIVE TREATMENTS.**—

“(A) **IN GENERAL.**—With respect to payments made under this subsection for covered OPD services (or groups of services), including covered OPD services assigned to a comprehensive ambulatory payment classification, the Secretary—

“(i) shall, as soon as practicable, conduct a review (part of which may include a request for information) of payments for opioids and evidence-based non-opioid alternatives for pain management (including drugs and devices, nerve blocks, surgical injections, and neuromodulation) with a goal of ensuring that there are not financial incentives to use opioids instead of non-opioid alternatives;

“(ii) may, as the Secretary determines appropriate, conduct subsequent reviews of such payments; and

“(iii) shall consider the extent to which revisions under this subsection to such payments (such as the creation of additional groups of covered OPD services to classify separately those procedures that utilize opioids and non-opioid alternatives for pain management) would reduce payment incentives to use opioids instead of non-opioid alternatives for pain management.

“(B) **PRIORITY.**—In conducting the review under clause (i) of subparagraph (A) and considering revisions under clause (iii) of such subparagraph, the Secretary shall focus on covered OPD services (or groups of services) assigned to a comprehensive ambulatory payment classification that primarily include surgical services, and other services determined by the Secretary which generally involve treatment for pain management.

“(C) **REVISIONS.**—If the Secretary identifies revisions to payments pursuant to subparagraph (A)(iii), the Secretary shall, as determined appropriate, begin making such revisions for services furnished on or after January 1, 2020. Revisions under the previous sentence shall be treated as adjustments for purposes of application of paragraph (9)(B).

“(D) **RULES OF CONSTRUCTION.**—Nothing in this paragraph shall be construed to preclude the Secretary—

“(i) from conducting a demonstration before making the revisions described in subparagraph (C); or

“(ii) prior to implementation of this paragraph, from changing payments under this subsection for covered OPD services (or groups of services) which include opioids or

non-opioid alternatives for pain management.”.

(b) **AMBULATORY SURGICAL CENTERS.**—Section 1833(i) of the Social Security Act (42 U.S.C. 1395l(i)) is amended by adding at the end the following new paragraph:

“(8) The Secretary shall conduct a similar type of review as required under paragraph (22) of section 1833(t), including the second sentence of subparagraph (C) of such paragraph, to payment for services under this subsection, and make such revisions under this paragraph, in an appropriate manner (as determined by the Secretary).”.

**SEC. 6083. EXPANDING ACCESS UNDER THE MEDICARE PROGRAM TO ADDITION TREATMENT IN FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.**

(a) **FEDERALLY QUALIFIED HEALTH CENTERS.**—Section 1834(o) of the Social Security Act (42 U.S.C. 1395m(o)) is amended by adding at the end the following new paragraph:

“(3) **ADDITIONAL PAYMENTS FOR CERTAIN FQHCs WITH PHYSICIANS OR OTHER PRACTITIONERS RECEIVING DATA 2000 WAIVERS.**—

“(A) **IN GENERAL.**—In the case of a Federally qualified health center with respect to which, beginning on or after January 1, 2019, Federally qualified health center services (as defined in section 1861(aa)(3)) are furnished for the treatment of opioid use disorder by a physician or practitioner who meets the requirements described in subparagraph (C), the Secretary shall, subject to availability of funds under subparagraph (D), make a payment (at such time and in such manner as specified by the Secretary) to such Federally qualified health center after receiving and approving an application submitted by such Federally qualified health center under subparagraph (B). Such a payment shall be in an amount determined by the Secretary, based on an estimate of the average costs of training for purposes of receiving a waiver described in subparagraph (C)(ii). Such a payment may be made only one time with respect to each such physician or practitioner.

“(B) **APPLICATION.**—In order to receive a payment described in subparagraph (A), a Federally qualified health center shall submit to the Secretary an application for such a payment at such time, in such manner, and containing such information as specified by the Secretary. A Federally qualified health center may apply for such a payment for each physician or practitioner described in subparagraph (A) furnishing services described in such subparagraph at such center.

“(C) **REQUIREMENTS.**—For purposes of subparagraph (A), the requirements described in this subparagraph, with respect to a physician or practitioner, are the following:

“(i) The physician or practitioner is employed by or working under contract with a Federally qualified health center described in subparagraph (A) that submits an application under subparagraph (B).

“(ii) The physician or practitioner first receives a waiver under section 303(g) of the Controlled Substances Act on or after January 1, 2019.

“(D) **FUNDING.**—For purposes of making payments under this paragraph, there are appropriated, out of amounts in the Treasury not otherwise appropriated, \$6,000,000, which shall remain available until expended.”.

(b) **RURAL HEALTH CLINIC.**—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended—

(1) by redesignating the subsection (z) relating to medical review of spinal subluxation services as subsection (aa); and

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

“(bb) **ADDITIONAL PAYMENTS FOR CERTAIN RURAL HEALTH CLINICS WITH PHYSICIANS OR PRACTITIONERS RECEIVING DATA 2000 WAIVERS.**—

“(1) **IN GENERAL.**—In the case of a rural health clinic with respect to which, beginning on or after January 1, 2019, rural health clinic services (as defined in section 1861(aa)(1)) are furnished for the treatment of opioid use disorder by a physician or practitioner who meets the requirements described in paragraph (3), the Secretary shall, subject to availability of funds under paragraph (4), make a payment (at such time and in such manner as specified by the Secretary) to such rural health clinic after receiving and approving an application described in paragraph (2). Such payment shall be in an amount determined by the Secretary, based on an estimate of the average costs of training for purposes of receiving a waiver described in paragraph (3)(B). Such payment may be made only one time with respect to each such physician or practitioner.

“(2) **APPLICATION.**—In order to receive a payment described in paragraph (1), a rural health clinic shall submit to the Secretary an application for such a payment at such time, in such manner, and containing such information as specified by the Secretary. A rural health clinic may apply for such a payment for each physician or practitioner described in paragraph (1) furnishing services described in such paragraph at such clinic.

“(3) **REQUIREMENTS.**—For purposes of paragraph (1), the requirements described in this paragraph, with respect to a physician or practitioner, are the following:

“(A) The physician or practitioner is employed by or working under contract with a rural health clinic described in paragraph (1) that submits an application under paragraph (2).

“(B) The physician or practitioner first receives a waiver under section 303(g) of the Controlled Substances Act on or after January 1, 2019.

“(4) **FUNDING.**—For purposes of making payments under this subsection, there are appropriated, out of amounts in the Treasury not otherwise appropriated, \$2,000,000, which shall remain available until expended.”.

**SEC. 6084. STUDYING THE AVAILABILITY OF SUPPLEMENTAL BENEFITS DESIGNED TO TREAT OR PREVENT SUBSTANCE USE DISORDERS UNDER MEDICARE ADVANTAGE PLANS.**

(a) **IN GENERAL.**—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall submit to Congress a report on the availability of supplemental health care benefits (as described in section 1852(a)(3)(A) of the Social Security Act (42 U.S.C. 1395w-22(a)(3)(A))) designed to treat or prevent substance use disorders under Medicare Advantage plans offered under part C of title XVIII of such Act. Such report shall include the analysis described in subsection (c) and any differences in the availability of such benefits under specialized MA plans for special needs individuals (as defined in section 1859(b)(6) of such Act (42 U.S.C. 1395w-28(b)(6))) offered to individuals entitled to medical assistance under title XIX of such Act and other such Medicare Advantage plans.

(b) **CONSULTATION.**—The Secretary shall develop the report described in subsection (a) in consultation with relevant stakeholders, including—

(1) individuals entitled to benefits under part A or enrolled under part B of title XVIII of the Social Security Act;

(2) entities who advocate on behalf of such individuals;

(3) Medicare Advantage organizations;

(4) pharmacy benefit managers; and

(5) providers of services and suppliers (as such terms are defined in section 1861 of such Act (42 U.S.C. 1395x)).

(c) CONTENTS.—The report described in subsection (a) shall include an analysis on the following:

(1) The extent to which plans described in such subsection offer supplemental health care benefits relating to coverage of—

(A) medication-assisted treatments for opioid use, substance use disorder counseling, peer recovery support services, or other forms of substance use disorder treatments (whether furnished in an inpatient or outpatient setting); and

(B) non-opioid alternatives for the treatment of pain.

(2) Challenges associated with such plans offering supplemental health care benefits relating to coverage of items and services described in subparagraph (A) or (B) of paragraph (1).

(3) The impact, if any, of increasing the applicable rebate percentage determined under section 1854(b)(1)(C) of the Social Security Act (42 U.S.C. 1395w-24(b)(1)(C)) for plans offering such benefits relating to such coverage would have on the availability of such benefits relating to such coverage offered under Medicare Advantage plans.

(4) Potential ways to improve upon such coverage or to incentivize such plans to offer additional supplemental health care benefits relating to such coverage.

**SEC. 6085. CLINICAL PSYCHOLOGIST SERVICES MODELS UNDER THE CENTER FOR MEDICARE AND MEDICAID INNOVATION; GAO STUDY AND REPORT.**

(a) CMI MODELS.—Section 1115A(b)(2)(B) of the Social Security Act (42 U.S.C. 1315a(b)(2)(B)), as amended by section 6001, is further amended by adding at the end the following new clauses:

“(xxvi) Supporting ways to familiarize individuals with the availability of coverage under part B of title XVIII for qualified psychologist services (as defined in section 1861(ii)).

“(xxvii) Exploring ways to avoid unnecessary hospitalizations or emergency department visits for mental and behavioral health services (such as for treating depression) through use of a 24-hour, 7-day a week help line that may inform individuals about the availability of treatment options, including the availability of qualified psychologist services (as defined in section 1861(ii)).”

(b) GAO STUDY AND REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study, and submit to Congress a report, on mental and behavioral health services under the Medicare program under title XVIII of the Social Security Act, including an examination of the following:

(1) Information about services furnished by psychiatrists, clinical psychologists, and other professionals.

(2) Information about ways that Medicare beneficiaries familiarize themselves about the availability of Medicare payment for qualified psychologist services (as defined in section 1861(ii) of the Social Security Act (42 U.S.C. 1395x(ii)) and ways that the provision of such information could be improved.

**SEC. 6086. DR. TODD GRAHAM PAIN MANAGEMENT STUDY.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall conduct a study analyzing best practices as well as payment and coverage for pain management services under title XVIII of the Social Security Act and submit to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report containing options for revising payment to providers

and suppliers of services and coverage related to the use of multi-disciplinary, evidence-based, non-opioid treatments for acute and chronic pain management for individuals entitled to benefits under part A or enrolled under part B of title XVIII of the Social Security Act. The Secretary shall make such report available on the public website of the Centers for Medicare & Medicaid Services.

(b) CONSULTATION.—In developing the report described in subsection (a), the Secretary shall consult with—

(1) relevant agencies within the Department of Health and Human Services;

(2) licensed and practicing osteopathic and allopathic physicians, behavioral health practitioners, physician assistants, nurse practitioners, dentists, pharmacists, and other providers of health services;

(3) providers and suppliers of services (as such terms are defined in section 1861 of the Social Security Act (42 U.S.C. 1395x));

(4) substance abuse and mental health professional organizations;

(5) pain management professional organizations and advocacy entities, including individuals who personally suffer chronic pain;

(6) medical professional organizations and medical specialty organizations;

(7) licensed health care providers who furnish alternative pain management services;

(8) organizations with expertise in the development of innovative medical technologies for pain management;

(9) beneficiary advocacy organizations; and

(10) other organizations with expertise in the assessment, diagnosis, treatment, and management of pain, as determined appropriate by the Secretary.

(c) CONTENTS.—The report described in subsection (a) shall include the following:

(1) An analysis of payment and coverage under title XVIII of the Social Security Act with respect to the following:

(A) Evidence-based treatments and technologies for chronic or acute pain, including such treatments that are covered, not covered, or have limited coverage under such title.

(B) Evidence-based treatments and technologies that monitor substance use withdrawal and prevent overdoses of opioids.

(C) Evidence-based treatments and technologies that treat substance use disorders.

(D) Items and services furnished by practitioners through a multi-disciplinary treatment model for pain management, including the patient-centered medical home.

(E) Items and services furnished to beneficiaries with psychiatric disorders, substance use disorders, or who are at risk of suicide, or have comorbidities and require consultation or management of pain with one or more specialists in pain management, mental health, or addiction treatment.

(2) An evaluation of the following:

(A) Barriers inhibiting individuals entitled to benefits under part A or enrolled under part B of such title from accessing treatments and technologies described in subparagraphs (A) through (E) of paragraph (1).

(B) Costs and benefits associated with potential expansion of coverage under such title to include items and services not covered under such title that may be used for the treatment of pain, such as acupuncture, therapeutic massage, and items and services furnished by integrated pain management programs.

(C) Pain management guidance published by the Federal Government that may be relevant to coverage determinations or other coverage requirements under title XVIII of the Social Security Act.

(3) An assessment of all guidance published by the Department of Health and Human Services on or after January 1, 2016, relating

to the prescribing of opioids. Such assessment shall consider incorporating into such guidance relevant elements of the “Va/DoD Clinical Practice Guideline for Opioid Therapy for Chronic Pain” published in February 2017 by the Department of Veterans Affairs and Department of Defense, including adoption of elements of the Department of Defense and Department of Veterans Affairs pain rating scale.

(4) The options described in subsection (d).

(5) The impact analysis described in subsection (e).

(d) OPTIONS.—The options described in this subsection are, with respect to individuals entitled to benefits under part A or enrolled under part B of title XVIII of the Social Security Act, legislative and administrative options for accomplishing the following:

(1) Improving coverage of and payment for pain management therapies without the use of opioids, including interventional pain therapies, and options to augment opioid therapy with other clinical and complementary, integrative health services to minimize the risk of substance use disorder, including in a hospital setting.

(2) Improving coverage of and payment for medical devices and non-opioid based pharmacological and non-pharmacological therapies approved or cleared by the Food and Drug Administration for the treatment of pain as an alternative or augment to opioid therapy.

(3) Improving and disseminating treatment strategies for beneficiaries with psychiatric disorders, substance use disorders, or who are at risk of suicide, and treatment strategies to address health disparities related to opioid use and opioid abuse treatment.

(4) Improving and disseminating treatment strategies for beneficiaries with comorbidities who require a consultation or comanagement of pain with one or more specialists in pain management, mental health, or addiction treatment, including in a hospital setting.

(5) Educating providers on risks of co-administration of opioids and other drugs, particularly benzodiazepines.

(6) Ensuring appropriate case management for beneficiaries who transition between inpatient and outpatient hospital settings, or between opioid therapy to non-opioid therapy, which may include the use of care transition plans.

(7) Expanding outreach activities designed to educate providers of services and suppliers under the Medicare program and individuals entitled to benefits under part A or under part B of such title on alternative, non-opioid therapies to manage and treat acute and chronic pain.

(8) Creating a beneficiary education tool on alternatives to opioids for chronic pain management.

(e) IMPACT ANALYSIS.—The impact analysis described in this subsection consists of an analysis of any potential effects implementing the options described in subsection (d) would have—

(1) on expenditures under the Medicare program; and

(2) on preventing or reducing opioid addiction for individuals receiving benefits under the Medicare program.

**Subtitle J—Combating Opioid Abuse for Care in Hospitals**

**SEC. 6091. SHORT TITLE.**

This subtitle may be cited as the “Combating Opioid Abuse for Care in Hospitals Act of 2018” or the “COACH Act of 2018”.

**SEC. 6092. DEVELOPING GUIDANCE ON PAIN MANAGEMENT AND OPIOID USE DISORDER PREVENTION FOR HOSPITALS RECEIVING PAYMENT UNDER PART A OF THE MEDICARE PROGRAM.**

(a) IN GENERAL.—Not later than July 1, 2019, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall develop and publish on the public website of the Centers for Medicare & Medicaid Services guidance for hospitals receiving payment under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) on pain management strategies and opioid use disorder prevention strategies with respect to individuals entitled to benefits under such part.

(b) CONSULTATION.—In developing the guidance described in subsection (a), the Secretary shall consult with relevant stakeholders, including—

- (1) medical professional organizations;
- (2) providers and suppliers of services (as such terms are defined in section 1861 of the Social Security Act (42 U.S.C. 1395x));
- (3) health care consumers or groups representing such consumers; and
- (4) other entities determined appropriate by the Secretary.

(c) CONTENTS.—The guidance described in subsection (a) shall include, with respect to hospitals and individuals described in such subsection, the following:

(1) Best practices regarding evidence-based screening and practitioner education initiatives relating to screening and treatment protocols for opioid use disorder, including—

(A) methods to identify such individuals at-risk of opioid use disorder, including risk stratification;

(B) ways to prevent, recognize, and treat opioid overdoses; and

(C) resources available to such individuals, such as opioid treatment programs, peer support groups, and other recovery programs.

(2) Best practices for such hospitals to educate practitioners furnishing items and services at such hospital with respect to pain management and substance use disorders, including education on—

(A) the adverse effects of prolonged opioid use;

(B) non-opioid, evidence-based, non-pharmacological pain management treatments;

(C) monitoring programs for individuals who have been prescribed opioids; and

(D) the prescribing of naloxone along with an initial opioid prescription.

(3) Best practices for such hospitals to make such individuals aware of the risks associated with opioid use (which may include use of the notification template described in paragraph (4)).

(4) A notification template developed by the Secretary, for use as appropriate, for such individuals who are prescribed an opioid that—

(A) explains the risks and side effects associated with opioid use (including the risks of addiction and overdose) and the importance of adhering to the prescribed treatment regimen, avoiding medications that may have an adverse interaction with such opioid, and storing such opioid safely and securely;

(B) highlights multimodal and evidence-based non-opioid alternatives for pain management;

(C) encourages such individuals to talk to their health care providers about such alternatives;

(D) provides for a method (through signature or otherwise) for such an individual, or person acting on such individual's behalf, to acknowledge receipt of such notification template;

(E) is worded in an easily understandable manner and made available in multiple lan-

guages determined appropriate by the Secretary; and

(F) includes any other information determined appropriate by the Secretary.

(5) Best practices for such hospital to track opioid prescribing trends by practitioners furnishing items and services at such hospital, including—

(A) ways for such hospital to establish target levels, taking into account the specialties of such practitioners and the geographic area in which such hospital is located, with respect to opioids prescribed by such practitioners;

(B) guidance on checking the medical records of such individuals against information included in prescription drug monitoring programs;

(C) strategies to reduce long-term opioid prescriptions; and

(D) methods to identify such practitioners who may be over-prescribing opioids.

(6) Other information the Secretary determines appropriate, including any such information from the Opioid Safety Initiative established by the Department of Veterans Affairs or the Opioid Overdose Prevention Toolkit published by the Substance Abuse and Mental Health Services Administration.

**SEC. 6093. REQUIRING THE REVIEW OF QUALITY MEASURES RELATING TO OPIOIDS AND OPIOID USE DISORDER TREATMENTS FURNISHED UNDER THE MEDICARE PROGRAM AND OTHER FEDERAL HEALTH CARE PROGRAMS.**

Section 1890A of the Social Security Act (42 U.S.C. 1395aaa-1) is amended by adding at the end the following new subsection:

“(g) TECHNICAL EXPERT PANEL REVIEW OF OPIOID AND OPIOID USE DISORDER QUALITY MEASURES.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall establish a technical expert panel for purposes of reviewing quality measures relating to opioids and opioid use disorders, including care, prevention, diagnosis, health outcomes, and treatment furnished to individuals with opioid use disorders. The Secretary may use the entity with a contract under section 1890(a) and amend such contract as necessary to provide for the establishment of such technical expert panel.

“(2) REVIEW AND ASSESSMENT.—Not later than 1 year after the date the technical expert panel described in paragraph (1) is established (and periodically thereafter as the Secretary determines appropriate), the technical expert panel shall—

“(A) review quality measures that relate to opioids and opioid use disorders, including existing measures and those under development;

“(B) identify gaps in areas of quality measurement that relate to opioids and opioid use disorders, and identify measure development priorities for such measure gaps; and

“(C) make recommendations to the Secretary on quality measures with respect to opioids and opioid use disorders for purposes of improving care, prevention, diagnosis, health outcomes, and treatment, including recommendations for revisions of such measures, need for development of new measures, and recommendations for including such measures in the Merit-Based Incentive Payment System under section 1848(q), the alternative payment models under section 1833(z)(3)(C), the shared savings program under section 1899, the quality reporting requirements for inpatient hospitals under section 1886(b)(3)(B)(viii), and the hospital value-based purchasing program under section 1886(o).

“(3) CONSIDERATION OF MEASURES BY SECRETARY.—The Secretary shall consider—

“(A) using opioid and opioid use disorder measures (including measures used under the

Merit-Based Incentive Payment System under section 1848(q), measures recommended under paragraph (2)(C), and other such measures identified by the Secretary) in alternative payment models under section 1833(z)(3)(C) and in the shared savings program under section 1899; and

“(B) using opioid measures described in subparagraph (A), as applicable, in the quality reporting requirements for inpatient hospitals under section 1886(b)(3)(B)(viii), and in the hospital value-based purchasing program under section 1886(o).

“(4) PRIORITIZATION OF MEASURE DEVELOPMENT.—The Secretary shall prioritize for measure development the gaps in quality measures identified under paragraph (2)(B).

“(5) PRIORITIZATION OF MEASURE ENDORSEMENT.—The Secretary—

“(A) during the period beginning on the date of the enactment of this subsection and ending on December 31, 2023, shall prioritize the endorsement of measures relating to opioids and opioid use disorders by the entity with a contract under subsection (a) of section 1890 in connection with endorsement of measures described in subsection (b)(2) of such section; and

“(B) on and after January 1, 2024, may prioritize the endorsement of such measures by such entity.”.

**SEC. 6094. TECHNICAL EXPERT PANEL ON REDUCING SURGICAL SETTING OPIOID USE; DATA COLLECTION ON PERIOPERATIVE OPIOID USE.**

(a) TECHNICAL EXPERT PANEL ON REDUCING SURGICAL SETTING OPIOID USE.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall convene a technical expert panel, including medical and surgical specialty societies and hospital organizations, to provide recommendations on reducing opioid use in the inpatient and outpatient surgical settings and on best practices for pain management, including with respect to the following:

(A) Approaches that limit patient exposure to opioids during the perioperative period, including pre-surgical and post-surgical injections, and that identify such patients at risk of opioid use disorder pre-operation.

(B) Shared decision making with patients and families on pain management, including a review of payment to ensure payment under the Medicare program under title XVIII of the Social Security Act accounts for time spent on shared decision making.

(C) Education on the safe use, storage, and disposal of opioids.

(D) Prevention of opioid misuse and abuse after discharge.

(E) Development of a clinical algorithm to identify and treat at-risk, opiate-tolerant patients and reduce reliance on opioids for acute pain during the perioperative period.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress and make public a report containing the recommendations developed under paragraph (1) and an action plan for broader implementation of pain management protocols that limit the use of opioids in the perioperative setting and upon discharge from such setting.

(b) DATA COLLECTION ON PERIOPERATIVE OPIOID USE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report that contains the following:

(1) The diagnosis-related group codes identified by the Secretary as having the highest volume of surgeries.



(2) With respect to each of such diagnosis-related group codes so identified, a determination by the Secretary of the data that is both available and reported on opioid use following such surgeries, such as with respect to—

(A) surgical volumes, practices, and opioid prescribing patterns;

(B) opioid consumption, including—

(i) perioperative days of therapy;

(ii) average daily dose at the hospital, including dosage greater than 90 milligram morphine equivalent;

(iii) post-discharge prescriptions and other combination drugs that are used before intervention and after intervention;

(iv) quantity and duration of opioid prescription at discharge; and

(v) quantity consumed and number of refills;

(C) regional anesthesia and analgesia practices, including pre-surgical and post-surgical injections;

(D) naloxone reversal;

(E) post-operative respiratory failure;

(F) information about storage and disposal; and

(G) such other information as the Secretary may specify.

(3) Recommendations for improving data collection on perioperative opioid use, including an analysis to identify and reduce barriers to collecting, reporting, and analyzing the data described in paragraph (2), including barriers related to technological availability.

#### SEC. 6095. REQUIRING THE POSTING AND PERIODIC UPDATE OF OPIOID PRESCRIBING GUIDANCE FOR MEDICARE BENEFICIARIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall post on the public website of the Centers for Medicare & Medicaid Services all guidance published by the Department of Health and Human Services on or after January 1, 2016, relating to the prescribing of opioids and applicable to opioid prescriptions for individuals entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) or enrolled under part B of such title of such Act (42 U.S.C. 1395j et seq.).

(b) UPDATE OF GUIDANCE.—

(1) PERIODIC UPDATE.—The Secretary shall, in consultation with the entities specified in paragraph (2), periodically (as determined appropriate by the Secretary) update guidance described in subsection (a) and revise the posting of such guidance on the website described in such subsection.

(2) CONSULTATION.—The entities specified in this paragraph are the following:

(A) Medical professional organizations.

(B) Providers and suppliers of services (as such terms are defined in section 1861 of the Social Security Act (42 U.S.C. 1395x)).

(C) Health care consumers or groups representing such consumers.

(D) Other entities determined appropriate by the Secretary.

#### Subtitle K—Providing Reliable Options for Patients and Educational Resources

##### SEC. 6101. SHORT TITLE.

This subtitle may be cited as the “Providing Reliable Options for Patients and Educational Resources Act of 2018” or the “PROPER Act of 2018”.

#### SEC. 6102. REQUIRING MEDICARE ADVANTAGE PLANS AND PART D PRESCRIPTION DRUG PLANS TO INCLUDE INFORMATION ON RISKS ASSOCIATED WITH OPIOIDS AND COVERAGE OF NON-PHARMACOLOGICAL THERAPIES AND NONOPIOID MEDICATIONS OR DEVICES USED TO TREAT PAIN.

Section 1860D–4(a)(1) of the Social Security Act (42 U.S.C. 1395w–104(a)(1)) is amended—

(1) in subparagraph (A), by inserting “, subject to subparagraph (C),” before “including”;

(2) in subparagraph (B), by adding at the end the following new clause:

“(vi) For plan year 2021 and each subsequent plan year, subject to subparagraph (C), with respect to the treatment of pain—

“(I) the risks associated with prolonged opioid use; and

“(II) coverage of nonpharmacological therapies, devices, and nonopioid medications—

“(aa) in the case of an MA–PD plan under part C, under such plan; and

“(bb) in the case of a prescription drug plan, under such plan and under parts A and B.”; and

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

“(C) TARGETED PROVISION OF INFORMATION.—A PDP sponsor of a prescription drug plan may, in lieu of disclosing the information described in subparagraph (B)(vi) to each enrollee under the plan, disclose such information through mail or electronic communications to a subset of enrollees under the plan, such as enrollees who have been prescribed an opioid in the previous 2-year period.”.

#### SEC. 6103. REQUIRING MEDICARE ADVANTAGE PLANS AND PRESCRIPTION DRUG PLANS TO PROVIDE INFORMATION ON THE SAFE DISPOSAL OF PRESCRIPTION DRUGS.

(a) MEDICARE ADVANTAGE.—Section 1852 of the Social Security Act (42 U.S.C. 1395w–22) is amended by adding at the end the following new subsection:

“(n) PROVISION OF INFORMATION RELATING TO THE SAFE DISPOSAL OF CERTAIN PRESCRIPTION DRUGS.—

“(1) IN GENERAL.—In the case of an individual enrolled under an MA or MA–PD plan who is furnished an in-home health risk assessment on or after January 1, 2021, such plan shall ensure that such assessment includes information on the safe disposal of prescription drugs that are controlled substances that meets the criteria established under paragraph (2). Such information shall include information on drug takeback programs that meet such requirements determined appropriate by the Secretary and information on in-home disposal.

“(2) CRITERIA.—The Secretary shall, through rulemaking, establish criteria the Secretary determines appropriate with respect to information provided to an individual to ensure that such information sufficiently educates such individual on the safe disposal of prescription drugs that are controlled substances.”.

(b) PRESCRIPTION DRUG PLANS.—Section 1860D–4(c)(2)(B) of the Social Security Act (42 U.S.C. 1395w–104(c)(2)(B)) is amended—

(1) by striking “may include elements that promote”;

(2) by redesignating clauses (i) through (iii) as subclauses (I) through (III) and adjusting the margins accordingly;

(3) by inserting before subclause (I), as so redesignated, the following new clause:

“(i) may include elements that promote—

“(1) in subclause (III), as so redesignated, by striking the period at the end and inserting “; and”; and

(5) by adding at the end the following new clause:

“(ii) with respect to plan years beginning on or after January 1, 2021, shall provide for—

“(I) the provision of information to the enrollee on the safe disposal of prescription drugs that are controlled substances that meets the criteria established under section 1852(n)(2), including information on drug takeback programs that meet such requirements determined appropriate by the Secretary and information on in-home disposal; and

“(II) cost-effective means by which an enrollee may so safely dispose of such drugs.”.

#### SEC. 6104. REVISING MEASURES USED UNDER THE HOSPITAL CONSUMER ASSESSMENT OF HEALTHCARE PROVIDERS AND SYSTEMS SURVEY RELATING TO PAIN MANAGEMENT.

(a) RESTRICTION ON THE USE OF PAIN QUESTIONS IN HCAHPS.—Section 1886(b)(3)(B)(viii) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(viii)) is amended by adding at the end the following new subclause:

“(XII)(aa) With respect to a Hospital Consumer Assessment of Healthcare Providers and Systems survey (or a successor survey) conducted on or after January 1, 2020, such survey may not include questions about communication by hospital staff with an individual about such individual’s pain unless such questions take into account, as applicable, whether an individual experiencing pain was informed about risks associated with the use of opioids and about non-opioid alternatives for the treatment of pain.

“(bb) The Secretary shall not include on the Hospital Compare internet website any measures based on the questions appearing on the Hospital Consumer Assessment of Healthcare Providers and Systems survey in 2018 or 2019 about communication by hospital staff with an individual about such individual’s pain.”.

(b) RESTRICTION ON USE OF 2018 AND 2019 PAIN QUESTIONS IN THE HOSPITAL VALUE-BASED PURCHASING PROGRAM.—Section 1886(o)(2)(B) of the Social Security Act (42 U.S.C. 1395ww(o)(2)(B)) is amended by adding at the end the following new clause:

“(iii) HCAHPS PAIN QUESTIONS.—The Secretary may not include under subparagraph (A) a measure that is based on the questions appearing on the Hospital Consumer Assessment of Healthcare Providers and Systems survey in 2018 or 2019 about communication by hospital staff with an individual about the individual’s pain.”.

#### Subtitle L—Fighting the Opioid Epidemic With Sunshine

##### SEC. 6111. FIGHTING THE OPIOID EPIDEMIC WITH SUNSHINE.

(a) INCLUSION OF INFORMATION REGARDING PAYMENTS TO ADDITIONAL PRACTITIONERS.—

(1) IN GENERAL.—Section 1128G(e)(6) of the Social Security Act (42 U.S.C. 1320a–7h(e)(6)) is amended—

(A) in subparagraph (A), by adding at the end the following new clauses:

“(iii) A physician assistant, nurse practitioner, or clinical nurse specialist (as such terms are defined in section 1861(aa)(5)).

“(iv) A certified registered nurse anesthetist (as defined in section 1861(bb)(2)).

“(v) A certified nurse-midwife (as defined in section 1861(gg)(2)).”; and

(B) in subparagraph (B), by inserting “, physician assistant, nurse practitioner, clinical nurse specialist, certified nurse anesthetist, or certified nurse-midwife” after “physician”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to information required to be submitted under section 1128G of the Social Security Act (42 U.S.C. 1320a–7h) on or after January 1, 2022.

(b) SUNSET OF EXCLUSION OF NATIONAL PROVIDER IDENTIFIER OF COVERED RECIPIENT IN INFORMATION MADE PUBLICLY AVAILABLE.—Section 1128G(c)(1)(C)(viii) of the Social Security Act (42 U.S.C. 1320a-7h(c)(1)(C)(viii)) is amended by striking “does not contain” and inserting “in the case of information made available under this subparagraph prior to January 1, 2022, does not contain”.

(c) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to this section or the amendments made by this section.

## TITLE VII—PUBLIC HEALTH PROVISIONS

### Subtitle A—Awareness and Training

#### SEC. 7001. REPORT ON EFFECTS ON PUBLIC HEALTH OF SYNTHETIC DRUG USE.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services, in coordination with the Surgeon General of the Public Health Service, shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the health effects of new psychoactive substances, including synthetic drugs, used by adolescents and young adults.

(b) NEW PSYCHOACTIVE SUBSTANCE DEFINED.—For purposes of subsection (a), the term “new psychoactive substance” means a controlled substance analogue (as defined in section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32))).

#### SEC. 7002. FIRST RESPONDER TRAINING.

Section 546 of the Public Health Service Act (42 U.S.C. 290ee-1) is amended—

(1) in subsection (c)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(4) train and provide resources for first responders and members of other key community sectors on safety around fentanyl, carfentanil, and other dangerous licit and illicit drugs to protect themselves from exposure to such drugs and respond appropriately when exposure occurs.”;

(2) in subsection (d), by striking “and mechanisms for referral to appropriate treatment for an entity receiving a grant under this section” and inserting “mechanisms for referral to appropriate treatment, and safety around fentanyl, carfentanil, and other dangerous licit and illicit drugs”;

(3) in subsection (f)—

(A) in paragraph (3), by striking “and” at the end;

(B) in paragraph (4), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(5) the number of first responders and members of other key community sectors trained on safety around fentanyl, carfentanil, and other dangerous licit and illicit drugs.”;

(4) by redesignating subsection (g) as subsection (h);

(5) by inserting after subsection (f) the following:

“(g) OTHER KEY COMMUNITY SECTORS.—In this section, the term ‘other key community sectors’ includes substance use disorder treatment providers, emergency medical services agencies, agencies and organizations working with prison and jail populations and offender reentry programs, health care providers, harm reduction groups, pharmacies, community health centers, tribal health facilities, and mental health providers.”; and

(6) in subsection (h), as so redesignated, by striking “\$12,000,000 for each of fiscal years 2017 through 2021” and inserting “\$36,000,000 for each of fiscal years 2019 through 2023”.

### Subtitle B—Pilot Program for Public Health Laboratories To Detect Fentanyl and Other Synthetic Opioids

#### SEC. 7011. PILOT PROGRAM FOR PUBLIC HEALTH LABORATORIES TO DETECT FENTANYL AND OTHER SYNTHETIC OPIOIDS.

(a) GRANTS.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall award grants to, or enter into cooperative agreements with, Federal, State, and local agencies to improve coordination between public health laboratories and laboratories operated by law enforcement agencies, such as Customs and Border Protection and the Drug Enforcement Administration, to improve detection of synthetic opioids, including fentanyl and its analogues, as described in subsection (b).

(b) DETECTION ACTIVITIES.—The Secretary, in consultation with the Director of the National Institute of Standards and Technology, the Director of the Centers for Disease Control and Prevention, the Attorney General of the United States, and the Administrator of the Drug Enforcement Administration, shall, for purposes of this section, develop or identify—

(1) best practices for safely handling and testing synthetic opioids, including fentanyl and its analogues, including with respect to reference materials, instrument calibration, and quality control protocols;

(2) reference materials and quality control standards related to synthetic opioids, including fentanyl and its analogues, to enhance—

(A) clinical diagnostics;

(B) postmortem data collection; and

(C) portable testing equipment utilized by law enforcement and public health officials; and

(3) procedures for the identification of new and emerging synthetic opioid formulations and procedures for reporting those findings to appropriate law enforcement agencies and Federal, State, and local public health laboratories and health departments, as appropriate.

(c) LABORATORIES.—The Secretary shall require recipients of grants or cooperative agreements under subsection (a) to—

(1) follow the best practices established under subsection (b) and have the appropriate capabilities to provide laboratory testing of controlled substances, such as synthetic fentanyl, and biospecimens for the purposes of aggregating and reporting public health information to Federal, State, and local public health officials, laboratories, and other entities the Secretary deems appropriate;

(2) work with law enforcement agencies and public health authorities, as practicable;

(3) provide early warning information to Federal, State, and local law enforcement agencies and public health authorities regarding trends or other data related to the supply of synthetic opioids, including fentanyl and its analogues;

(4) provide biosurveillance capabilities with respect to identifying trends in adverse health outcomes associated with non-fatal exposures; and

(5) provide diagnostic testing, as appropriate and practicable, for non-fatal exposures of emergency personnel, first responders, and other individuals.

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated \$15,000,000 for each of fiscal years 2019 through 2023.

### Subtitle C—Indexing Narcotics, Fentanyl, and Opioids

#### SEC. 7021. ESTABLISHMENT OF SUBSTANCE USE DISORDER INFORMATION DASHBOARD.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by adding at the end the following new section:

#### “SEC. 1711. ESTABLISHMENT OF SUBSTANCE USE DISORDER INFORMATION DASHBOARD.

“(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Secretary of Health and Human Services shall, in consultation with the Director of National Drug Control Policy, establish and periodically update, on the Internet website of the Department of Health and Human Services, a public information dashboard that—

“(1) provides links to information on programs within the Department of Health and Human Services related to the reduction of opioid and other substance use disorders;

“(2) provides access, to the extent practicable and appropriate, to publicly available data, which may include data from agencies within the Department of Health and Human Services and—

“(A) other Federal agencies;

“(B) State, local, and Tribal governments;

“(C) nonprofit organizations;

“(D) law enforcement;

“(E) medical experts;

“(F) public health educators; and

“(G) research institutions regarding prevention, treatment, recovery, and other services for opioid and other substance use disorders;

“(3) provides data on substance use disorder prevention and treatment strategies in different regions of and populations in the United States;

“(4) identifies information on alternatives to controlled substances for pain management, such as approaches studied by the National Institutes of Health Pain Consortium, the National Center for Complimentary and Integrative Health, and other institutes and centers at the National Institutes of Health, as appropriate; and

“(5) identifies guidelines and best practices for health care providers regarding treatment of substance use disorders.

“(b) CONTROLLED SUBSTANCE DEFINED.—In this section, the term ‘controlled substance’ has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).”.

#### SEC. 7022. INTERDEPARTMENTAL SUBSTANCE USE DISORDERS COORDINATING COMMITTEE.

(a) ESTABLISHMENT.—Not later than 3 months after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall, in coordination with the Director of National Drug Control Policy, establish a committee, to be known as the Interdepartmental Substance Use Disorders Coordinating Committee (in this section referred to as the “Committee”), to coordinate Federal activities related to substance use disorders.

(b) MEMBERSHIP.—

(1) FEDERAL MEMBERS.—The Committee shall be composed of the following Federal representatives, or the designees of such representatives:

(A) The Secretary, who shall serve as the Chair of the Committee.

(B) The Attorney General of the United States.

(C) The Secretary of Labor.

(D) The Secretary of Housing and Urban Development.

(E) The Secretary of Education.

(F) The Secretary of Veterans Affairs.

(G) The Commissioner of Social Security.  
 (H) The Assistant Secretary for Mental Health and Substance Use.

(I) The Director of National Drug Control Policy.

(J) Representatives of other Federal agencies that support or conduct activities or programs related to substance use disorders, as determined appropriate by the Secretary.

(2) **NON-FEDERAL MEMBERS.**—The Committee shall include a minimum of 15 non-Federal members appointed by the Secretary, of which—

(A) at least two such members shall be an individual who has received treatment for a diagnosis of a substance use disorder;

(B) at least two such members shall be a director of a State substance abuse agency;

(C) at least two such members shall be a representative of a leading research, advocacy, or service organization for adults with substance use disorder;

(D) at least two such members shall—

(i) be a physician, licensed mental health professional, advance practice registered nurse, or physician assistant; and

(ii) have experience in treating individuals with substance use disorders;

(E) at least one such member shall be a substance use disorder treatment professional who provides treatment services at a certified opioid treatment program;

(F) at least one such member shall be a substance use disorder treatment professional who has research or clinical experience in working with racial and ethnic minority populations;

(G) at least one such member shall be a substance use disorder treatment professional who has research or clinical mental health experience in working with medically underserved populations;

(H) at least one such member shall be a State-certified substance use disorder peer support specialist;

(I) at least one such member shall be a drug court judge or a judge with experience in adjudicating cases related to substance use disorder;

(J) at least one such member shall be a public safety officer with extensive experience in interacting with adults with a substance use disorder; and

(K) at least one such member shall be an individual with experience providing services for homeless individuals with a substance use disorder.

(c) **TERMS.**—

(1) **IN GENERAL.**—A member of the Committee appointed under subsection (b)(2) shall be appointed for a term of 3 years and may be reappointed for one or more 3-year terms.

(2) **VACANCIES.**—A vacancy on the Committee shall be filled in the same manner in which the original appointment was made. Any individual appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term and may serve after the expiration of such term until a successor has been appointed.

(d) **MEETINGS.**—The Committee shall meet not fewer than two times each year.

(e) **DUTIES.**—The Committee shall—

(1) identify areas for improved coordination of activities, if any, related to substance use disorders, including research, services, supports, and prevention activities across all relevant Federal agencies;

(2) identify and provide to the Secretary recommendations for improving Federal programs for the prevention and treatment of, and recovery from, substance use disorders, including by expanding access to prevention, treatment, and recovery services;

(3) analyze substance use disorder prevention and treatment strategies in different regions of and populations in the United States

and evaluate the extent to which Federal substance use disorder prevention and treatment strategies are aligned with State and local substance use disorder prevention and treatment strategies;

(4) make recommendations to the Secretary regarding any appropriate changes with respect to the activities and strategies described in paragraphs (1) through (3);

(5) make recommendations to the Secretary regarding public participation in decisions relating to substance use disorders and the process by which public feedback can be better integrated into such decisions; and

(6) make recommendations to ensure that substance use disorder research, services, supports, and prevention activities of the Department of Health and Human Services and other Federal agencies are not unnecessarily duplicative.

(f) **ANNUAL REPORT.**—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the life of the Committee, the Committee shall publish on the Internet website of the Department of Health and Human Services, which may include the public information dashboard established under section 1711 of the Public Health Service Act, as added by section 7021, a report summarizing the activities carried out by the Committee pursuant to subsection (e), including any findings resulting from such activities.

(g) **WORKING GROUPS.**—The Committee may establish working groups for purposes of carrying out the duties described in subsection (e). Any such working group shall be composed of members of the Committee (or the designees of such members) and may hold such meetings as are necessary to enable the working group to carry out the duties delegated to the working group.

(h) **FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee only to the extent that the provisions of such Act do not conflict with the requirements of this section.

(i) **SUNSET.**—The Committee shall terminate on the date that is 6 years after the date on which the Committee is established under subsection (a).

#### **SEC. 7023. NATIONAL MILESTONES TO MEASURE SUCCESS IN CURTAILING THE OPIOID CRISIS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”), in coordination with the Administrator of the Drug Enforcement Administration and the Director of the Office of National Drug Control Policy, shall develop or identify existing national indicators (referred to in this section as the “national milestones”) to measure success in curtailing the opioid crisis, with the goal of significantly reversing the incidence and prevalence of opioid misuse and abuse, and opioid-related morbidity and mortality in the United States within 5 years of such date of enactment.

(b) **NATIONAL MILESTONES TO END THE OPIOID CRISIS.**—The national milestones under subsection (a) shall include the following:

(1) Not fewer than 10 indicators or metrics to accurately and expediently measure progress in meeting the goal described in subsection (a), which shall, as appropriate, include, indicators or metrics related to—

(A) the number of fatal and non-fatal opioid overdoses;

(B) the number of emergency room visits related to opioid misuse and abuse;

(C) the number of individuals in sustained recovery from opioid use disorder;

(D) the number of infections associated with illicit drug use, such as HIV, viral hepa-

titis, and infective endocarditis, and available capacity for treating such infections;

(E) the number of providers prescribing medication-assisted treatment for opioid use disorders, including in primary care settings, community health centers, jails, and prisons;

(F) the number of individuals receiving treatment for opioid use disorder; and

(G) additional indicators or metrics, as appropriate, such as metrics pertaining to specific populations, including women and children, American Indians and Alaskan Natives, individuals living in rural and non-urban areas, and justice-involved populations, that would further clarify the progress made in addressing the opioid crisis.

(2) A reasonable goal, such as a percentage decrease or other specified metric, that signifies progress in meeting the goal described in subsection (a), and annual targets to help achieve that goal.

(c) **CONSIDERATION OF OTHER SUBSTANCE USE DISORDERS.**—In developing the national milestones under subsection (b), the Secretary shall, as appropriate, consider other substance use disorders in addition to opioid use disorder.

(d) **EXTENSION OF PERIOD.**—If the Secretary determines that the goal described in subsection (a) will not be achieved with respect to any indicator or metric established under subsection (b)(2) within 5 years of the date of enactment of this Act, the Secretary may extend the timeline for meeting such goal with respect to that indicator or metric. The Secretary shall include with any such extension a rationale for why additional time is needed and information on whether significant changes are needed in order to achieve such goal with respect to the indicator or metric.

(e) **ANNUAL STATUS UPDATE.**—Not later than one year after the date of enactment of this Act, the Secretary shall make available on the Internet website of the Department of Health and Human Services, and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, an update on the progress, including expected progress in the subsequent year, in achieving the goals detailed in the national milestones. Each such update shall include the progress made in the first year or since the previous report, as applicable, in meeting each indicator or metric in the national milestones.

#### **SEC. 7024. STUDY ON PRESCRIBING LIMITS.**

Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Attorney General of the United States, shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the impact of Federal and State laws and regulations that limit the length, quantity, or dosage of opioid prescriptions. Such report shall address—

(1) the impact of such limits on—

(A) the incidence and prevalence of overdose related to prescription opioids;

(B) the incidence and prevalence of overdose related to illicit opioids;

(C) the prevalence of opioid use disorders;

(D) medically appropriate use of, and access to, opioids, including any impact on travel expenses and pain management outcomes for patients, whether such limits are associated with significantly higher rates of negative health outcomes, including suicide, and whether the impact of such limits differs based on the clinical indication for which opioids are prescribed;

(2) whether such limits lead to a significant increase in burden for prescribers of

opioids or prescribers of treatments for opioid use disorder, including any impact on patient access to treatment, and whether any such burden is mitigated by any factors such as electronic prescribing or telemedicine; and

(3) the impact of such limits on diversion or misuse of any controlled substance in schedule II, III, or IV of section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

#### **Subtitle D—Ensuring Access to Quality Sober Living**

##### **SEC. 7031. NATIONAL RECOVERY HOUSING BEST PRACTICES.**

Part D of title V of the Public Health Service Act (42 U.S.C. 290dd et seq.) is amended by adding at the end the following new section:

##### **“SEC. 550. NATIONAL RECOVERY HOUSING BEST PRACTICES.**

“(a) BEST PRACTICES FOR OPERATING RECOVERY HOUSING.—

“(1) IN GENERAL.—The Secretary, in consultation with the individuals and entities specified in paragraph (2), shall identify or facilitate the development of best practices, which may include model laws for implementing suggested minimum standards, for operating recovery housing.

“(2) CONSULTATION.—In carrying out the activities described in paragraph (1), the Secretary shall consult with, as appropriate—

“(A) relevant divisions of the Department of Health and Human Services, including the Substance Abuse and Mental Health Services Administration, the Office of Inspector General, the Indian Health Service, and the Centers for Medicare & Medicaid Services;

“(B) the Secretary of Housing and Urban Development;

“(C) directors or commissioners, as applicable, of State health departments, tribal health departments, State Medicaid programs, and State insurance agencies;

“(D) representatives of health insurance issuers;

“(E) national accrediting entities and reputable providers of, and analysts of, recovery housing services, including Indian tribes, tribal organizations, and tribally designated housing entities that provide recovery housing services, as applicable;

“(F) individuals with a history of substance use disorder; and

“(G) other stakeholders identified by the Secretary.

“(b) IDENTIFICATION OF FRAUDULENT RECOVERY HOUSING OPERATORS.—

“(1) IN GENERAL.—The Secretary, in consultation with the individuals and entities described in paragraph (2), shall identify or facilitate the development of common indicators that could be used to identify potentially fraudulent recovery housing operators.

“(2) CONSULTATION.—In carrying out the activities described in paragraph (1), the Secretary shall consult with, as appropriate, the individuals and entities specified in subsection (a)(2) and the Attorney General of the United States.

“(3) REQUIREMENTS.—

“(A) PRACTICES FOR IDENTIFICATION AND REPORTING.—In carrying out the activities described in paragraph (1), the Secretary shall consider how law enforcement, public and private payers, and the public can best identify and report fraudulent recovery housing operators.

“(B) FACTORS TO BE CONSIDERED.—In carrying out the activities described in paragraph (1), the Secretary shall identify or develop indicators, which may include indicators related to—

“(i) unusual billing practices;

“(ii) average lengths of stays;

“(iii) excessive levels of drug testing (in terms of cost or frequency); and

“(iv) unusually high levels of recidivism.

“(c) DISSEMINATION.—The Secretary shall, as appropriate, disseminate the best practices identified or developed under subsection (a) and the common indicators identified or developed under subsection (b) to—

“(1) State agencies, which may include the provision of technical assistance to State agencies seeking to adopt or implement such best practices;

“(2) Indian tribes, tribal organizations, and tribally designated housing entities;

“(3) the Attorney General of the United States;

“(4) the Secretary of Labor;

“(5) the Secretary of Housing and Urban Development;

“(6) State and local law enforcement agencies;

“(7) health insurance issuers;

“(8) recovery housing entities; and

“(9) the public.

“(d) REQUIREMENTS.—In carrying out the activities described in subsections (a) and (b), the Secretary, in consultation with appropriate individuals and entities described in subsections (a)(2) and (b)(2), shall consider how recovery housing is able to support recovery and prevent relapse, recidivism, or overdose (including overdose death), including by improving access and adherence to treatment, including medication-assisted treatment.

“(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide the Secretary with the authority to require States to adhere to minimum standards in the State oversight of recovery housing.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘recovery housing’ means a shared living environment free from alcohol and illicit drug use and centered on peer support and connection to services that promote sustained recovery from substance use disorders.

“(2) The terms ‘Indian tribe’ and ‘tribal organization’ have the meanings given those terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(3) The term ‘tribally designated housing entity’ has the meaning given that term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

“(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated \$3,000,000 for the period of fiscal years 2019 through 2021.”

#### **Subtitle E—Advancing Cutting Edge Research**

##### **SEC. 7041. UNIQUE RESEARCH INITIATIVES.**

Section 402(n)(1) of the Public Health Service Act (42 U.S.C. 282(n)(1)) is amended—

(1) in subparagraph (A), by striking “or”;

(2) in subparagraph (B), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(C) high impact cutting-edge research that fosters scientific creativity and increases fundamental biological understanding leading to the prevention, diagnosis, or treatment of diseases and disorders, or research urgently required to respond to a public health threat.”

##### **SEC. 7042. PAIN RESEARCH.**

Section 409J(b) of the Public Health Service Act (42 U.S.C. 284q(b)) is amended—

(1) in paragraph (5)—

(A) in subparagraph (A), by striking “and treatment of pain and diseases and disorders associated with pain” and inserting “treatment, and management of pain and diseases and disorders associated with pain, including information on best practices for the utilization of non-pharmacologic treatments, non-addictive medical products, and other drugs

or devices approved or cleared by the Food and Drug Administration”;

(B) in subparagraph (B), by striking “on the symptoms and causes of pain;” and inserting the following: “on—

“(i) the symptoms and causes of pain, including the identification of relevant biomarkers and screening models and the epidemiology of acute and chronic pain;

“(ii) the diagnosis, prevention, treatment, and management of acute and chronic pain, including with respect to non-pharmacologic treatments, non-addictive medical products, and other drugs or devices approved or cleared by the Food and Drug Administration; and

“(iii) risk factors for, and early warning signs of, substance use disorders in populations with acute and chronic pain; and”;

and

(C) by striking subparagraphs (C) through (E) and inserting the following:

“(C) make recommendations to the Director of NIH—

“(i) to ensure that the activities of the National Institutes of Health and other Federal agencies are free of unnecessary duplication of effort;

“(ii) on how best to disseminate information on pain care and epidemiological data related to acute and chronic pain; and

“(iii) on how to expand partnerships between public entities and private entities to expand collaborative, cross-cutting research.”;

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following:

“(6) REPORT.—The Secretary shall ensure that recommendations and actions taken by the Director with respect to the topics discussed at the meetings described in paragraph (4) are included in appropriate reports to Congress.”

#### **Subtitle F—Jessie’s Law**

##### **SEC. 7051. INCLUSION OF OPIOID ADDICTION HISTORY IN PATIENT RECORDS.**

(a) BEST PRACTICES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the “Secretary”), in consultation with appropriate stakeholders, including a patient with a history of opioid use disorder, an expert in electronic health records, an expert in the confidentiality of patient health information and records, and a health care provider, shall identify or facilitate the development of best practices regarding—

(A) the circumstances under which information that a patient has provided to a health care provider regarding such patient’s history of opioid use disorder should, only at the patient’s request, be prominently displayed in the medical records (including electronic health records) of such patient;

(B) what constitutes the patient’s request for the purpose described in subparagraph (A); and

(C) the process and methods by which the information should be so displayed.

(2) DISSEMINATION.—The Secretary shall disseminate the best practices developed under paragraph (1) to health care providers and State agencies.

(b) REQUIREMENTS.—In identifying or facilitating the development of best practices under subsection (a), as applicable, the Secretary, in consultation with appropriate stakeholders, shall consider the following:

(1) The potential for addiction relapse or overdose, including overdose death, when opioid medications are prescribed to a patient recovering from opioid use disorder.

(2) The benefits of displaying information about a patient’s opioid use disorder history

in a manner similar to other potentially lethal medical concerns, including drug allergies and contraindications.

(3) The importance of prominently displaying information about a patient's opioid use disorder when a physician or medical professional is prescribing medication, including methods for avoiding alert fatigue in providers.

(4) The importance of a variety of appropriate medical professionals, including physicians, nurses, and pharmacists, having access to information described in this section when prescribing or dispensing opioid medication, consistent with Federal and State laws and regulations.

(5) The importance of protecting patient privacy, including the requirements related to consent for disclosure of substance use disorder information under all applicable laws and regulations.

(6) All applicable Federal and State laws and regulations.

#### **SEC. 7052. COMMUNICATION WITH FAMILIES DURING EMERGENCIES.**

(a) **PROMOTING AWARENESS OF AUTHORIZED DISCLOSURES DURING EMERGENCIES.**—The Secretary of Health and Human Services shall annually notify health care providers regarding permitted disclosures under Federal health care privacy law during emergencies, including overdoses, of certain health information to families, caregivers, and health care providers.

(b) **USE OF MATERIAL.**—For the purposes of carrying out subsection (a), the Secretary of Health and Human Services may use material produced under section 7053 of this Act or section 11004 of the 21st Century Cures Act (42 U.S.C. 1320d-2 note).

#### **SEC. 7053. DEVELOPMENT AND DISSEMINATION OF MODEL TRAINING PROGRAMS FOR SUBSTANCE USE DISORDER PATIENT RECORDS.**

(a) **INITIAL PROGRAMS AND MATERIALS.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the “Secretary”), in consultation with appropriate experts, shall identify the following model programs and materials (or if no such programs or materials exist, recognize private or public entities to develop and disseminate such programs and materials):

(1) Model programs and materials for training health care providers (including physicians, emergency medical personnel, psychiatrists, psychologists, counselors, therapists, nurse practitioners, physician assistants, behavioral health facilities and clinics, care managers, and hospitals, including individuals such as general counsels or regulatory compliance staff who are responsible for establishing provider privacy policies) concerning the permitted uses and disclosures, consistent with the standards and regulations governing the privacy and security of substance use disorder patient records promulgated by the Secretary under section 543 of the Public Health Service Act (42 U.S.C. 290dd-2) for the confidentiality of patient records.

(2) Model programs and materials for training patients and their families regarding their rights to protect and obtain information under the standards and regulations described in paragraph (1).

(b) **REQUIREMENTS.**—The model programs and materials described in paragraphs (1) and (2) of subsection (a) shall address circumstances under which disclosure of substance use disorder patient records is needed to—

(1) facilitate communication between substance use disorder treatment providers and other health care providers to promote and provide the best possible integrated care;

(2) avoid inappropriate prescribing that can lead to dangerous drug interactions, overdose, or relapse; and

(3) notify and involve families and caregivers when individuals experience an overdose.

(c) **PERIODIC UPDATES.**—The Secretary shall—

(1) periodically review and update the model program and materials identified or developed under subsection (a); and

(2) disseminate such updated programs and materials to the individuals described in subsection (a)(1).

(d) **INPUT OF CERTAIN ENTITIES.**—In identifying, reviewing, or updating the model programs and materials under this section, the Secretary shall solicit the input of relevant stakeholders.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section—

(1) \$4,000,000 for fiscal year 2019;

(2) \$2,000,000 for each of fiscal years 2020 and 2021; and

(3) \$1,000,000 for each of fiscal years 2022 and 2023.

#### **Subtitle G—Protecting Pregnant Women and Infants**

#### **SEC. 7061. REPORT ON ADDRESSING MATERNAL AND INFANT HEALTH IN THE OPIOID CRISIS.**

(a) **IN GENERAL.**—Not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in coordination with the Centers for Disease Control and Prevention, the National Institutes of Health, the Indian Health Service, and the Substance Abuse and Mental Health Services Administration, shall develop and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes—

(1) information on opioid, non-opioid, and non-pharmacologic pain management practices during pregnancy and after pregnancy;

(2) recommendations for increasing public awareness and education about substance use disorders, including opioid use disorders, during and after pregnancy, including available treatment resources in urban and rural areas;

(3) recommendations to prevent, identify, and reduce substance use disorders, including opioid use disorders, during pregnancy to improve care for pregnant women with substance use disorders and their infants; and

(4) an identification of areas in need of further research with respect to acute and chronic pain management during and after pregnancy.

(b) **NO ADDITIONAL FUNDS.**—No additional funds are authorized to be appropriated for purposes of carrying out subsection (a).

#### **SEC. 7062. PROTECTING MOMS AND INFANTS.**

(a) **REPORT.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, and make available to the public on the Internet website of the Department of Health and Human Services, a report regarding the implementation of the recommendations in the strategy relating to prenatal opioid use, including neonatal abstinence syndrome, developed pursuant to section 2 of the Protecting Our Infants Act of 2015 (Public Law 114-91). Such report shall include—

(A) an update on the implementation of the recommendations in the strategy, in-

cluding information regarding the agencies involved in the implementation; and

(B) information on additional funding or authority the Secretary requires, if any, to implement the strategy, which may include authorities needed to coordinate implementation of such strategy across the Department of Health and Human Services.

(2) **PERIODIC UPDATES.**—The Secretary shall periodically update the report under paragraph (1).

(b) **RESIDENTIAL TREATMENT PROGRAMS FOR PREGNANT AND POSTPARTUM WOMEN.**—Section 508(s) of the Public Health Service Act (42 U.S.C. 290bb-1(s)) is amended by striking “\$16,900,000 for each of fiscal years 2017 through 2021” and inserting “\$29,931,000 for each of fiscal years 2019 through 2023”.

#### **SEC. 7063. EARLY INTERVENTIONS FOR PREGNANT WOMEN AND INFANTS.**

(a) **DEVELOPMENT OF EDUCATIONAL MATERIALS BY CENTER FOR SUBSTANCE ABUSE PREVENTION.**—Section 515(b) of the Public Health Service Act (42 U.S.C. 290bb-21(b)) is amended—

(1) in paragraph (13), by striking “and” at the end;

(2) in paragraph (14), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(15) in consultation with relevant stakeholders and in collaboration with the Director of the Centers for Disease Control and Prevention, develop educational materials for clinicians to use with pregnant women for shared decision making regarding pain management and the prevention of substance use disorders during pregnancy.”

(b) **GUIDELINES AND RECOMMENDATIONS BY CENTER FOR SUBSTANCE ABUSE TREATMENT.**—Section 507(b) of the Public Health Service Act (42 U.S.C. 290bb(b)) is amended—

(1) in paragraph (13), by striking “and” at the end;

(2) in paragraph (14), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(15) in cooperation with the Secretary, implement and disseminate, as appropriate, the recommendations in the report entitled ‘Protecting Our Infants Act: Final Strategy’ issued by the Department of Health and Human Services in 2017; and”.

(c) **SUPPORT OF PARTNERSHIPS BY CENTER FOR SUBSTANCE ABUSE TREATMENT.**—Section 507(b) of the Public Health Service Act (42 U.S.C. 290bb(b)), as amended by subsection (b), is further amended by adding at the end the following:

“(16) in cooperation with relevant stakeholders, and through public-private partnerships, encourage education about substance use disorders for pregnant women and health care providers who treat pregnant women and babies.”

#### **SEC. 7064. PRENATAL AND POSTNATAL HEALTH.**

Section 317L of the Public Health Service Act (42 U.S.C. 247b-13) is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

“(1) to collect, analyze, and make available data on prenatal smoking and alcohol and other substance abuse and misuse, including—

“(A) data on—

“(i) the incidence, prevalence, and implications of such activities; and

“(ii) the incidence and prevalence of implications and outcomes, including neonatal abstinence syndrome and other maternal and child health outcomes associated with such activities; and

“(B) additional information or data, as appropriate, on family health history, medication exposures during pregnancy, demographic information, such as race, ethnicity,

geographic location, and family history, and other relevant information, to inform such analysis;";

(B) in paragraph (2)—

(i) by striking "prevention of" and inserting "prevention and long-term outcomes associated with"; and

(ii) by striking "illegal drug use" and inserting "other substance abuse and misuse";

(C) in paragraph (3), by striking "and cessation programs; and" and inserting ", treatment, and cessation programs;";

(D) in paragraph (4), by striking "illegal drug use," and inserting "other substance abuse and misuse; and"; and

(E) by adding at the end the following:

"(5) to issue public reports on the analysis of data described in paragraph (1), including analysis of—

"(A) long-term outcomes of children affected by neonatal abstinence syndrome;

"(B) health outcomes associated with prenatal smoking, alcohol, and substance abuse and misuse; and

"(C) relevant studies, evaluations, or information the Secretary determines to be appropriate.";

(2) in subsection (b), by inserting "tribal entities," after "local governments,";

(3) by redesignating subsection (c) as subsection (d);

(4) by inserting after subsection (b) the following:

"(c) COORDINATING ACTIVITIES.—To carry out this section, the Secretary may—

"(1) provide technical and consultative assistance to entities receiving grants under subsection (b);

"(2) ensure a pathway for data sharing between States, tribal entities, and the Centers for Disease Control and Prevention;

"(3) ensure data collection under this section is consistent with applicable State, Federal, and Tribal privacy laws; and

"(4) coordinate with the National Coordinator for Health Information Technology, as appropriate, to assist States and Tribes in implementing systems that use standards recognized by such National Coordinator, as such recognized standards are available, in order to facilitate interoperability between such systems and health information technology systems, including certified health information technology."; and

(5) in subsection (d), as so redesignated, by striking "2001 through 2005" and inserting "2019 through 2023".

#### SEC. 7065. PLANS OF SAFE CARE.

(a) IN GENERAL.—Section 105(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(a)) is amended by adding at the end the following:

"(7) GRANTS TO STATES TO IMPROVE AND COORDINATE THEIR RESPONSE TO ENSURE THE SAFETY, PERMANENCY, AND WELL-BEING OF INFANTS AFFECTED BY SUBSTANCE USE.—

"(A) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants to States for the purpose of assisting child welfare agencies, social services agencies, substance use disorder treatment agencies, hospitals with labor and delivery units, medical staff, public health and mental health agencies, and maternal and child health agencies to facilitate collaboration in developing, updating, implementing, and monitoring plans of safe care described in section 106(b)(2)(B)(iii). Section 112(a)(2) shall not apply to the program authorized under this paragraph.

"(B) DISTRIBUTION OF FUNDS.—

"(i) RESERVATIONS.—Of the amounts made available to carry out subparagraph (A), the Secretary shall reserve—

"(I) no more than 3 percent for the purposes described in subparagraph (G); and

"(II) up to 3 percent for grants to Indian Tribes and tribal organizations to address

the needs of infants born with, and identified as being affected by, substance abuse or withdrawal symptoms resulting from prenatal drug exposure or a fetal alcohol spectrum disorder and their families or caregivers, which to the extent practicable, shall be consistent with the uses of funds described under subparagraph (D).

"(ii) ALLOTMENTS TO STATES AND TERRITORIES.—The Secretary shall allot the amount made available to carry out subparagraph (A) that remains after application of clause (i) to each State that applies for such a grant, in an amount equal to the sum of—

"(I) \$500,000; and

"(II) an amount that bears the same relationship to any funds made available to carry out subparagraph (A) and remaining after application of clause (i), as the number of live births in the State in the previous calendar year bears to the number of live births in all States in such year.

"(iii) RATABLY REDUCTION.—If the amount made available to carry out subparagraph (A) is insufficient to satisfy the requirements of clause (ii), the Secretary shall ratably reduce each allotment to a State.

"(C) APPLICATION.—A State desiring a grant under this paragraph shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Such application shall include—

"(i) a description of—

"(I) the impact of substance use disorder in such State, including with respect to the substance or class of substances with the highest incidence of abuse in the previous year in such State, including—

"(aa) the prevalence of substance use disorder in such State;

"(bb) the aggregate rate of births in the State of infants affected by substance abuse or withdrawal symptoms or a fetal alcohol spectrum disorder (as determined by hospitals, insurance claims, claims submitted to the State Medicaid program, or other records), if available and to the extent practicable; and

"(cc) the number of infants identified, for whom a plan of safe care was developed, and for whom a referral was made for appropriate services, as reported under section 106(d)(18);

"(II) the challenges the State faces in developing, implementing, and monitoring plans of safe care in accordance with section 106(b)(2)(B)(iii);

"(III) the State's lead agency for the grant program and how that agency will coordinate with relevant State entities and programs, including the child welfare agency, the substance use disorder treatment agency, hospitals with labor and delivery units, health care providers, the public health and mental health agencies, programs funded by the Substance Abuse and Mental Health Services Administration that provide substance use disorder treatment for women, the State Medicaid program, the State agency administering the block grant program under title V of the Social Security Act (42 U.S.C. 701 et seq.), the State agency administering the programs funded under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), the maternal, infant, and early childhood home visiting program under section 511 of the Social Security Act (42 U.S.C. 711), the State judicial system, and other agencies, as determined by the Secretary, and Indian Tribes and tribal organizations, as appropriate, to implement the activities under this paragraph;

"(IV) how the State will monitor local development and implementation of plans of safe care, in accordance with section 106(b)(2)(B)(iii)(II), including how the State will monitor to ensure plans of safe care address differences between substance use disorder and medically supervised substance

use, including for the treatment of a substance use disorder;

"(V) if applicable, how the State plans to utilize funding authorized under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) to assist in carrying out any plan of safe care, including such funding authorized under section 471(e) of such Act (as in effect on October 1, 2018) for mental health and substance abuse prevention and treatment services and in-home parent skill-based programs and funding authorized under such section 472(j) (as in effect on October 1, 2018) for children with a parent in a licensed residential family-based treatment facility for substance abuse; and

"(VI) an assessment of the treatment and other services and programs available in the State to effectively carry out any plan of safe care developed, including identification of needed treatment, and other services and programs to ensure the well-being of young children and their families affected by substance use disorder, such as programs carried out under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.) and comprehensive early childhood development services and programs such as Head Start programs;

"(ii) a description of how the State plans to use funds for activities described in subparagraph (D) for the purposes of ensuring State compliance with requirements under clauses (ii) and (iii) of section 106(b)(2)(B); and

"(iii) an assurance that the State will comply with requirements to refer a child identified as substance-exposed to early intervention services as required pursuant to a grant under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.).

"(D) USES OF FUNDS.—Funds awarded to a State under this paragraph may be used for the following activities, which may be carried out by the State directly, or through grants or subgrants, contracts, or cooperative agreements:

"(i) Improving State and local systems with respect to the development and implementation of plans of safe care, which—

"(I) shall include parent and caregiver engagement, as required under section 106(b)(2)(B)(iii)(I), regarding available treatment and service options, which may include resources available for pregnant, perinatal, and postnatal women; and

"(II) may include activities such as—

"(aa) developing policies, procedures, or protocols for the administration or development of evidence-based and validated screening tools for infants who may be affected by substance use withdrawal symptoms or a fetal alcohol spectrum disorder and pregnant, perinatal, and postnatal women whose infants may be affected by substance use withdrawal symptoms or a fetal alcohol spectrum disorder;

"(bb) improving assessments used to determine the needs of the infant and family;

"(cc) improving ongoing case management services;

"(dd) improving access to treatment services, which may be prior to the pregnant woman's delivery date; and

"(ee) keeping families safely together when it is in the best interest of the child.

"(ii) Developing policies, procedures, or protocols in consultation and coordination with health professionals, public and private health facilities, and substance use disorder treatment agencies to ensure that—

"(I) appropriate notification to child protective services is made in a timely manner, as required under section 106(b)(2)(B)(ii);

"(II) a plan of safe care is in place, in accordance with section 106(b)(2)(B)(iii), before the infant is discharged from the birth or health care facility; and



“(III) such health and related agency professionals are trained on how to follow such protocols and are aware of the supports that may be provided under a plan of safe care.

“(iii) Training health professionals and health system leaders, child welfare workers, substance use disorder treatment agencies, and other related professionals such as home visiting agency staff and law enforcement in relevant topics including—

“(I) State mandatory reporting laws established under section 106(b)(2)(B)(i) and the referral and process requirements for notification to child protective services when child abuse or neglect reporting is not mandated;

“(II) the co-occurrence of pregnancy and substance use disorder, and implications of prenatal exposure;

“(III) the clinical guidance about treating substance use disorder in pregnant and postpartum women;

“(IV) appropriate screening and interventions for infants affected by substance use disorder, withdrawal symptoms, or a fetal alcohol spectrum disorder and the requirements under section 106(b)(2)(B)(iii); and

“(V) appropriate multigenerational strategies to address the mental health needs of the parent and child together.

“(iv) Establishing partnerships, agreements, or memoranda of understanding between the lead agency and other entities (including health professionals, health facilities, child welfare professionals, juvenile and family court judges, substance use and mental disorder treatment programs, early childhood education programs, maternal and child health and early intervention professionals (including home visiting providers), peer-to-peer recovery programs such as parent mentoring programs, and housing agencies) to facilitate the implementation of, and compliance with, section 106(b)(2) and clause (ii) of this subparagraph, in areas which may include—

“(I) developing a comprehensive, multi-disciplinary assessment and intervention process for infants, pregnant women, and their families who are affected by substance use disorder, withdrawal symptoms, or a fetal alcohol spectrum disorder, that includes meaningful engagement with and takes into account the unique needs of each family and addresses differences between medically supervised substance use, including for the treatment of substance use disorder, and substance use disorder;

“(II) ensuring that treatment approaches for serving infants, pregnant women, and perinatal and postnatal women whose infants may be affected by substance use, withdrawal symptoms, or a fetal alcohol spectrum disorder, are designed to, where appropriate, keep infants with their mothers during both inpatient and outpatient treatment; and

“(III) increasing access to all evidence-based medication-assisted treatment approved by the Food and Drug Administration, behavioral therapy, and counseling services for the treatment of substance use disorders, as appropriate.

“(v) Developing and updating systems of technology for improved data collection and monitoring under section 106(b)(2)(B)(iii), including existing electronic medical records, to measure the outcomes achieved through the plans of safe care, including monitoring systems to meet the requirements of this Act and submission of performance measures.

“(E) REPORTING.—Each State that receives funds under this paragraph, for each year such funds are received, shall submit a report to the Secretary, disaggregated by geographic location, economic status, and major racial and ethnic groups, except that such disaggregation shall not be required if the

results would reveal personally identifiable information on, with respect to infants identified under section 106(b)(2)(B)(ii)—

“(i) the number who experienced removal associated with parental substance use;

“(ii) the number who experienced removal and subsequently are reunified with parents, and the length of time between such removal and reunification;

“(iii) the number who are referred to community providers without a child protection case;

“(iv) the number who receive services while in the care of their birth parents;

“(v) the number who receive post-reunification services within 1 year after a reunification has occurred; and

“(vi) the number who experienced a return to out-of-home care within 1 year after reunification.

“(F) SECRETARY'S REPORT TO CONGRESS.—The Secretary shall submit an annual report to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives that includes the information described in subparagraph (E) and recommendations or observations on the challenges, successes, and lessons derived from implementation of the grant program.

“(G) ASSISTING STATES' IMPLEMENTATION.—The Secretary shall use the amount reserved under subparagraph (B)(i)(I) to provide written guidance and technical assistance to support States in complying with and implementing this paragraph, which shall include—

“(i) technical assistance, including programs of in-depth technical assistance, to additional States, territories, and Indian Tribes and tribal organizations in accordance with the substance-exposed infant initiative developed by the National Center on Substance Abuse and Child Welfare;

“(ii) guidance on the requirements of this Act with respect to infants born with and identified as being affected by substance use or withdrawal symptoms or fetal alcohol spectrum disorder, as described in clauses (ii) and (iii) of section 106(b)(2)(B), including by—

“(I) enhancing States' understanding of requirements and flexibilities under the law, including by clarifying key terms;

“(II) addressing state-identified challenges with developing, implementing, and monitoring plans of safe care, including those reported under subparagraph (C)(i)(II);

“(III) disseminating best practices on implementation of plans of safe care, on such topics as differential response, collaboration and coordination, and identification and delivery of services for different populations, while recognizing needs of different populations and varying community approaches across States; and

“(IV) helping States improve the long-term safety and well-being of young children and their families;

“(iii) supporting State efforts to develop information technology systems to manage plans of safe care; and

“(iv) preparing the Secretary's report to Congress described in subparagraph (F).

“(H) SUNSET.—The authority under this paragraph shall sunset on September 30, 2023.”.

(b) REPEAL.—The Abandoned Infants Assistance Act of 1988 (42 U.S.C. 5117aa et seq.) is repealed.

## Subtitle H—Substance Use Disorder Treatment Workforce

### SEC. 7071. LOAN REPAYMENT PROGRAM FOR SUBSTANCE USE DISORDER TREATMENT WORKFORCE.

Title VII of the Public Health Service Act is amended—

(1) by redesignating part F as part G; and

(2) by inserting after part E (42 U.S.C. 294n et seq.) the following:

#### “PART F—SUBSTANCE USE DISORDER TREATMENT WORKFORCE

### “SEC. 781. LOAN REPAYMENT PROGRAM FOR SUBSTANCE USE DISORDER TREATMENT WORKFORCE.

“(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall carry out a program under which—

“(1) the Secretary enters into agreements with individuals to make payments in accordance with subsection (b) on the principal of and interest on any eligible loan; and

“(2) the individuals each agree to the requirements of service in substance use disorder treatment employment, as described in subsection (d).

“(b) PAYMENTS.—For each year of obligated service by an individual pursuant to an agreement under subsection (a), the Secretary shall make a payment to such individual as follows:

“(1) SERVICE IN A SHORTAGE AREA.—The Secretary shall pay—

“(A) for each year of obligated service by an individual pursuant to an agreement under subsection (a),  $\frac{1}{6}$  of the principal of and interest on each eligible loan of the individual which is outstanding on the date the individual began service pursuant to the agreement; and

“(B) for completion of the sixth and final year of such service, the remainder of such principal and interest.

“(2) MAXIMUM AMOUNT.—The total amount of payments under this section to any individual shall not exceed \$250,000.

“(c) ELIGIBLE LOANS.—The loans eligible for repayment under this section are each of the following:

“(1) Any loan for education or training for a substance use disorder treatment employment.

“(2) Any loan under part E of title VIII (relating to nursing student loans).

“(3) Any Federal Direct Stafford Loan, Federal Direct PLUS Loan, Federal Direct Unsubsidized Stafford Loan, or Federal Direct Consolidation Loan (as such terms are used in section 455 of the Higher Education Act of 1965).

“(4) Any Federal Perkins Loan under part E of title I of the Higher Education Act of 1965.

“(5) Any other Federal loan as determined appropriate by the Secretary.

“(d) REQUIREMENTS OF SERVICE.—Any individual receiving payments under this program as required by an agreement under subsection (a) shall agree to an annual commitment to full-time employment, with no more than 1 year passing between any 2 years of covered employment, in substance use disorder treatment employment in the United States in—

“(1) a Mental Health Professional Shortage Area, as designated under section 332; or

“(2) a county (or a municipality, if not contained within any county) where the mean drug overdose death rate per 100,000 people over the past 3 years for which official data is available from the State, is higher than the most recent available national average overdose death rate per 100,000 people, as reported by the Centers for Disease Control and Prevention.

“(e) INELIGIBILITY FOR DOUBLE BENEFITS.—No borrower may, for the same service, receive a reduction of loan obligations or a loan repayment under both—

“(1) this section; and

“(2) any Federally supported loan forgiveness program, including under section 338B, 338I, or 846 of this Act, or section 428J, 428L, 455(m), or 460 of the Higher Education Act of 1965.

“(f) BREACH.—

“(1) LIQUIDATED DAMAGES FORMULA.—The Secretary may establish a liquidated damages formula to be used in the event of a breach of an agreement entered into under subsection (a).

“(2) LIMITATION.—The failure by an individual to complete the full period of service obligated pursuant to such an agreement, taken alone, shall not constitute a breach of the agreement, so long as the individual completed in good faith the years of service for which payments were made to the individual under this section.

“(g) ADDITIONAL CRITERIA.—The Secretary—

“(1) may establish such criteria and rules to carry out this section as the Secretary determines are needed and in addition to the criteria and rules specified in this section; and

“(2) shall give notice to the committees specified in subsection (h) of any criteria and rules so established.

“(h) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this section, and every other year thereafter, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on—

“(1) the number and location of borrowers who have qualified for loan repayments under this section; and

“(2) the impact of this section on the availability of substance use disorder treatment employees nationally and in shortage areas and counties described in subsection (d).

“(i) DEFINITION.—In this section:

“(1) The terms ‘Indian tribe’ and ‘tribal organization’ have the meanings given those terms in section 4 of the Indian Self-Determination and Education Assistance Act.

“(2) The term ‘municipality’ means a city, town, or other public body created by or pursuant to State law, or an Indian tribe.

“(3) The term ‘substance use disorder treatment employment’ means full-time employment (including a fellowship)—

“(A) where the primary intent and function of the position is the direct treatment or recovery support of patients with or in recovery from a substance use disorder, including master’s level social workers, psychologists, counselors, marriage and family therapists, psychiatric mental health practitioners, occupational therapists, psychology doctoral interns, and behavioral health paraprofessionals and physicians, physician assistants, and nurses, who are licensed or certified in accordance with applicable State and Federal laws; and

“(B) which is located at a substance use disorder treatment program, private physician practice, hospital or health system-affiliated inpatient treatment center or outpatient clinic (including an academic medical center-affiliated treatment program), correctional facility or program, youth detention center or program, inpatient psychiatric facility, crisis stabilization unit, community health center, community mental health or other specialty community behavioral health center, recovery center, school, community-based organization, telehealth platform, migrant health center, health program or facility operated by an In-

dian tribe or tribal organization, Federal medical facility, or any other facility as determined appropriate for purposes of this section by the Secretary.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2019 through 2023.”

#### SEC. 7072. CLARIFICATION REGARDING SERVICE IN SCHOOLS AND OTHER COMMUNITY-BASED SETTINGS.

Subpart III of part D of title III of the Public Health Service Act (42 U.S.C. 254i et seq.) is amended by adding at the end the following:

#### “SEC. 338N. CLARIFICATION REGARDING SERVICE IN SCHOOLS AND OTHER COMMUNITY-BASED SETTINGS.

“(a) SCHOOLS AND COMMUNITY-BASED SETTINGS.—An entity to which a participant in the Scholarship Program or the Loan Repayment Program (referred to in this section as a ‘participant’) is assigned under section 333 may direct such participant to provide service as a behavioral or mental health professional at a school or other community-based setting located in a health professional shortage area.

“(b) OBLIGATED SERVICE.—

“(1) IN GENERAL.—Any service described in subsection (a) that a participant provides may count towards such participant’s completion of any obligated service requirements under the Scholarship Program or the Loan Repayment Program, subject to any limitation imposed under paragraph (2).

“(2) LIMITATION.—The Secretary may impose a limitation on the number of hours of service described in subsection (a) that a participant may credit towards completing obligated service requirements, provided that the limitation allows a member to credit service described in subsection (a) for not less than 50 percent of the total hours required to complete such obligated service requirements.

“(c) RULE OF CONSTRUCTION.—The authorization under subsection (a) shall be notwithstanding any other provision of this subpart or subpart II.”

#### SEC. 7073. PROGRAMS FOR HEALTH CARE WORKFORCE.

(a) PROGRAM FOR EDUCATION AND TRAINING IN PAIN CARE.—Section 759 of the Public Health Service Act (42 U.S.C. 294i) is amended—

(1) in subsection (a), by striking “hospices, and other public and private entities” and inserting “hospices, tribal health programs (as defined in section 4 of the Indian Health Care Improvement Act), and other public and nonprofit private entities”; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “award may be made under subsection (a) only if the applicant for the award agrees that the program carried out with the award will include” and inserting “entity receiving an award under this section shall develop a comprehensive education and training plan that includes”; and

(B) in paragraph (1)—

(i) by inserting “preventing,” after “diagnosing,”; and

(ii) by inserting “non-addictive medical products and non-pharmacologic treatments and” after “including”; and

(C) in paragraph (2)—

(i) by inserting “Federal, State, and local” after “applicable”; and

(ii) by striking “the degree to which” and all that follows through “effective pain care” and inserting “opioids”; and

(D) in paragraph (3), by inserting “, integrated, evidence-based pain management, and, as appropriate, non-pharmacotherapy” before the semicolon;

(E) in paragraph (4), by striking “; and” and inserting “;”; and

(F) by striking paragraph (5) and inserting the following:

“(5) recent findings, developments, and advancements in pain care research and the provision of pain care, which may include non-addictive medical products and non-pharmacologic treatments intended to treat pain; and

“(6) the dangers of opioid abuse and misuse, detection of early warning signs of opioid use disorders (which may include best practices related to screening for opioid use disorders, training on screening, brief intervention, and referral to treatment), and safe disposal options for prescription medications (including such options provided by law enforcement or other innovative deactivation mechanisms).”; and

(3) in subsection (d), by inserting “prevention,” after “diagnosis,”; and

(4) in subsection (e), by striking “2010 through 2012” and inserting “2019 through 2023”.

(b) MENTAL AND BEHAVIORAL HEALTH EDUCATION AND TRAINING PROGRAM.—Section 756 of the Public Health Service Act (42 U.S.C. 294e-1) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “, trauma,” after “focus on child and adolescent mental health”; and

(B) in paragraphs (2) and (3), by inserting “trauma-informed care and” before “substance use disorder prevention and treatment services”; and

(2) in subsection (f), by striking “2018 through 2022” and inserting “2019 through 2023”.

#### Subtitle I—Preventing Overdoses While in Emergency Rooms

#### SEC. 7081. PROGRAM TO SUPPORT COORDINATION AND CONTINUATION OF CARE FOR DRUG OVERDOSE PATIENTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall identify or facilitate the development of best practices for—

(1) emergency treatment of known or suspected drug overdose;

(2) the use of recovery coaches, as appropriate, to encourage individuals who experience a non-fatal overdose to seek treatment for substance use disorder and to support coordination and continuation of care;

(3) coordination and continuation of care and treatment, including, as appropriate, through referrals, of individuals after a drug overdose; and

(4) the provision or prescribing of overdose reversal medication, as appropriate.

(b) GRANT ESTABLISHMENT AND PARTICIPATION.—

(1) IN GENERAL.—The Secretary shall award grants on a competitive basis to eligible entities to support implementation of voluntary programs for care and treatment of individuals after a drug overdose, as appropriate, which may include implementation of the best practices described in subsection (a).

(2) ELIGIBLE ENTITY.—In this section, the term “eligible entity” means—

(A) a State substance abuse agency;

(B) an Indian Tribe or tribal organization; or

(C) an entity that offers treatment or other services for individuals in response to, or following, drug overdoses or a drug overdose, such as an emergency department, in consultation with a State substance abuse agency.

(3) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Secretary, at such time and in such manner as the Secretary may require, that includes—

(A) evidence that such eligible entity carries out, or is capable of contracting and coordinating with other community entities to carry out, the activities described in paragraph (4);

(B) evidence that such eligible entity will work with a recovery community organization to recruit, train, hire, mentor, and supervise recovery coaches and fulfill the requirements described in paragraph (4)(A); and

(C) such additional information as the Secretary may require.

(4) **USE OF GRANT FUNDS.**—An eligible entity awarded a grant under this section shall use such grant funds to—

(A) hire or utilize recovery coaches to help support recovery, including by—

(i) connecting patients to a continuum of care services, such as—

(I) treatment and recovery support programs;

(II) programs that provide non-clinical recovery support services;

(III) peer support networks;

(IV) recovery community organizations;

(V) health care providers, including physicians and other providers of behavioral health and primary care;

(VI) education and training providers;

(VII) employers;

(VIII) housing services; and

(IX) child welfare agencies;

(ii) providing education on overdose prevention and overdose reversal to patients and families, as appropriate;

(iii) providing follow-up services for patients after an overdose to ensure continued recovery and connection to support services;

(iv) collecting and evaluating outcome data for patients receiving recovery coaching services; and

(v) providing other services the Secretary determines necessary to help ensure continued connection with recovery support services, including culturally appropriate services, as applicable;

(B) establish policies and procedures, pursuant to Federal and State law, that address the provision of overdose reversal medication, the administration of all drugs or devices approved or cleared under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and all biological products licensed under section 351 of the Public Health Service Act (42 U.S.C. 262) to treat substance use disorder, and subsequent continuation of, or referral to, evidence-based treatment for patients with a substance use disorder who have experienced a non-fatal drug overdose, in order to support long-term treatment, prevent relapse, and reduce recidivism and future overdose; and

(C) establish integrated models of care for individuals who have experienced a non-fatal drug overdose which may include patient assessment, follow up, and transportation to and from treatment facilities.

(5) **ADDITIONAL PERMISSIBLE USES.**—In addition to the uses described in paragraph (4), a grant awarded under this section may be used, directly or through contractual arrangements, to provide—

(A) all drugs or devices approved or cleared under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and all biological products licensed under section 351 of the Public Health Service Act (42 U.S.C. 262) to treat substance use disorders or reverse overdose, pursuant to Federal and State law;

(B) withdrawal and detoxification services that include patient evaluation, stabilization, and preparation for treatment of substance use disorder, including treatment described in subparagraph (A), as appropriate; or

(C) mental health services provided by a certified professional who is licensed and

qualified by education, training, or experience to assess the psychosocial background of patients, to contribute to the appropriate treatment plan for patients with substance use disorder, and to monitor patient progress.

(6) **PREFERENCE.**—In awarding grants under this section, the Secretary shall give preference to eligible entities that meet any or all of the following criteria:

(A) The eligible entity is a critical access hospital (as defined in section 1861(mm)(1) of the Social Security Act (42 U.S.C. 1395x(mm)(1))), a low volume hospital (as defined in section 1886(d)(12)(C)(i) of such Act (42 U.S.C. 1395ww(d)(12)(C)(i))), a sole community hospital (as defined in section 1886(d)(5)(D)(iii) of such Act (42 U.S.C. 1395ww(d)(5)(D)(iii))), or a hospital that receives disproportionate share hospital payments under section 1886(d)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)).

(B) The eligible entity is located in a State with an age-adjusted rate of drug overdose deaths that is above the national overdose mortality rate, as determined by the Director of the Centers for Disease Control and Prevention, or under the jurisdiction of an Indian Tribe with an age-adjusted rate of drug overdose deaths that is above the national overdose mortality rate, as determined through appropriate mechanisms as determined by the Secretary in consultation with Indian Tribes.

(C) The eligible entity demonstrates that recovery coaches will be placed in both health care settings and community settings.

(7) **PERIOD OF GRANT.**—A grant awarded to an eligible entity under this section shall be for a period of not more than 5 years.

(c) **DEFINITIONS.**—In this section:

(1) **INDIAN TRIBE; TRIBAL ORGANIZATION.**—The terms “Indian Tribe” and “tribal organization” have the meanings given the terms “Indian tribe” and “tribal organization” in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(2) **RECOVERY COACH.**—the term “recovery coach” means an individual—

(A) with knowledge of, or experience with, recovery from a substance use disorder; and

(B) who has completed training from, and is determined to be in good standing by, a recovery services organization capable of conducting such training and making such determination.

(3) **RECOVERY COMMUNITY ORGANIZATION.**—The term “recovery community organization” has the meaning given such term in section 547(a) of the Public Health Service Act (42 U.S.C. 290ee–2(a)).

(d) **REPORTING REQUIREMENTS.**—

(1) **REPORTS BY GRANTEEES.**—Each eligible entity awarded a grant under this section shall submit to the Secretary an annual report for each year for which the entity has received such grant that includes information on—

(A) the number of individuals treated by the entity for non-fatal overdoses, including the number of non-fatal overdoses where overdose reversal medication was administered;

(B) the number of individuals administered medication-assisted treatment by the entity;

(C) the number of individuals referred by the entity to other treatment facilities after a non-fatal overdose, the types of such other facilities, and the number of such individuals admitted to such other facilities pursuant to such referrals; and

(D) the frequency and number of patients with reoccurrences, including readmissions for non-fatal overdoses and evidence of relapse related to substance use disorder.

(2) **REPORT BY SECRETARY.**—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes an evaluation of the effectiveness of the grant program carried out under this section with respect to long term health outcomes of the population of individuals who have experienced a drug overdose, the percentage of patients treated or referred to treatment by grantees, and the frequency and number of patients who experienced relapse, were readmitted for treatment, or experienced another overdose.

(e) **PRIVACY.**—The requirements of this section, including with respect to data reporting and program oversight, shall be subject to all applicable Federal and State privacy laws.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2019 through 2023.

#### **Subtitle J—Alternatives to Opioids in the Emergency Department**

#### **SEC. 7091. EMERGENCY DEPARTMENT ALTERNATIVES TO OPIOIDS DEMONSTRATION PROGRAM.**

(a) **DEMONSTRATION PROGRAM GRANTS.**—

(1) **IN GENERAL.**—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall carry out a demonstration program for purposes of awarding grants to hospitals and emergency departments, including freestanding emergency departments, to develop, implement, enhance, or study alternatives to opioids for pain management in such settings.

(2) **ELIGIBILITY.**—To be eligible to receive a grant under paragraph (1), a hospital or emergency department shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(3) **GEOGRAPHIC DISTRIBUTION.**—In awarding grants under this section, the Secretary shall seek to ensure geographical distribution among grant recipients.

(4) **USE OF FUNDS.**—Grants under paragraph (1) shall be used to—

(A) target treatment approaches for painful conditions frequently treated in such settings;

(B) train providers and other hospital personnel on protocols or best practices related to the use and prescription of opioids and alternatives to opioids for pain management in the emergency department; and

(C) develop or continue strategies to provide alternatives to opioids, as appropriate.

(b) **ADDITIONAL DEMONSTRATION PROGRAM.**—The Secretary may carry out a demonstration program similar to the program under subsection (a) for other acute care settings.

(c) **CONSULTATION.**—The Secretary shall implement a process for recipients of grants under subsection (a) or (b) to share evidence-based and best practices and promote consultation with persons having robust knowledge, including emergency departments and physicians that have successfully implemented programs that use alternatives to opioids for pain management, as appropriate, such as approaches studied through the National Center for Complementary and Integrative Health or other institutes and centers at the National Institutes of Health, as appropriate. The Secretary shall offer to each recipient of a grant under subsection (a) or (b) technical assistance as necessary.

(d) **TECHNICAL ASSISTANCE.**—The Secretary shall identify or facilitate the development of best practices on alternatives to opioids for pain management and provide technical assistance to hospitals and other acute care settings on alternatives to opioids for pain management. The technical assistance provided shall be for the purpose of—

(1) utilizing information from recipients of a grant under subsection (a) or (b) that have successfully implemented alternatives to opioids programs;

(2) identifying or facilitating the development of best practices on the use of alternatives to opioids, which may include pain-management strategies that involve non-addictive medical products, non-pharmacologic treatments, and technologies or techniques to identify patients at risk for opioid use disorder;

(3) identifying or facilitating the development of best practices on the use of alternatives to opioids that target common painful conditions and include certain patient populations, such as geriatric patients, pregnant women, and children; and

(4) disseminating information on the use of alternatives to opioids to providers in acute care settings, which may include emergency departments, outpatient clinics, critical access hospitals, Federally qualified health centers, Indian Health Service health facilities, and tribal hospitals.

(e) **REPORT TO THE SECRETARY.**—Each recipient of a grant under this section shall submit to the Secretary (during the period of such grant) annual reports on the progress of the program funded through the grant. These reports shall include, in accordance with all applicable State and Federal privacy laws—

(1) a description of and specific information about the opioid alternative pain management programs, including the demographic characteristics of patients who were treated with an alternative pain management protocol, implemented in hospitals, emergency departments, and other acute care settings;

(2) data on the opioid alternative pain management strategies used, including the number of opioid prescriptions written—

(A) during a baseline period before the program began; or

(B) at various stages of the program; and

(3) data on patients who were eventually prescribed opioids after alternative pain management protocols and treatments were utilized; and

(4) any other information the Secretary determines appropriate.

(f) **REPORT TO CONGRESS.**—Not later than 1 year after completion of the demonstration program under this section, the Secretary shall submit a report to the Congress on the results of the demonstration program and include in the report—

(1) the number of applications received and the number funded;

(2) a summary of the reports described in subsection (e), including data that allows for comparison of programs; and

(3) recommendations for broader implementation of pain management strategies that encourage the use of alternatives to opioids in hospitals, emergency departments, or other acute care settings.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—To carry out this section, there is authorized to be appropriated \$10,000,000 for each of fiscal years 2019 through 2021.

#### **Subtitle K—Treatment, Education, and Community Help To Combat Addiction**

### **SEC. 7101. ESTABLISHMENT OF REGIONAL CENTERS OF EXCELLENCE IN SUBSTANCE USE DISORDER EDUCATION.**

Part D of title V of the Public Health Service Act, as amended by section 7031, is further amended by adding at the end the following new section:

#### **“SEC. 551. REGIONAL CENTERS OF EXCELLENCE IN SUBSTANCE USE DISORDER EDUCATION.**

“(a) **IN GENERAL.**—The Secretary, in consultation with appropriate agencies, shall award cooperative agreements to eligible en-

tities for the designation of such entities as Regional Centers of Excellence in Substance Use Disorder Education for purposes of improving health professional training resources with respect to substance use disorder prevention, treatment, and recovery.

“(b) **ELIGIBILITY.**—To be eligible to receive a cooperative agreement under subsection (a), an entity shall—

“(1) be an accredited entity that offers education to students in various health professions, which may include—

“(A) a teaching hospital;

“(B) a medical school;

“(C) a certified behavioral health clinic; or

“(D) any other health professions school, school of public health, or Cooperative Extension Program at institutions of higher education, as defined in section 101 of the Higher Education Act of 1965, engaged in the prevention, treatment, or recovery of substance use disorders;

“(2) demonstrate community engagement and partnerships with community stakeholders, including entities that train health professionals, mental health counselors, social workers, peer recovery specialists, substance use treatment programs, community health centers, physician offices, certified behavioral health clinics, research institutions, and law enforcement; and

“(3) submit to the Secretary an application containing such information, at such time, and in such manner, as the Secretary may require.

“(c) **ACTIVITIES.**—An entity receiving an award under this section shall develop, evaluate, and distribute evidence-based resources regarding the prevention and treatment of, and recovery from, substance use disorders. Such resources may include information on—

“(1) the neurology and pathology of substance use disorders;

“(2) advancements in the treatment of substance use disorders;

“(3) techniques and best practices to support recovery from substance use disorders;

“(4) strategies for the prevention and treatment of, and recovery from substance use disorders across patient populations; and

“(5) other topic areas that are relevant to the objectives described in subsection (a).

“(d) **GEOGRAPHIC DISTRIBUTION.**—In awarding cooperative agreements under subsection (a), the Secretary shall take into account regional differences among eligible entities and shall make an effort to ensure geographic distribution.

“(e) **EVALUATION.**—The Secretary shall evaluate each project carried out by an entity receiving an award under this section and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

“(f) **FUNDING.**—There is authorized to be appropriated to carry out this section, \$4,000,000 for each of fiscal years 2019 through 2023.”

### **SEC. 7102. YOUTH PREVENTION AND RECOVERY.**

(a) **SUBSTANCE ABUSE TREATMENT SERVICES FOR CHILDREN, ADOLESCENTS, AND YOUNG ADULTS.**—Section 514 of the Public Health Service Act (42 U.S.C. 290bb-7) is amended—

(1) in the section heading, by striking “CHILDREN AND ADOLESCENTS” and inserting “CHILDREN, ADOLESCENTS, AND YOUNG ADULTS”;

(2) in subsection (a)(2), by striking “children, including” and inserting “children, adolescents, and young adults, including”; and

(3) by striking “children and adolescents” each place it appears and inserting “children, adolescents, and young adults”.

(b) **RESOURCE CENTER.**—The Secretary of Health and Human Services (referred to in this section as the “Secretary”, except as

otherwise provided), in consultation with the Secretary of Education and other heads of agencies, including the Assistant Secretary for Mental Health and Substance Use and the Administrator of the Health Resources and Services Administration, as appropriate, shall establish a resource center to provide technical support to recipients of grants under subsection (c).

(c) **YOUTH PREVENTION AND RECOVERY INITIATIVE.**—

(1) **IN GENERAL.**—The Secretary, in consultation with the Secretary of Education, shall administer a program to provide support for communities to support the prevention of, treatment of, and recovery from, substance use disorders for children, adolescents, and young adults.

(2) **DEFINITIONS.**—In this subsection:

(A) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(i) a local educational agency that is seeking to establish or expand substance use prevention or recovery support services at one or more high schools;

(ii) a State educational agency;

(iii) an institution of higher education (or consortia of such institutions), which may include a recovery program at an institution of higher education;

(iv) a local board or one-stop operator;

(v) a nonprofit organization with appropriate expertise in providing services or programs for children, adolescents, or young adults, excluding a school;

(vi) a State, political subdivision of a State, Indian tribe, or tribal organization; or

(vii) a high school or dormitory serving high school students that receives funding from the Bureau of Indian Education.

(B) **FOSTER CARE.**—The term “foster care” has the meaning given such term in section 1355.20(a) of title 45, Code of Federal Regulations (or any successor regulations).

(C) **HIGH SCHOOL.**—The term “high school” has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(D) **HOMELESS YOUTH.**—The term “homeless youth” has the meaning given the term “homeless children or youths” in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

(E) **INDIAN TRIBE; TRIBAL ORGANIZATION.**—The terms “Indian tribe” and “tribal organization” have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(F) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001) and includes a “postsecondary vocational institution” as defined in section 102(c) of such Act (20 U.S.C. 1002(c)).

(G) **LOCAL EDUCATIONAL AGENCY.**—The term “local educational agency” has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(H) **LOCAL BOARD; ONE-STOP OPERATOR.**—The terms “local board” and “one-stop operator” have the meanings given such terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(I) **OUT-OF-SCHOOL YOUTH.**—The term “out-of-school youth” has the meaning given such term in section 129(a)(1)(B) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3164(a)(1)(B)).

(J) **RECOVERY PROGRAM.**—The term “recovery program” means a program—

(i) to help children, adolescents, or young adults who are recovering from substance use disorders to initiate, stabilize, and maintain healthy and productive lives in the community; and

(ii) that includes peer-to-peer support delivered by individuals with lived experience in recovery, and communal activities to build recovery skills and supportive social networks.

(K) STATE EDUCATIONAL AGENCY.—The term “State educational agency” has the meaning given such term in section 8101 of the Elementary and Secondary Education Act (20 U.S.C. 7801).

(3) BEST PRACTICES.—The Secretary, in consultation with the Secretary of Education, shall—

(A) identify or facilitate the development of evidence-based best practices for prevention of substance misuse and abuse by children, adolescents, and young adults, including for specific populations such as youth in foster care, homeless youth, out-of-school youth, and youth who are at risk of or have experienced trafficking that address—

(i) primary prevention;

(ii) appropriate recovery support services;

(iii) appropriate use of medication-assisted treatment for such individuals, if applicable, and ways of overcoming barriers to the use of medication-assisted treatment in such population; and

(iv) efficient and effective communication, which may include the use of social media, to maximize outreach efforts;

(B) disseminate such best practices to State educational agencies, local educational agencies, schools and dormitories funded by the Bureau of Indian Education, institutions of higher education, recovery programs at institutions of higher education, local boards, one-stop operators, family and youth homeless providers, and nonprofit organizations, as appropriate;

(C) conduct a rigorous evaluation of each grant funded under this subsection, particularly its impact on the indicators described in paragraph (7)(B); and

(D) provide technical assistance for grantees under this subsection.

(4) GRANTS AUTHORIZED.—The Secretary, in consultation with the Secretary of Education, shall award 3-year grants, on a competitive basis, to eligible entities to enable such entities, in coordination with Indian tribes, if applicable, and State agencies responsible for carrying out substance use disorder prevention and treatment programs, to carry out evidence-based programs for—

(A) prevention of substance misuse and abuse by children, adolescents, and young adults, which may include primary prevention;

(B) recovery support services for children, adolescents, and young adults, which may include counseling, job training, linkages to community-based services, family support groups, peer mentoring, and recovery coaching; or

(C) treatment or referrals for treatment of substance use disorders, which may include the use of medication-assisted treatment, as appropriate.

(5) SPECIAL CONSIDERATION.—In awarding grants under this subsection, the Secretary shall give special consideration to the unique needs of tribal, urban, suburban, and rural populations.

(6) APPLICATION.—To be eligible for a grant under this subsection, an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

(A) a description of—

(i) the impact of substance use disorders in the population that will be served by the grant program;

(ii) how the eligible entity has solicited input from relevant stakeholders, which may include faculty, teachers, staff, families, students, and experts in substance use disorder

prevention, treatment, and recovery in developing such application;

(iii) the goals of the proposed project, including the intended outcomes;

(iv) how the eligible entity plans to use grant funds for evidence-based activities, in accordance with this subsection to prevent, provide recovery support for, or treat substance use disorders amongst such individuals, or a combination of such activities; and

(v) how the eligible entity will collaborate with relevant partners, which may include State educational agencies, local educational agencies, institutions of higher education, juvenile justice agencies, prevention and recovery support providers, local service providers, including substance use disorder treatment programs, providers of mental health services, youth serving organizations, family and youth homeless providers, child welfare agencies, and primary care providers, in carrying out the grant program; and

(B) an assurance that the eligible entity will participate in the evaluation described in paragraph (3)(C).

(7) REPORTS TO THE SECRETARY.—Each eligible entity awarded a grant under this subsection shall submit to the Secretary a report at such time and in such manner as the Secretary may require. Such report shall include—

(A) a description of how the eligible entity used grant funds, in accordance with this subsection, including the number of children, adolescents, and young adults reached through programming; and

(B) a description, including relevant data, of how the grant program has made an impact on the intended outcomes described in paragraph (6)(A)(iii), including—

(i) indicators of student success, which, if the eligible entity is an educational institution, shall include student well-being and academic achievement;

(ii) substance use disorders amongst children, adolescents, and young adults, including the number of overdoses and deaths amongst children, adolescents, and young adults served by the grant during the grant period; and

(iii) other indicators, as the Secretary determines appropriate.

(8) REPORT TO CONGRESS.—The Secretary shall, not later than October 1, 2022, submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce and the Committee on Education and the Workforce of the House of Representatives a report summarizing the effectiveness of the grant program under this subsection, based on the information submitted in reports required under paragraph (7).

(9) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$10,000,000 to carry out this subsection for each of fiscal years 2019 through 2023.

#### **Subtitle L—Information From National Mental Health and Substance Use Policy Laboratory**

#### **SEC. 7111. INFORMATION FROM NATIONAL MENTAL HEALTH AND SUBSTANCE USE POLICY LABORATORY.**

Section 501A(b) of the Public Health Service Act (42 U.S.C. 290aa–0(b)) is amended—

(1) in paragraph (5)(C), by striking “; and” at the end and inserting a semicolon;

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following:

“(6) issue and periodically update information for entities applying for grants or cooperative agreements from the Substance Abuse and Mental Health Services Administration in order to—

“(A) encourage the implementation and replication of evidence-based practices; and

“(B) provide technical assistance to applicants for funding, including with respect to justifications for such programs and activities; and”.

#### **Subtitle M—Comprehensive Opioid Recovery Centers**

#### **SEC. 7121. COMPREHENSIVE OPIOID RECOVERY CENTERS.**

(a) IN GENERAL.—Part D of title V of the Public Health Service Act (42 U.S.C. 290dd et seq.), as amended by sections 7031 and 7101, is further amended by adding at the end the following new section:

#### **“SEC. 552. COMPREHENSIVE OPIOID RECOVERY CENTERS.**

“(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to eligible entities to establish or operate a comprehensive opioid recovery center (referred to in this section as a ‘Center’). A Center may be a single entity or an integrated delivery network.

“(b) GRANT PERIOD.—

“(1) IN GENERAL.—A grant awarded under subsection (a) shall be for a period of not less than 3 years and not more than 5 years.

“(2) RENEWAL.—A grant awarded under subsection (a) may be renewed, on a competitive basis, for additional periods of time, as determined by the Secretary. In determining whether to renew a grant under this paragraph, the Secretary shall consider the data submitted under subsection (h).

“(c) MINIMUM NUMBER OF CENTERS.—The Secretary shall allocate the amounts made available under subsection (j) such that not fewer than 10 grants may be awarded. Not more than one grant shall be made to entities in a single State for any one period.

“(d) APPLICATION.—

“(1) ELIGIBLE ENTITY.—An entity is eligible for a grant under this section if the entity offers treatment and other services for individuals with a substance use disorder.

“(2) SUBMISSION OF APPLICATION.—In order to be eligible for a grant under subsection (a), an entity shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Such application shall include—

“(A) evidence that such entity carries out, or is capable of coordinating with other entities to carry out, the activities described in subsection (g); and

“(B) such other information as the Secretary may require.

“(e) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to eligible entities—

“(1) located in a State with an age-adjusted rate of drug overdose deaths that is above the national overdose mortality rate, as determined by the Director of the Centers for Disease Control and Prevention; or

“(2) serving an Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act) with an age-adjusted rate of drug overdose deaths that is above the national overdose mortality rate, as determined through appropriate mechanisms determined by the Secretary in consultation with Indian Tribes.

“(f) PREFERENCE.—In awarding grants under subsection (a), the Secretary may give preference to eligible entities utilizing technology-enabled collaborative learning and capacity building models, including such models as defined in section 2 of the Expanding Capacity for Health Outcomes Act (Public Law 114–270; 130 Stat. 1395), to conduct the activities described in this section.

“(g) CENTER ACTIVITIES.—Each Center shall, at a minimum, carry out the following activities directly, through referral, or through contractual arrangements, which

may include carrying out such activities through technology-enabled collaborative learning and capacity building models described in subsection (f):

“(1) TREATMENT AND RECOVERY SERVICES.—Each Center shall—

“(A) Ensure that intake, evaluations, and periodic patient assessments meet the individualized clinical needs of patients, including by reviewing patient placement in treatment settings to support meaningful recovery.

“(B) Provide the full continuum of treatment services, including—

“(i) all drugs and devices approved or cleared under the Federal Food, Drug, and Cosmetic Act and all biological products licensed under section 351 of this Act to treat substance use disorders or reverse overdoses, pursuant to Federal and State law;

“(ii) medically supervised withdrawal management, that includes patient evaluation, stabilization, and readiness for and entry into treatment;

“(iii) counseling provided by a program counselor or other certified professional who is licensed and qualified by education, training, or experience to assess the psychological and sociological background of patients, to contribute to the appropriate treatment plan for the patient, and to monitor patient progress;

“(iv) treatment, as appropriate, for patients with co-occurring substance use and mental disorders;

“(v) testing, as appropriate, for infections commonly associated with illicit drug use;

“(vi) residential rehabilitation, and outpatient and intensive outpatient programs;

“(vii) recovery housing;

“(viii) community-based and peer recovery support services;

“(ix) job training, job placement assistance, and continuing education assistance to support reintegration into the workforce; and

“(x) other best practices to provide the full continuum of treatment and services, as determined by the Secretary.

“(C) Ensure that all programs covered by the Center include medication-assisted treatment, as appropriate, and do not exclude individuals receiving medication-assisted treatment from any service.

“(D) Periodically conduct patient assessments to support sustained and clinically significant recovery, as defined by the Assistant Secretary for Mental Health and Substance Use.

“(E) Provide onsite access to medication, as appropriate, and toxicology services; for purposes of carrying out this section.

“(F) Operate a secure, confidential, and interoperable electronic health information system.

“(G) Offer family support services such as child care, family counseling, and parenting interventions to help stabilize families impacted by substance use disorder, as appropriate.

“(2) OUTREACH.—Each Center shall carry out outreach activities regarding the services offered through the Centers, which may include—

“(A) training and supervising outreach staff, as appropriate, to work with State and local health departments, health care providers, the Indian Health Service, State and local educational agencies, schools funded by the Indian Bureau of Education, institutions of higher education, State and local workforce development boards, State and local community action agencies, public safety officials, first responders, Indian Tribes, child welfare agencies, as appropriate, and other community partners and the public, including patients, to identify and respond to community needs;

“(B) ensuring that the entities described in subparagraph (A) are aware of the services of the Center; and

“(C) disseminating and making publicly available, including through the internet, evidence-based resources that educate professionals and the public on opioid use disorder and other substance use disorders, including co-occurring substance use and mental disorders.

“(h) DATA REPORTING AND PROGRAM OVERSIGHT.—With respect to a grant awarded under subsection (a), not later than 90 days after the end of the first year of the grant period, and annually thereafter for the duration of the grant period (including the duration of any renewal period for such grant), the entity shall submit data, as appropriate, to the Secretary regarding—

“(1) the programs and activities funded by the grant;

“(2) health outcomes of the population of individuals with a substance use disorder who received services from the Center, evaluated by an independent program evaluator through the use of outcomes measures, as determined by the Secretary;

“(3) the retention rate of program participants; and

“(4) any other information that the Secretary may require for the purpose of—ensuring that the Center is complying with all the requirements of the grant, including providing the full continuum of services described in subsection (g)(1)(B).

“(i) PRIVACY.—The provisions of this section, including with respect to data reporting and program oversight, shall be subject to all applicable Federal and State privacy laws.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$10,000,000 for each of fiscal years 2019 through 2023 for purposes of carrying out this section.”

(b) REPORTS TO CONGRESS.—

(1) PRELIMINARY REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a preliminary report that analyzes data submitted under section 552(h) of the Public Health Service Act, as added by subsection (a).

(2) FINAL REPORT.—Not later than 2 years after submitting the preliminary report required under paragraph (1), the Secretary of Health and Human Services shall submit to Congress a final report that includes—

(A) an evaluation of the effectiveness of the comprehensive services provided by the Centers established or operated pursuant to section 552 of the Public Health Service Act, as added by subsection (a), with respect to health outcomes of the population of individuals with substance use disorder who receive services from the Center, which shall include an evaluation of the effectiveness of services for treatment and recovery support and to reduce relapse, recidivism, and overdose; and

(B) recommendations, as appropriate, regarding ways to improve Federal programs related to substance use disorders, which may include dissemination of best practices for the treatment of substance use disorders to health care professionals.

#### Subtitle N—Trauma-Informed Care

#### SEC. 7131. CDC SURVEILLANCE AND DATA COLLECTION FOR CHILD, YOUTH, AND ADULT TRAUMA.

(a) DATA COLLECTION.—The Director of the Centers for Disease Control and Prevention (referred to in this section as the “Director”) may, in cooperation with the States, collect and report data on adverse childhood experiences through the Behavioral Risk Factor Surveillance System, the Youth Risk Behavior Surveillance System, and other relevant public health surveys or questionnaires.

(b) TIMING.—The collection of data under subsection (a) may occur biennially.

(c) DATA FROM RURAL AREAS.—The Director shall encourage each State that participates in collecting and reporting data under subsection (a) to collect and report data from rural areas within such State, in order to generate a statistically reliable representation of such areas.

(d) DATA FROM TRIBAL AREAS.—The Director may, in cooperation with Indian Tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act) and pursuant to a written request from an Indian Tribe, provide technical assistance to such Indian Tribe to collect and report data on adverse childhood experiences through the Behavioral Risk Factor Surveillance System, the Youth Risk Behavior Surveillance System, or another relevant public health survey or questionnaire.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated \$2,000,000 for each of fiscal years 2019 through 2023.

#### SEC. 7132. TASK FORCE TO DEVELOP BEST PRACTICES FOR TRAUMA-INFORMED IDENTIFICATION, REFERRAL, AND SUPPORT.

(a) ESTABLISHMENT.—There is established a task force, to be known as the Interagency Task Force on Trauma-Informed Care (in this section referred to as the “task force”) that shall identify, evaluate, and make recommendations regarding—

(1) best practices with respect to children and youth, and their families as appropriate, who have experienced or are at risk of experiencing trauma; and

(2) ways in which Federal agencies can better coordinate to improve the Federal response to families impacted by substance use disorders and other forms of trauma.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The task force shall be composed of the heads of the following Federal departments and agencies, or their designees:

(A) The Centers for Medicare & Medicaid Services.

(B) The Substance Abuse and Mental Health Services Administration.

(C) The Agency for Healthcare Research and Quality.

(D) The Centers for Disease Control and Prevention.

(E) The Indian Health Service.

(F) The Department of Veterans Affairs.

(G) The National Institutes of Health.

(H) The Food and Drug Administration.

(I) The Health Resources and Services Administration.

(J) The Department of Defense.

(K) The Office of Minority Health of the Department of Health and Human Services.

(L) The Administration for Children and Families.

(M) The Office of the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services.

(N) The Office for Civil Rights of the Department of Health and Human Services.

(O) The Office of Juvenile Justice and Delinquency Prevention of the Department of Justice.

(P) The Office of Community Oriented Policing Services of the Department of Justice.

(Q) The Office on Violence Against Women of the Department of Justice.

(R) The National Center for Education Evaluation and Regional Assistance of the Department of Education.

(S) The National Center for Special Education Research of the Institute of Education Science.

(T) The Office of Elementary and Secondary Education of the Department of Education.



(U) The Office for Civil Rights of the Department of Education.

(V) The Office of Special Education and Rehabilitative Services of the Department of Education.

(W) The Bureau of Indian Affairs of the Department of the Interior.

(X) The Veterans Health Administration of the Department of Veterans Affairs.

(Y) The Office of Special Needs Assistance Programs of the Department of Housing and Urban Development.

(Z) The Office of Head Start of the Administration for Children and Families.

(AA) The Children's Bureau of the Administration for Children and Families.

(BB) The Bureau of Indian Education of the Department of the Interior.

(CC) Such other Federal agencies as the Secretaries determine to be appropriate.

(2) DATE OF APPOINTMENTS.—The heads of Federal departments and agencies shall appoint the corresponding members of the task force not later than 60 days after the date of enactment of this Act.

(3) CHAIRPERSON.—The task force shall be chaired by the Assistant Secretary for Mental Health and Substance Use, or the Assistant Secretary's designee.

(c) TASK FORCE DUTIES.—The task force shall—

(1) solicit input from stakeholders, including frontline service providers, educators, mental health professionals, researchers, experts in infant, child, and youth trauma, child welfare professionals, and the public, in order to inform the activities under paragraph (2); and

(2) identify, evaluate, make recommendations, and update such recommendations not less than annually, to the general public, the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of the Interior, the Attorney General, and other relevant cabinet Secretaries, and Congress regarding—

(A) a set of evidence-based, evidence-informed, and promising best practices with respect to—

(i) prevention strategies for individuals at risk of experiencing or being exposed to trauma, including trauma as a result of exposure to substance use;

(ii) the identification of infants, children and youth, and their families as appropriate, who have experienced or are at risk of experiencing trauma;

(iii) the expeditious referral to and implementation of trauma-informed practices and supports that prevent and mitigate the effects of trauma, which may include whole-family and multi-generational approaches; and

(iv) community based or multi-generational practices that support children and their families;

(B) a national strategy on how the task force and member agencies will collaborate, prioritize options for, and implement a coordinated approach, which may include—

(i) data sharing;

(ii) providing support to infants, children, and youth, and their families as appropriate, who have experienced or are at risk of experiencing trauma;

(iii) identifying options for coordinating existing grants that support infants, children, and youth, and their families as appropriate, who have experienced, or are at risk of experiencing, exposure to substance use or other trauma, including trauma related to substance use; and

(iv) other ways to improve coordination, planning, and communication within and across Federal agencies, offices, and programs, to better serve children and families impacted by substance use disorders; and

(C) existing Federal authorities at the Department of Education, Department of Health and Human Services, Department of Justice, Department of Labor, Department of the Interior, and other relevant agencies, and specific Federal grant programs to disseminate best practices on, provide training in, or deliver services through, trauma-informed practices, and disseminate such information—

(i) in writing to relevant program offices at such agencies to encourage grant applicants in writing to use such funds, where appropriate, for trauma-informed practices; and

(ii) to the general public through the internet website of the task force.

(d) BEST PRACTICES.—In identifying, evaluating, and recommending the set of best practices under subsection (c), the task force shall—

(1) include guidelines for providing professional development and education for frontline services providers, including school personnel, early childhood education program providers, providers from child- or youth-serving organizations, housing and homeless providers, primary and behavioral health care providers, child welfare and social services providers, juvenile and family court personnel, health care providers, individuals who are mandatory reporters of child abuse or neglect, trained nonclinical providers (including peer mentors and clergy), and first responders, in—

(A) understanding and identifying early signs and risk factors of trauma in infants, children, and youth, and their families as appropriate, including through screening processes and services;

(B) providing practices to prevent and mitigate the impact of trauma, including by fostering safe and stable environments and relationships; and

(C) developing and implementing policies, procedures, or systems that—

(i) are designed to quickly refer infants, children, youth, and their families as appropriate, who have experienced or are at risk of experiencing trauma to the appropriate trauma-informed screening and support and age-appropriate treatment, and to ensure such infants, children, youth, and family members receive such support;

(ii) utilize and develop partnerships with early childhood education programs, local social services organizations, such as organizations serving youth, and clinical mental health or other health care providers with expertise in providing support services and age-appropriate trauma-informed and evidence-based treatment aimed at preventing or mitigating the effects of trauma;

(iii) educate children and youth to—

(I) understand and identify the signs, effects, or symptoms of trauma; and

(II) build the resilience and coping skills to mitigate the effects of experiencing trauma;

(iv) promote and support multi-generational practices that assist parents, foster parents, and kinship and other caregivers in accessing resources related to, and developing environments conducive to, the prevention and mitigation of trauma; and

(v) collect and utilize data from screenings, referrals, or the provision of services and supports to evaluate outcomes and improve processes for trauma-informed services and supports that are culturally sensitive, linguistically appropriate, and specific to age ranges and sex, as applicable;

(2) recommend best practices that are designed to avoid unwarranted custody loss or criminal penalties for parents or guardians in connection with infants, children, and youth who have experienced or are at risk of experiencing trauma; and

(3) recommend opportunities for local- and State-level partnerships that—

(A) are designed to quickly identify and refer children and families, as appropriate, who have experienced or are at risk of experiencing exposure to trauma, including related to substance use;

(B) utilize and develop partnerships with early childhood education programs, local social services organizations, and health care services aimed at preventing or mitigating the effects of exposure to trauma, including related to substance use;

(C) offer community-based prevention activities, including educating families and children on the effects of exposure to trauma, such as trauma related to substance use, and how to build resilience and coping skills to mitigate those effects;

(D) in accordance with Federal privacy protections, utilize non-personally-identifiable data from screenings, referrals, or the provision of services and supports to evaluate and improve processes addressing exposure to trauma, including related to substance use; and

(E) are designed to prevent separation and support reunification of families if in the best interest of the child.

(e) OPERATING PLAN.—Not later than 120 days after the date of enactment of this Act, the task force shall hold the first meeting. Not later than 2 years after such date of enactment, the task force shall submit to the Secretary of Education, Secretary of Health and Human Services, Secretary of Labor, Secretary of the Interior, the Attorney General, and Congress an operating plan for carrying out the activities of the task force described in subsection (c)(2). Such operating plan shall include—

(1) a list of specific activities that the task force plans to carry out for purposes of carrying out duties described in subsection (c)(2), which may include public engagement;

(2) a plan for carrying out the activities under subsection (c)(2);

(3) a list of members of the task force and other individuals who are not members of the task force that may be consulted to carry out such activities;

(4) an explanation of Federal agency involvement and coordination needed to carry out such activities, including any statutory or regulatory barriers to such coordination;

(5) a budget for carrying out such activities;

(6) a proposed timeline for implementing recommendations and efforts identified under subsection (c); and

(7) other information that the task force determines appropriate as related to its duties.

(f) FINAL REPORT.—Not later than 3 years after the date of the first meeting of the task force, the task force shall submit to the general public, Secretary of Education, Secretary of Health and Human Services, Secretary of Labor, Secretary of the Interior, the Attorney General, other relevant cabinet Secretaries, the Committee on Energy and Commerce and the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, and Congress, a final report containing all of the findings and recommendations required under this section, and shall make such report available online in an accessible format.

(g) ADDITIONAL REPORTS.—In addition to the final report under subsection (f), the task force shall submit—

(1) a report to Congress identifying any recommendations identified under subsection (c) that require additional legislative authority to implement; and

(2) a report to the Governors describing the opportunities for local- and State-level partnerships, professional development, or best

practices recommended under subsection (d)(3).

(h) **DEFINITIONS.**—In this section—

(1) the term “early childhood education program” has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003);

(2) The term “Governor” means the chief executive officer of a State; and

(3) the term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(i) **SUNSET.**—The task force shall sunset on the date that is 60 days after the submission of the final report under subsection (f), but not later than September 30, 2023.

#### **SEC. 7133. NATIONAL CHILD TRAUMATIC STRESS INITIATIVE.**

Section 582(j) of the Public Health Service Act (42 U.S.C. 290hh-1(j)) (relating to grants to address the problems of persons who experience violence-related stress) is amended by striking “\$46,887,000 for each of fiscal years 2018 through 2022” and inserting “\$63,887,000 for each of fiscal years 2019 through 2023”.

#### **SEC. 7134. GRANTS TO IMPROVE TRAUMA SUPPORT SERVICES AND MENTAL HEALTH CARE FOR CHILDREN AND YOUTH IN EDUCATIONAL SETTINGS.**

(a) **GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS AUTHORIZED.**—The Secretary, in coordination with the Assistant Secretary for Mental Health and Substance Use, is authorized to award grants to, or enter into contracts or cooperative agreements with, State educational agencies, local educational agencies, Indian Tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act) or their tribal educational agencies, a school operated by the Bureau of Indian Education, a Regional Corporation, or a Native Hawaiian educational organization, for the purpose of increasing student access to evidence-based trauma support services and mental health care by developing innovative initiatives, activities, or programs to link local school systems with local trauma-informed support and mental health systems, including those under the Indian Health Service.

(b) **DURATION.**—With respect to a grant, contract, or cooperative agreement awarded or entered into under this section, the period during which payments under such grant, contract or agreement are made to the recipient may not exceed 4 years.

(c) **USE OF FUNDS.**—An entity that receives a grant, contract, or cooperative agreement under this section shall use amounts made available through such grant, contract, or cooperative agreement for evidence-based activities, which shall include any of the following:

(1) Collaborative efforts between school-based service systems and trauma-informed support and mental health service systems to provide, develop, or improve prevention, screening, referral, and treatment and support services to students, such as providing trauma screenings to identify students in need of specialized support.

(2) To implement schoolwide positive behavioral interventions and supports, or other trauma-informed models of support.

(3) To provide professional development to teachers, teacher assistants, school leaders, specialized instructional support personnel, and mental health professionals that—

(A) fosters safe and stable learning environments that prevent and mitigate the effects of trauma, including through social and emotional learning;

(B) improves school capacity to identify, refer, and provide services to students in need of trauma support or behavioral health services; or

(C) reflects the best practices for trauma-informed identification, referral, and support developed by the Task Force under section 7132.

(4) Services at a full-service community school that focuses on trauma-informed supports, which may include a full-time site coordinator, or other activities consistent with section 4625 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7275).

(5) Engaging families and communities in efforts to increase awareness of child and youth trauma, which may include sharing best practices with law enforcement regarding trauma-informed care and working with mental health professionals to provide interventions, as well as longer term coordinated care within the community for children and youth who have experienced trauma and their families.

(6) To provide technical assistance to school systems and mental health agencies.

(7) To evaluate the effectiveness of the program carried out under this section in increasing student access to evidence-based trauma support services and mental health care.

(8) To establish partnerships with or provide subgrants to Head Start agencies (including Early Head Start agencies), public and private preschool programs, child care programs (including home-based providers), or other entities described in subsection (a), to include such entities described in this paragraph in the evidence-based trauma initiatives, activities, support services, and mental health systems established under this section in order to provide, develop, or improve prevention, screening, referral, and treatment and support services to young children and their families.

(d) **APPLICATIONS.**—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity described in subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, which shall include the following:

(1) A description of the innovative initiatives, activities, or programs to be funded under the grant, contract, or cooperative agreement, including how such program will increase access to evidence-based trauma support services and mental health care for students, and, as applicable, the families of such students.

(2) A description of how the program will provide linguistically appropriate and culturally competent services.

(3) A description of how the program will support students and the school in improving the school climate in order to support an environment conducive to learning.

(4) An assurance that—

(A) persons providing services under the grant, contract, or cooperative agreement are adequately trained to provide such services; and

(B) teachers, school leaders, administrators, specialized instructional support personnel, representatives of local Indian Tribes or tribal organizations as appropriate, other school personnel, and parents or guardians of students participating in services under this section will be engaged and involved in the design and implementation of the services.

(5) A description of how the applicant will support and integrate existing school-based services with the program in order to provide mental health services for students, as appropriate.

(6) A description of the entities in the community with which the applicant will partner or to which the applicant will provide subgrants in accordance with subsection (c)(8).

(e) **INTERAGENCY AGREEMENTS.**—

(1) **LOCAL INTERAGENCY AGREEMENTS.**—To ensure the provision of the services described in subsection (c), a recipient of a grant, contract, or cooperative agreement under this section, or their designee, shall establish a local interagency agreement among local educational agencies, agencies responsible for early childhood education programs, Head Start agencies (including Early Head Start agencies), juvenile justice authorities, mental health agencies, child welfare agencies, and other relevant agencies, authorities, or entities in the community that will be involved in the provision of such services.

(2) **CONTENTS.**—In ensuring the provision of the services described in subsection (c), the local interagency agreement shall specify with respect to each agency, authority, or entity that is a party to such agreement—

(A) the financial responsibility for the services;

(B) the conditions and terms of responsibility for the services, including quality, accountability, and coordination of the services; and

(C) the conditions and terms of reimbursement among such agencies, authorities, or entities, including procedures for dispute resolution.

(f) **EVALUATION.**—The Secretary shall reserve not more than 3 percent of the funds made available under subsection (1) for each fiscal year to—

(1) conduct a rigorous, independent evaluation of the activities funded under this section; and

(2) disseminate and promote the utilization of evidence-based practices regarding trauma support services and mental health care.

(g) **DISTRIBUTION OF AWARDS.**—The Secretary shall ensure that grants, contracts, and cooperative agreements awarded or entered into under this section are equitably distributed among the geographical regions of the United States and among tribal, urban, suburban, and rural populations.

(h) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed—

(1) to prohibit an entity involved with a program carried out under this section from reporting a crime that is committed by a student to appropriate authorities; or

(2) to prevent Federal, State, and tribal law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal, tribal, and State law to crimes committed by a student.

(i) **SUPPLEMENT, NOT SUPPLANT.**—Any services provided through programs carried out under this section shall supplement, and not supplant, existing mental health services, including any special education and related services provided under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(j) **CONSULTATION WITH INDIAN TRIBES.**—In carrying out subsection (a), the Secretary shall, in a timely manner, meaningfully consult with Indian Tribes and their representatives to ensure notice of eligibility.

(k) **DEFINITIONS.**—In this section:

(1) **ELEMENTARY SCHOOL.**—The term “elementary school” has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) **EVIDENCE-BASED.**—The term “evidence-based” has the meaning given such term in section 8101(21)(A)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(21)(A)(i)).

(3) **NATIVE HAWAIIAN EDUCATIONAL ORGANIZATION.**—The term “Native Hawaiian educational organization” has the meaning given such term in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517).

(4) **LOCAL EDUCATIONAL AGENCY.**—The term “local educational agency” has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(5) **REGIONAL CORPORATION.**—The term “Regional Corporation” has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(6) **SCHOOL.**—The term “school” means a public elementary school or public secondary school.

(7) **SCHOOL LEADER.**—The term “school leader” has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(8) **SECONDARY SCHOOL.**—The term “secondary school” has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(9) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

(10) **SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.**—The term “specialized instructional support personnel” has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(11) **STATE EDUCATIONAL AGENCY.**—The term “State educational agency” has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(1) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section, \$50,000,000 for each of fiscal years 2019 through 2023.

#### **SEC. 7135. RECOGNIZING EARLY CHILDHOOD TRAUMA RELATED TO SUBSTANCE ABUSE.**

(a) **DISSEMINATION OF INFORMATION.**—The Secretary of Health and Human Services shall disseminate information, resources, and, if requested, technical assistance to early childhood care and education providers and professionals working with young children on—

(1) ways to properly recognize children who may be impacted by trauma, including trauma related to substance use by a family member or other adult; and

(2) how to respond appropriately in order to provide for the safety and well-being of young children and their families.

(b) **GOALS.**—The information, resources, and technical assistance provided under subsection (a) shall—

(1) educate early childhood care and education providers and professionals working with young children on understanding and identifying the early signs and risk factors of children who might be impacted by trauma, including trauma due to exposure to substance use;

(2) suggest age-appropriate communication tools, procedures, and practices for trauma-informed care, including ways to prevent or mitigate the effects of trauma;

(3) provide options for responding to children impacted by trauma, including due to exposure to substance use, that consider the needs of the child and family, including recommending resources and referrals for evidence-based services to support such family; and

(4) promote whole-family and multi-generational approaches to keep families safely together when it is in the best interest of the child.

(c) **COORDINATION.**—The Secretary of Health and Human Services shall coordinate with the task force to develop best practices for trauma-informed identification, referral, and support authorized under section 7132 in disseminating the information, resources, and technical assistance described under subsection (b).

(d) **RULE OF CONSTRUCTION.**—Such information, resources, and if applicable, technical assistance, shall not be construed to amend the requirements under—

(1) the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

(2) the Head Start Act (42 U.S.C. 9831 et seq.); or

(3) the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

#### **Subtitle O—Eliminating Opioid Related Infectious Diseases**

#### **SEC. 7141. REAUTHORIZATION AND EXPANSION OF PROGRAM OF SURVEILLANCE AND EDUCATION REGARDING INFECTIONS ASSOCIATED WITH ILLICIT DRUG USE AND OTHER RISK FACTORS.**

Section 317N of the Public Health Service Act (42 U.S.C. 247b-15) is amended to read as follows:

#### **“SEC. 317N. SURVEILLANCE AND EDUCATION REGARDING INFECTIONS ASSOCIATED WITH ILLICIT DRUG USE AND OTHER RISK FACTORS.**

“(a) **IN GENERAL.**—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may (directly or through grants to public and nonprofit private entities) provide for programs for the following:

“(1) To cooperate with States and Indian tribes in implementing or maintaining a national system to determine the incidence of infections commonly associated with illicit drug use, such as viral hepatitis, human immunodeficiency virus, and infective endocarditis, and to assist the States in determining the prevalence of such infections, which may include the reporting of cases of such infections.

“(2) To identify, counsel, and offer testing to individuals who are at risk of infections described in paragraph (1) resulting from illicit drug use, receiving blood transfusions prior to July 1992, or other risk factors.

“(3) To provide appropriate referrals for counseling, testing, and medical treatment of individuals identified under paragraph (2) and to ensure, to the extent practicable, the provision of appropriate follow-up services.

“(4) To develop and disseminate public information and education programs for the detection and control of infections described in paragraph (1), with priority given to high-risk populations as determined by the Secretary.

“(5) To improve the education, training, and skills of health professionals in the detection and control of infections described in paragraph (1), including to improve coordination of treatment of substance use disorders and infectious diseases, with priority given to substance use disorder treatment providers, pediatricians and other primary care providers, obstetrician-gynecologists, and infectious disease clinicians, including HIV clinicians.

“(b) **LABORATORY PROCEDURES.**—The Secretary may (directly or through grants to public and nonprofit private entities) carry out programs to provide for improvements in the quality of clinical-laboratory procedures regarding infections described in subsection (a)(1).

“(c) **DEFINITION.**—In this section, the term ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there are authorized to be appropriated \$40,000,000 for each of the fiscal years 2019 through 2023.”.

#### **Subtitle P—Peer Support Communities of Recovery**

#### **SEC. 7151. BUILDING COMMUNITIES OF RECOVERY.**

Section 547 of the Public Health Service Act (42 U.S.C. 290ee-2) is amended to read as follows:

#### **“SEC. 547. BUILDING COMMUNITIES OF RECOVERY.**

“(a) **DEFINITION.**—In this section, the term ‘recovery community organization’ means an independent nonprofit organization that—

“(1) mobilizes resources within and outside of the recovery community, which may include through a peer support network, to increase the prevalence and quality of long-term recovery from substance use disorders; and

“(2) is wholly or principally governed by people in recovery for substance use disorders who reflect the community served.

“(b) **GRANTS AUTHORIZED.**—The Secretary shall award grants to recovery community organizations to enable such organizations to develop, expand, and enhance recovery services.

“(c) **FEDERAL SHARE.**—The Federal share of the costs of a program funded by a grant under this section may not exceed 85 percent.

“(d) **USE OF FUNDS.**—Grants awarded under subsection (b)—

“(1) shall be used to develop, expand, and enhance community and statewide recovery support services; and

“(2) may be used to—

“(A) build connections between recovery networks, including between recovery community organizations and peer support networks, and with other recovery support services, including—

“(i) behavioral health providers;

“(ii) primary care providers and physicians;

“(iii) educational and vocational schools;

“(iv) employers;

“(v) housing services;

“(vi) child welfare agencies; and

“(vii) other recovery support services that facilitate recovery from substance use disorders, including non-clinical community services;

“(B) reduce stigma associated with substance use disorders; and

“(C) conduct outreach on issues relating to substance use disorders and recovery, including—

“(i) identifying the signs of substance use disorder;

“(ii) the resources available to individuals with substance use disorder and to families of an individual with a substance use disorder, including programs that mentor and provide support services to children;

“(iii) the resources available to help support individuals in recovery; and

“(iv) related medical outcomes of substance use disorders, the potential of acquiring an infection commonly associated with illicit drug use, and neonatal abstinence syndrome among infants exposed to opioids during pregnancy.

“(e) **SPECIAL CONSIDERATION.**—In carrying out this section, the Secretary shall give special consideration to the unique needs of rural areas, including areas with an age-adjusted rate of drug overdose deaths that is above the national average and areas with a shortage of prevention and treatment services.

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2019 through 2023.”.

#### **SEC. 7152. PEER SUPPORT TECHNICAL ASSISTANCE CENTER.**

Title V of the Public Health Service Act (42 U.S.C. 290dd et seq.) is amended by inserting after section 547 the following:

**“SEC. 547A. PEER SUPPORT TECHNICAL ASSISTANCE CENTER.**

“(a) **ESTABLISHMENT.**—The Secretary, acting through the Assistant Secretary, shall establish or operate a National Peer-Run Training and Technical Assistance Center for Addiction Recovery Support (referred to in this section as the ‘Center’).

“(b) **FUNCTIONS.**—The Center established under subsection (a) shall provide technical assistance and support to recovery community organizations and peer support networks, including such assistance and support related to—

“(1) training on identifying—

“(A) signs of substance use disorder;

“(B) resources to assist individuals with a substance use disorder, or resources for families of an individual with a substance use disorder; and

“(C) best practices for the delivery of recovery support services;

“(2) the provision of translation services, interpretation, or other such services for clients with limited English speaking proficiency;

“(3) data collection to support research, including for translational research;

“(4) capacity building; and

“(5) evaluation and improvement, as necessary, of the effectiveness of such services provided by recovery community organizations.

“(c) **BEST PRACTICES.**—The Center established under subsection (a) shall periodically issue best practices for use by recovery community organizations and peer support networks.

“(d) **RECOVERY COMMUNITY ORGANIZATION.**—In this section, the term ‘recovery community organization’ has the meaning given such term in section 547.

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2019 through 2023.”.

**Subtitle Q—Creating Opportunities That Necessitate New and Enhanced Connections That Improve Opioid Navigation Strategies**

**SEC. 7161. PREVENTING OVERDOSES OF CONTROLLED SUBSTANCES.**

(a) **IN GENERAL.**—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 392 (42 U.S.C. 280b–1) the following:

**“SEC. 392A. PREVENTING OVERDOSES OF CONTROLLED SUBSTANCES.**

“(a) **EVIDENCE-BASED PREVENTION GRANTS.**—

“(1) **IN GENERAL.**—The Director of the Centers for Disease Control and Prevention may—

“(A) to the extent practicable, carry out and expand any evidence-based prevention activities described in paragraph (2);

“(B) provide training and technical assistance to States, localities, and Indian tribes for purposes of carrying out such activity; and

“(C) award grants to States, localities, and Indian tribes for purposes of carrying out such activity.

“(2) **EVIDENCE-BASED PREVENTION ACTIVITIES.**—An evidence-based prevention activity described in this paragraph is any of the following activities:

“(A) Improving the efficiency and use of a new or currently operating prescription drug monitoring program, including by—

“(i) encouraging all authorized users (as specified by the State or other entity) to register with and use the program;

“(ii) enabling such users to access any updates to information collected by the program in as close to real-time as possible;

“(iii) improving the ease of use of such program;

“(iv) providing for a mechanism for the program to notify authorized users of any potential misuse or abuse of controlled substances and any detection of inappropriate prescribing or dispensing practices relating to such substances;

“(v) encouraging the analysis of prescription drug monitoring data for purposes of providing de-identified, aggregate reports based on such analysis to State public health agencies, State substance abuse agencies, State licensing boards, and other appropriate State agencies, as permitted under applicable Federal and State law and the policies of the prescription drug monitoring program and not containing any protected health information, to prevent inappropriate prescribing, drug diversion, or abuse and misuse of controlled substances, and to facilitate better coordination among agencies;

“(vi) enhancing interoperability between the program and any health information technology (including certified health information technology), including by integrating program data into such technology;

“(vii) updating program capabilities to respond to technological innovation for purposes of appropriately addressing the occurrence and evolution of controlled substance overdoses;

“(viii) facilitating and encouraging data exchange between the program and the prescription drug monitoring programs of other States;

“(ix) enhancing data collection and quality, including improving patient matching and proactively monitoring data quality;

“(x) providing prescriber and dispenser practice tools, including prescriber practice insight reports for practitioners to review their prescribing patterns in comparison to such patterns of other practitioners in the specialty; and

“(xi) meeting the purpose of the program established under section 3990, as described in section 3990(a).

“(B) Promoting community or health system interventions.

“(C) Evaluating interventions to prevent controlled substance overdoses.

“(D) Implementing projects to advance an innovative prevention approach with respect to new and emerging public health crises and opportunities to address such crises, such as enhancing public education and awareness on the risks associated with opioids.

“(3) **ADDITIONAL GRANTS.**—The Director may award grants to States, localities, and Indian Tribes—

“(A) to carry out innovative projects for grantees to rapidly respond to controlled substance misuse, abuse, and overdoses, including changes in patterns of controlled substance use; and

“(B) for any other evidence-based activity for preventing controlled substance misuse, abuse, and overdoses as the Director determines appropriate.

“(4) **RESEARCH.**—The Director, in coordination with the Assistant Secretary for Mental Health and Substance Use and the National Mental Health and Substance Use Policy Laboratory established under section 501A, as appropriate and applicable, may conduct studies and evaluations to address substance use disorders, including preventing substance use disorders or other related topics the Director determines appropriate.

“(b) **ENHANCED CONTROLLED SUBSTANCE OVERDOSE DATA COLLECTION, ANALYSIS, AND DISSEMINATION GRANTS.**—

“(1) **IN GENERAL.**—The Director of the Centers for Disease Control and Prevention may—

“(A) to the extent practicable, carry out any controlled substance overdose data collection activities described in paragraph (2);

“(B) provide training and technical assistance to States, localities, and Indian tribes for purposes of carrying out such activity;

“(C) award grants to States, localities, and Indian tribes for purposes of carrying out such activity; and

“(D) coordinate with the Assistant Secretary for Mental Health and Substance Use to collect data pursuant to section 505(d)(1)(A) (relating to the number of individuals admitted to emergency departments as a result of the abuse of alcohol or other drugs).

“(2) **CONTROLLED SUBSTANCE OVERDOSE DATA COLLECTION AND ANALYSIS ACTIVITIES.**—A controlled substance overdose data collection, analysis, and dissemination activity described in this paragraph is any of the following activities:

“(A) Improving the timeliness of reporting data to the public, including data on fatal and nonfatal overdoses of controlled substances.

“(B) Enhancing the comprehensiveness of controlled substance overdose data by collecting information on such overdoses from appropriate sources such as toxicology reports, autopsy reports, death scene investigations, and emergency departments.

“(C) Modernizing the system for coding causes of death related to controlled substance overdoses to use an electronic-based system.

“(D) Using data to help identify risk factors associated with controlled substance overdoses.

“(E) Supporting entities involved in providing information on controlled substance overdoses, such as coroners, medical examiners, and public health laboratories to improve accurate testing and standardized reporting of causes and contributing factors to controlled substances overdoses and analysis of various opioid analogues to controlled substance overdoses.

“(F) Working to enable and encourage the access, exchange, and use of information regarding controlled substance overdoses among data sources and entities.

“(c) **DEFINITIONS.**—In this section:

“(1) **CONTROLLED SUBSTANCE.**—The term ‘controlled substance’ has the meaning given that term in section 102 of the Controlled Substances Act.

“(2) **INDIAN TRIBE.**—The term ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—For purposes of carrying out this section, section 3990 of this Act, and section 102 of the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198), there is authorized to be appropriated \$496,000,000 for each of fiscal years 2019 through 2023.”.

(b) **EDUCATION AND AWARENESS.**—Section 102 of the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114–198) is amended—

(1) by amending subsection (a) to read as follows:

“(a) **IN GENERAL.**—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention and in coordination with the heads of other departments and agencies, shall advance education and awareness regarding the risks related to misuse and abuse of opioids, as appropriate, which may include developing or improving existing programs, conducting activities, and awarding grants that advance the education and awareness of—

“(1) the public, including patients and consumers—

“(A) generally; and

“(B) regarding such risks related to unused opioids and the dispensing options under section 309(f) of the Controlled Substances Act, as applicable; and

“(2) providers, which may include—

“(A) providing for continuing education on appropriate prescribing practices;

“(B) education related to applicable State or local prescriber limit laws, information on the use of non-addictive alternatives for pain management, and the use of overdose reversal drugs, as appropriate;

“(C) disseminating and improving the use of evidence-based opioid prescribing guidelines across relevant health care settings, as appropriate, and updating guidelines as necessary;

“(D) implementing strategies, such as best practices, to encourage and facilitate the use of prescriber guidelines, in accordance with State and local law;

“(E) disseminating information to providers about prescribing options for controlled substances, including such options under section 309(f) of the Controlled Substances Act, as applicable; and

“(F) disseminating information, as appropriate, on the National Pain Strategy developed by or in consultation with the Assistant Secretary for Health; and

“(3) other appropriate entities.”; and

(2) in subsection (b)—

(A) by striking “opioid abuse” each place such term appears and inserting “opioid misuse and abuse”; and

(B) in paragraph (2), by striking “safe disposal of prescription medications and other” and inserting “non-addictive treatment options, safe disposal options for prescription medications, and other applicable”.

#### **SEC. 7162. PRESCRIPTION DRUG MONITORING PROGRAM.**

Section 3990 of the Public Health Service Act (42 U.S.C. 280g-3) is amended to read as follows:

#### **“SEC. 3990. PRESCRIPTION DRUG MONITORING PROGRAM.**

“(a) PROGRAM.—

“(1) IN GENERAL.—Each fiscal year, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, in coordination with the heads of other departments and agencies as appropriate, shall support States or localities for the purpose of improving the efficiency and use of PDMPs, including—

“(A) establishment and implementation of a PDMP;

“(B) maintenance of a PDMP;

“(C) improvements to a PDMP by—

“(i) enhancing functional components to work toward—

“(I) universal use of PDMPs among providers and their delegates, to the extent that State laws allow;

“(II) more timely inclusion of data within a PDMP;

“(III) active management of the PDMP, in part by sending proactive or unsolicited reports to providers to inform prescribing; and

“(IV) ensuring the highest level of ease in use of and access to PDMPs by providers and their delegates, to the extent that State laws allow;

“(ii) in consultation with the Office of the National Coordinator for Health Information Technology, improving the intrastate interoperability of PDMPs by—

“(I) making PDMPs more actionable by integrating PDMPs within electronic health records and health information technology infrastructure; and

“(II) linking PDMP data to other data systems within the State, including—

“(aa) the data of pharmacy benefit managers, medical examiners and coroners, and the State’s Medicaid program;

“(bb) worker’s compensation data; and

“(cc) prescribing data of providers of the Department of Veterans Affairs and the Indian Health Service within the State;

“(iii) in consultation with the Office of the National Coordinator for Health Information Technology, improving the interstate interoperability of PDMPs through—

“(I) sharing of dispensing data in near-real time across State lines; and

“(II) integration of automated queries for multistate PDMP data and analytics into clinical workflow to improve the use of such data and analytics by practitioners and dispensers; or

“(iv) improving the ability to include treatment availability resources and referral capabilities within the PDMP.

“(2) LEGISLATION.—As a condition on the receipt of support under this section, the Secretary shall require a State or locality to demonstrate that it has enacted legislation or regulations—

“(A) to provide for the implementation of the PDMP; and

“(B) to permit the imposition of appropriate penalties for the unauthorized use and disclosure of information maintained by the PDMP.

“(b) PDMP STRATEGIES.—The Secretary shall encourage a State or locality, in establishing, improving, or maintaining a PDMP, to implement strategies that improve—

“(1) the reporting of dispensing in the State or locality of a controlled substance to an ultimate user so the reporting occurs not later than 24 hours after the dispensing event;

“(2) the consultation of the PDMP by each prescribing practitioner, or their designee, in the State or locality before initiating treatment with a controlled substance, or any substance as required by the State to be reported to the PDMP, and over the course of ongoing treatment for each prescribing event;

“(3) the consultation of the PDMP before dispensing a controlled substance, or any substance as required by the State to be reported to the PDMP;

“(4) the proactive notification to a practitioner when patterns indicative of controlled substance misuse by a patient, including opioid misuse, are detected;

“(5) the availability of data in the PDMP to other States, as allowable under State law; and

“(6) the availability of nonidentifiable information to the Centers for Disease Control and Prevention for surveillance, epidemiology, statistical research, or educational purposes.

“(c) DRUG MISUSE AND ABUSE.—In consultation with practitioners, dispensers, and other relevant and interested stakeholders, a State receiving support under this section—

“(1) shall establish a program to notify practitioners and dispensers of information that will help to identify and prevent the unlawful diversion or misuse of controlled substances;

“(2) may, to the extent permitted under State law, notify the appropriate authorities responsible for carrying out drug diversion investigations if the State determines that information in the PDMP maintained by the State indicates an unlawful diversion or abuse of a controlled substance;

“(3) may conduct analyses of controlled substance program data for purposes of providing appropriate State agencies with aggregate reports based on such analyses in as close to real-time as practicable, regarding prescription patterns flagged as potentially presenting a risk of misuse, abuse, addiction, overdose, and other aggregate information, as appropriate and in compliance with applicable Federal and State laws and provided

that such reports shall not include protected health information; and

“(4) may access information about prescriptions, such as claims data, to ensure that such prescribing and dispensing history is updated in as close to real-time as practicable, in compliance with applicable Federal and State laws and provided that such information shall not include protected health information.

“(d) EVALUATION AND REPORTING.—As a condition on receipt of support under this section, the State shall report on interoperability with PDMPs of other States and Federal agencies, where appropriate, intrastate interoperability with health information technology systems such as electronic health records, health information exchanges, and e-prescribing, where appropriate, and whether or not the State provides automatic, up-to-date, or daily information about a patient when a practitioner (or the designee of a practitioner, where permitted) requests information about such patient.

“(e) EVALUATION AND REPORTING.—A State receiving support under this section shall provide the Secretary with aggregate non-identifiable information, as permitted by State law, to enable the Secretary—

“(1) to evaluate the success of the State’s program in achieving the purpose described in subsection (a); or

“(2) to prepare and submit to the Congress the report required by subsection (i)(2).

“(f) EDUCATION AND ACCESS TO THE MONITORING SYSTEM.—A State receiving support under this section shall take steps to—

“(1) facilitate prescribers and dispensers, and their delegates, as permitted by State law, to use the PDMP, to the extent practicable; and

“(2) educate prescribers and dispensers, and their delegates on the benefits of the use of PDMPs.

“(g) ELECTRONIC FORMAT.—The Secretary may issue guidelines specifying a uniform electronic format for the reporting, sharing, and disclosure of information pursuant to PDMPs. To the extent possible, such guidelines shall be consistent with standards recognized by the Office of the National Coordinator for Health Information Technology.

“(h) RULES OF CONSTRUCTION.—

“(1) FUNCTIONS OTHERWISE AUTHORIZED BY LAW.—Nothing in this section shall be construed to restrict the ability of any authority, including any local, State, or Federal law enforcement, narcotics control, licensure, disciplinary, or program authority, to perform functions otherwise authorized by law.

“(2) ADDITIONAL PRIVACY PROTECTIONS.—Nothing in this section shall be construed as preempting any State from imposing any additional privacy protections.

“(3) FEDERAL PRIVACY REQUIREMENTS.—Nothing in this section shall be construed to supersede any Federal privacy or confidentiality requirement, including the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191; 110 Stat. 2033) and section 543 of this Act.

“(4) NO FEDERAL PRIVATE CAUSE OF ACTION.—Nothing in this section shall be construed to create a Federal private cause of action.

“(i) PROGRESS REPORT.—Not later than 3 years after the date of enactment of this section, the Secretary shall—

“(1) complete a study that—

“(A) determines the progress of grantees in establishing and implementing PDMPs consistent with this section;

“(B) provides an analysis of the extent to which the operation of PDMPs has—

“(i) reduced inappropriate use, abuse, diversion of, and overdose with, controlled substances;

“(ii) established or strengthened initiatives to ensure linkages to substance use disorder treatment services; or

“(iii) affected patient access to appropriate care in States operating PDMPs;

“(C) determine the progress of grantees in achieving interstate interoperability and intrastate interoperability of PDMPs, including an assessment of technical, legal, and financial barriers to such progress and recommendations for addressing these barriers;

“(D) determines the progress of grantees in implementing near real-time electronic PDMPs;

“(E) provides an analysis of the privacy protections in place for the information reported to the PDMP in each State or locality receiving support under this section and any recommendations of the Secretary for additional Federal or State requirements for protection of this information;

“(F) determines the progress of States or localities in implementing technological alternatives to centralized data storage, such as peer-to-peer file sharing or data pointer systems, in PDMPs and the potential for such alternatives to enhance the privacy and security of individually identifiable data; and

“(G) evaluates the penalties that States or localities have enacted for the unauthorized use and disclosure of information maintained in PDMPs, and the criteria used by the Secretary to determine whether such penalties qualify as appropriate for purposes of subsection (a)(2); and

“(2) submit a report to the Congress on the results of the study.

“(j) ADVISORY COUNCIL.—

“(1) ESTABLISHMENT.—A State or locality may establish an advisory council to assist in the establishment, improvement, or maintenance of a PDMP consistent with this section.

“(2) LIMITATION.—A State or locality may not use Federal funds for the operations of an advisory council to assist in the establishment, improvement, or maintenance of a PDMP.

“(3) SENSE OF CONGRESS.—It is the sense of the Congress that, in establishing an advisory council to assist in the establishment, improvement, or maintenance of a PDMP, a State or locality should consult with appropriate professional boards and other interested parties.

“(k) DEFINITIONS.—For purposes of this section:

“(1) The term ‘controlled substance’ means a controlled substance (as defined in section 102 of the Controlled Substances Act) in schedule II, III, or IV of section 202 of such Act.

“(2) The term ‘dispense’ means to deliver a controlled substance to an ultimate user by, or pursuant to the lawful order of, a practitioner, irrespective of whether the dispenser uses the Internet or other means to effect such delivery.

“(3) The term ‘dispenser’ means a physician, pharmacist, or other person that dispenses a controlled substance to an ultimate user.

“(4) The term ‘interstate interoperability’ with respect to a PDMP means the ability of the PDMP to electronically share reported information with another State if the information concerns either the dispensing of a controlled substance to an ultimate user who resides in such other State, or the dispensing of a controlled substance prescribed by a practitioner whose principal place of business is located in such other State.

“(5) The term ‘intrastate interoperability’ with respect to a PDMP means the integration of PDMP data within electronic health records and health information technology

infrastructure or linking of a PDMP to other data systems within the State, including the State’s Medicaid program, workers’ compensation programs, and medical examiners or coroners.

“(6) The term ‘nonidentifiable information’ means information that does not identify a practitioner, dispenser, or an ultimate user and with respect to which there is no reasonable basis to believe that the information can be used to identify a practitioner, dispenser, or an ultimate user.

“(7) The term ‘PDMP’ means a prescription drug monitoring program that is State-controlled.

“(8) The term ‘practitioner’ means a physician, dentist, veterinarian, scientific investigator, pharmacy, hospital, or other person licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which the individual practices or does research, to distribute, dispense, conduct research with respect to, administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

“(9) The term ‘State’ means each of the 50 States, the District of Columbia, and any commonwealth or territory of the United States.

“(10) The term ‘ultimate user’ means a person who has obtained from a dispenser, and who possesses, a controlled substance for the person’s own use, for the use of a member of the person’s household, or for the use of an animal owned by the person or by a member of the person’s household.

“(11) The term ‘clinical workflow’ means the integration of automated queries for prescription drug monitoring programs data and analytics into health information technologies such as electronic health record systems, health information exchanges, and/or pharmacy dispensing software systems, thus streamlining provider access through automated queries.”

#### **Subtitle R—Review of Substance Use Disorder Treatment Providers Receiving Federal Funding**

##### **SEC. 7171. REVIEW OF SUBSTANCE USE DISORDER TREATMENT PROVIDERS RECEIVING FEDERAL FUNDING.**

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall conduct a review of entities that receive Federal funding for the provision of substance use disorder treatment services. The review shall include:

(1) The length of time the entity has provided substance use disorder treatment services and the geographic area served by the entity.

(2) A detailed analysis of the patient population served by the entity, including but not limited to the number of patients, types of diagnosed substance use disorders and the demographic information of such patients, including sex, race, ethnicity, and socioeconomic status.

(3) Detailed information on the types of substance use disorders for which the entity has the experience, capability, and capacity to provide such services.

(4) An analysis of how the entity handles patients requiring treatment for a substance use disorder that the organization is not able to treat.

(5) An analysis of what is needed in order to improve the entity’s ability to meet the addiction treatment needs of the communities served by that entity.

(6) Based on the identified needs of the communities served, a description of unmet needs and inadequate services and how such needs and services could be better addressed to treat individuals with methamphetamine, cocaine, including crack cocaine, heroin, opioid, and other substance use disorders.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall develop and submit to Congress a plan to direct appropriate resources to entities that provide substance use disorder treatment services in order to address inadequacies in services or funding identified through the survey described in subsection (a).

#### **Subtitle S—Other Health Provisions**

##### **SEC. 7181. STATE RESPONSE TO THE OPIOID ABUSE CRISIS.**

(a) IN GENERAL.—Section 1003 of the 21st Century Cures Act (Public Law 114-255) is amended—

(1) in subsection (a)—

(A) by striking “the authorization of appropriations under subsection (b) to carry out the grant program described in subsection (c)” and inserting “subsection (h) to carry out the grant program described in subsection (b)”;

(B) by inserting “and Indian Tribes” after “States”;

(2) by striking subsection (b);

(3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively;

(4) by redesignating subsection (f) as subsection (j);

(5) in subsection (b), as so redesignated—

(A) in paragraph (1)—

(i) in the paragraph heading, by inserting “AND TRIBAL” after “STATE”;

(ii) by striking “States for the purpose of addressing the opioid abuse crisis within such States” and inserting “States and Indian Tribes for the purpose of addressing the opioid abuse crisis within such States and Indian Tribes”;

(iii) by inserting “or Indian Tribes” after “preference to States”;

(iv) by inserting before the period of the second sentence “or other Indian Tribes, as applicable”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “to a State”;

(ii) in subparagraph (A), by striking “Improving State” and inserting “Establishing or improving”;

(iii) in subparagraph (C), by inserting “preventing diversion of controlled substances,” after “treatment programs,”; and

(iv) in subparagraph (E), by striking “as the State determines appropriate, related to addressing the opioid abuse crisis within the State” and inserting “as the State or Indian Tribe determines appropriate, related to addressing the opioid abuse crisis within the State or Indian Tribe, including directing resources in accordance with local needs related to substance use disorders”;

(6) in subsection (c), as so redesignated, by striking “subsection (c)” and inserting “subsection (b)”;

(7) in subsection (d), as so redesignated—

(A) in the matter preceding paragraph (1), by striking “the authorization of appropriations under subsection (b)” and inserting “subsection (h)”;

(B) in paragraph (1), by striking “subsection (c)” and inserting “subsection (b)”;

and

(8) by inserting after subsection (d), as so redesignated, the following:

“(e) INDIAN TRIBES.—

“(1) DEFINITION.—For purposes of this section, the term ‘Indian Tribe’ has the meaning given the term ‘Indian tribe’ in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(2) APPROPRIATE MECHANISMS.—The Secretary, in consultation with Indian Tribes, shall identify and establish appropriate mechanisms for Tribes to demonstrate or report the information as required under subsections (b), (c), and (d).



“(f) REPORT TO CONGRESS.—Not later than 1 year after the date on which amounts are first awarded after the date of enactment of this subsection, pursuant to subsection (b), and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report summarizing the information provided to the Secretary in reports made pursuant to subsection (c), including the purposes for which grant funds are awarded under this section and the activities of such grant recipients.

“(g) TECHNICAL ASSISTANCE.—The Secretary, including through the Tribal Training and Technical Assistance Center of the Substance Abuse and Mental Health Services Administration, shall provide State agencies and Indian Tribes, as applicable, with technical assistance concerning grant application and submission procedures under this section, award management activities, and enhancing outreach and direct support to rural and underserved communities and providers in addressing the opioid crisis.

“(h) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out the grant program under subsection (b), there is authorized to be appropriated \$500,000,000 for each of fiscal years 2019 through 2021, to remain available until expended.

“(i) SET ASIDE.—Of the amounts made available for each fiscal year to award grants under subsection (b) for a fiscal year, 5 percent of such amount for such fiscal year shall be made available to Indian Tribes, and up to 15 percent of such amount for such fiscal year may be set aside for States with the highest age-adjusted rate of drug overdose death based on the ordinal ranking of States according to the Director of the Centers for Disease Control and Prevention.”.

(b) CONFORMING AMENDMENT.—Section 1004(c) of the 21st Century Cures Act (Public Law 114-255) is amended by striking “, the FDA Innovation Account, or the Account For the State Response to the Opioid Abuse Crisis” and inserting “or the FDA Innovation Account”.

**SEC. 7182. REPORT ON INVESTIGATIONS REGARDING PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS.**

(a) IN GENERAL.—Section 13003 of the 21st Century Cures Act (Public Law 114-255) is amended—

(1) in subsection (a)—

(A) by striking “with findings of any serious violation regarding” and inserting “concerning”; and

(B) by inserting “and the Committee on Education and the Workforce” after “Energy and Commerce”; and

(2) in subsection (b)(1)—

(A) by inserting “complaints received and number of” before “closed”; and

(B) by inserting before the period “, and, for each such investigation closed, which agency conducted the investigation, whether the health plan that is the subject of the investigation is fully insured or not fully insured and a summary of any coordination between the applicable State regulators and the Department of Labor, the Department of Health and Human Services, or the Department of the Treasury, and references to any guidance provided by the agencies addressing the category of violation committed”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to the second annual report required under such section 13003 and each such annual report thereafter.

**SEC. 7183. CAREER ACT.**

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”), in consultation

with the Secretary of Labor, shall continue or establish a program to support individuals in substance use disorder treatment and recovery to live independently and participate in the workforce.

(b) GRANTS AUTHORIZED.—In carrying out the activities under this section, the Secretary shall, on a competitive basis, award grants for a period of not more than 5 years to entities to enable such entities to carry out evidence-based programs to help individuals in substance use disorder treatment and recovery to live independently and participate in the workforce. Such entities shall coordinate, as applicable, with Indian tribes or tribal organizations (as applicable), State boards and local boards (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102), lead State agencies with responsibility for a workforce investment activity (as defined in such section 3), and State agencies responsible for carrying out substance use disorder prevention and treatment programs.

(c) PRIORITY.—

(1) IN GENERAL.—In awarding grants under this section, the Secretary shall give priority based on the State in which the entity is located. Priority shall be given among States according to a formula based on the rates described in paragraph (2) and weighted as described in paragraph (3).

(2) RATES.—The rates described in this paragraph are the following:

(A) The amount by which the rate of drug overdose deaths in the State, adjusted for age, is above the national overdose mortality rate, as determined by the Director of the Centers for Disease Control and Prevention.

(B) The amount by which the rate of unemployment for the State, based on data provided by the Bureau of Labor Statistics for the preceding 5 calendar years for which there is available data, is above the national average.

(C) The amount by which rate of labor force participation in the State, based on data provided by the Bureau of Labor Statistics for the preceding 5 calendar years for which there is available data, is below the national average.

(3) WEIGHTING.—The rates described in paragraph (2) shall be weighted as follows:

(A) The rate described in paragraph (2)(A) shall be weighted 70 percent.

(B) The rate described in paragraph (2)(B) shall be weighted 15 percent.

(C) The rate described in paragraph (2)(C) shall be weighted 15 percent.

(d) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to entities located in areas within States with the greatest need, with such need based on the highest mortality rate related to substance use disorder.

(e) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means an entity that offers treatment or recovery services for individuals with substance use disorders, and partners with one or more local or State stakeholders, which may include local employers, community organizations, the local workforce development board, local and State governments, and Indian Tribes or tribal organizations, to support recovery, independent living, and participation in the workforce.

(2) INDIAN TRIBES; TRIBAL ORGANIZATION.—The terms “Indian Tribe” and “tribal organization” have the meanings given the terms “Indian tribe” and “tribal organization” in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(3) STATE.—The term “State” includes only the several States and the District of Columbia.

(f) APPLICATIONS.—An eligible entity shall submit an application at such time and in such manner as the Secretary may require. In submitting an application, the entity shall demonstrate the ability to partner with local stakeholders, which may include local employers, community stakeholders, the local workforce development board, local and State governments, and Indian Tribes or tribal organizations, as applicable, to—

(1) identify gaps in the workforce due to the prevalence of substance use disorders;

(2) in coordination with statewide employment and training activities, including coordination and alignment of activities carried out by entities provided grant funds under section 8041, help individuals in recovery from a substance use disorder transition into the workforce, including by providing career services, training services as described in paragraph (2) of section 134(c) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(c)), and related services described in section 134(a)(3) of such Act (42 U.S.C. 3174(a)); and

(3) assist employers with informing their employees of the resources, such as resources related to substance use disorders that are available to their employees.

(g) USE OF FUNDS.—An entity receiving a grant under this section shall use the funds to conduct one or more of the following activities:

(1) Hire case managers, care coordinators, providers of peer recovery support services, as described in section 547(a) of the Public Health Service Act (42 U.S.C. 290ee-2(a)), or other professionals, as appropriate, to provide services that support treatment, recovery, and rehabilitation, and prevent relapse, recidivism, and overdose, including by encouraging—

(A) the development and strengthening of daily living skills; and

(B) the use of counseling, care coordination, and other services, as appropriate, to support recovery from substance use disorders.

(2) Implement or utilize innovative technologies, which may include the use of telemedicine.

(3) In coordination with the lead State agency with responsibility for a workforce investment activity or local board described in subsection (b), provide—

(A) short-term prevocational training services; and

(B) training services that are directly linked to the employment opportunities in the local area or the planning region.

(h) SUPPORT FOR STATE STRATEGY.—An eligible entity shall include in its application under subsection (f) information describing how the services and activities proposed in such application are aligned with the State, outlying area, or Tribal strategy, as applicable, for addressing issues described in such application and how such entity will coordinate with existing systems to deliver services as described in such application.

(i) DATA REPORTING AND PROGRAM OVERSIGHT.—Each eligible entity awarded a grant under this section shall submit to the Secretary a report at such time and in such manner as the Secretary may require. Such report shall include a description of—

(1) the programs and activities funded by the grant;

(2) outcomes of the population of individuals with a substance use disorder the grantee served through activities described in subsection (g); and

(3) any other information that the Secretary may require for the purpose of ensuring that the grantee is complying with all of the requirements of the grant.

(j) REPORTS TO CONGRESS.—

(1) PRELIMINARY REPORT.—Not later than 2 years after the end of the first year of the

grant period under this section, the Secretary shall submit to Congress a preliminary report that analyzes reports submitted under subsection (i).

(2) FINAL REPORT.—Not later than 2 years after submitting the preliminary report required under paragraph (1), the Secretary shall submit to Congress a final report that includes—

(A) a description of how the grant funding was used, including the number of individuals who received services under subsection (g)(3) and an evaluation of the effectiveness of the activities conducted by the grantee with respect to outcomes of the population of individuals with substance use disorder who receive services from the grantee; and

(B) recommendations related to best practices for health care professionals to support individuals in substance use disorder treatment or recovery to live independently and participate in the workforce.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$5,000,000 for each of fiscal years 2019 through 2023 for purposes of carrying out this section.

## TITLE VIII—MISCELLANEOUS

### Subtitle A—Synthetics Trafficking and Overdose Prevention

#### SEC. 8001. SHORT TITLE.

This subtitle may be cited as the “Synthetics Trafficking and Overdose Prevention Act of 2018” or “STOP Act of 2018”.

#### SEC. 8002. CUSTOMS FEES.

(a) IN GENERAL.—Section 13031(b)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)) is amended by adding at the end the following:

“(D)(i) With respect to the processing of items that are sent to the United States through the international postal network by ‘Inbound Express Mail service’ or ‘Inbound EMS’ (as that service is described in the mail classification schedule referred to in section 3631 of title 39, United States Code), the following payments are required:

“(I) \$1 per Inbound EMS item.

“(II) If an Inbound EMS item is formally entered, the fee provided for under subsection (a)(9), if applicable.

“(ii) Notwithstanding section 451 of the Tariff Act of 1930 (19 U.S.C. 1451), the payments required by clause (i), as allocated pursuant to clause (iii)(I), shall be the only payments required for reimbursement of U.S. Customs and Border Protection for customs services provided in connection with the processing of an Inbound EMS item.

“(iii)(I) The payments required by clause (i)(I) shall be allocated as follows:

“(aa) 50 percent of the amount of the payments shall be paid on a quarterly basis by the United States Postal Service to the Commissioner of U.S. Customs and Border Protection in accordance with regulations prescribed by the Secretary of the Treasury to reimburse U.S. Customs and Border Protection for customs services provided in connection with the processing of Inbound EMS items.

“(bb) 50 percent of the amount of the payments shall be retained by the Postal Service to reimburse the Postal Service for services provided in connection with the customs processing of Inbound EMS items.

“(II) Payments received by U.S. Customs and Border Protection under subclause (I)(aa) shall, in accordance with section 524 of the Tariff Act of 1930 (19 U.S.C. 1524), be deposited in the Customs User Fee Account and used to directly reimburse each appropriation for the amount paid out of that appropriation for the costs incurred in providing services to international mail facilities. Amounts deposited in accordance with the preceding sentence shall be available

until expended for the provision of such services.

“(III) Payments retained by the Postal Service under subclause (I)(bb) shall be used to directly reimburse the Postal Service for the costs incurred in providing services in connection with the customs processing of Inbound EMS items.

“(iv) Beginning in fiscal year 2021, the Secretary, in consultation with the Postmaster General, may adjust, not more frequently than once each fiscal year, the amount described in clause (i)(I) to an amount commensurate with the costs of services provided in connection with the customs processing of Inbound EMS items, consistent with the obligations of the United States under international agreements.”.

(b) CONFORMING AMENDMENTS.—Section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) is amended—

(1) in paragraph (6), by inserting “(other than an item subject to a fee under subsection (b)(9)(D))” after “customs officer”; and

(2) in paragraph (10)—

(A) in subparagraph (C), in the matter preceding clause (i), by inserting “(other than Inbound EMS items described in subsection (b)(9)(D))” after “release”; and

(B) in the flush at the end, by inserting “or of Inbound EMS items described in subsection (b)(9)(D),” after “(C).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2020.

#### SEC. 8003. MANDATORY ADVANCE ELECTRONIC INFORMATION FOR POSTAL SHIPMENTS.

(a) MANDATORY ADVANCE ELECTRONIC INFORMATION.—

(1) IN GENERAL.—Section 343(a)(3)(K) of the Trade Act of 2002 (Public Law 107-210; 19 U.S.C. 2071 note) is amended to read as follows:

“(K)(i) The Secretary shall prescribe regulations requiring the United States Postal Service to transmit the information described in paragraphs (1) and (2) to the Commissioner of U.S. Customs and Border Protection for international mail shipments by the Postal Service (including shipments to the Postal Service from foreign postal operators that are transported by private carrier) consistent with the requirements of this subparagraph.

“(ii) In prescribing regulations under clause (i), the Secretary shall impose requirements for the transmission to the Commissioner of information described in paragraphs (1) and (2) for mail shipments described in clause (i) that are comparable to the requirements for the transmission of such information imposed on similar non-mail shipments of cargo, taking into account the parameters set forth in subparagraphs (A) through (J).

“(iii) The regulations prescribed under clause (i) shall require the transmission of the information described in paragraphs (1) and (2) with respect to a shipment as soon as practicable in relation to the transportation of the shipment, consistent with subparagraph (H).

“(iv) Regulations prescribed under clause (i) shall allow for the requirements for the transmission to the Commissioner of information described in paragraphs (1) and (2) for mail shipments described in clause (i) to be implemented in phases, as appropriate, by—

“(I) setting incremental targets for increasing the percentage of such shipments for which information is required to be transmitted to the Commissioner; and

“(II) taking into consideration—

“(aa) the risk posed by such shipments;

“(bb) the volume of mail shipped to the United States by or through a particular country; and

“(cc) the capacities of foreign postal operators to provide that information to the Postal Service.

“(v)(I) Notwithstanding clause (iv), the Postal Service shall, not later than December 31, 2018, arrange for the transmission to the Commissioner of the information described in paragraphs (1) and (2) for not less than 70 percent of the aggregate number of mail shipments, including 100 percent of mail shipments from the People’s Republic of China, described in clause (i).

“(II) If the requirements of subclause (I) are not met, the Comptroller General of the United States shall submit to the appropriate congressional committees, not later than June 30, 2019, a report—

“(aa) assessing the reasons for the failure to meet those requirements; and

“(bb) identifying recommendations to improve the collection by the Postal Service of the information described in paragraphs (1) and (2).

“(vi)(I) Notwithstanding clause (iv), the Postal Service shall, not later than December 31, 2020, arrange for the transmission to the Commissioner of the information described in paragraphs (1) and (2) for 100 percent of the aggregate number of mail shipments described in clause (i).

“(II) The Commissioner, in consultation with the Postmaster General, may determine to exclude a country from the requirement described in subclause (I) to transmit information for mail shipments described in clause (i) from the country if the Commissioner determines that the country—

“(aa) does not have the capacity to collect and transmit such information;

“(bb) represents a low risk for mail shipments that violate relevant United States laws and regulations; and

“(cc) accounts for low volumes of mail shipments that can be effectively screened for compliance with relevant United States laws and regulations through an alternate means.

“(III) The Commissioner shall, at a minimum on an annual basis, re-evaluate any determination made under subclause (II) to exclude a country from the requirement described in subclause (I). If, at any time, the Commissioner determines that a country no longer meets the requirements under subclause (II), the Commissioner may not further exclude the country from the requirement described in subclause (I).

“(IV) The Commissioner shall, on an annual basis, submit to the appropriate congressional committees—

“(aa) a list of countries with respect to which the Commissioner has made a determination under subclause (II) to exclude the countries from the requirement described in subclause (I); and

“(bb) information used to support such determination with respect to such countries.

“(vii)(I) The Postmaster General shall, in consultation with the Commissioner, refuse any shipments received after December 31, 2020, for which the information described in paragraphs (1) and (2) is not transmitted as required under this subparagraph, except as provided in subclause (II).

“(II) If remedial action is warranted in lieu of refusal of shipments pursuant to subclause (I), the Postmaster General and the Commissioner shall take remedial action with respect to the shipments, including destruction, seizure, controlled delivery or other law enforcement initiatives, or correction of the failure to provide the information described in paragraphs (1) and (2) with respect to the shipments.

“(viii) Nothing in this subparagraph shall be construed to limit the authority of the Secretary to obtain information relating to international mail shipments from private carriers or other appropriate parties.

“(ix) In this subparagraph, the term ‘appropriate congressional committees’ means—

“(I) the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(II) the Committee on Ways and Means, the Committee on Oversight and Government Reform, and the Committee on Homeland Security of the House of Representatives.”.

(2) **JOINT STRATEGIC PLAN ON MANDATORY ADVANCE INFORMATION.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Postmaster General shall develop and submit to the appropriate congressional committees a joint strategic plan detailing specific performance measures for achieving—

(A) the transmission of information as required by section 343(a)(3)(K) of the Trade Act of 2002, as amended by paragraph (1); and

(B) the presentation by the Postal Service to U.S. Customs and Border Protection of all mail targeted by U.S. Customs and Border Protection for inspection.

(b) **CAPACITY BUILDING.**—

(1) **IN GENERAL.**—Section 343(a) of the Trade Act of 2002 (Public Law 107–210; 19 U.S.C. 2071 note) is amended by adding at the end the following:

“(5) **CAPACITY BUILDING.**—

“(A) **IN GENERAL.**—The Secretary, with the concurrence of the Secretary of State, and in coordination with the Postmaster General and the heads of other Federal agencies, as appropriate, may provide technical assistance, equipment, technology, and training to enhance the capacity of foreign postal operators—

“(i) to gather and provide the information required by paragraph (3)(K); and

“(ii) to otherwise gather and provide postal shipment information related to—

“(I) terrorism;

“(II) items the importation or introduction of which into the United States is prohibited or restricted, including controlled substances; and

“(III) such other concerns as the Secretary determines appropriate.

“(B) **PROVISION OF EQUIPMENT AND TECHNOLOGY.**—With respect to the provision of equipment and technology under subparagraph (A), the Secretary may lease, loan, provide, or otherwise assist in the deployment of such equipment and technology under such terms and conditions as the Secretary may prescribe, including nonreimbursable loans or the transfer of ownership of equipment and technology.”.

(2) **JOINT STRATEGIC PLAN ON CAPACITY BUILDING.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security and the Postmaster General shall, in consultation with the Secretary of State, jointly develop and submit to the appropriate congressional committees a joint strategic plan—

(A) detailing the extent to which U.S. Customs and Border Protection and the United States Postal Service are engaged in capacity building efforts under section 343(a)(5) of the Trade Act of 2002, as added by paragraph (1);

(B) describing plans for future capacity building efforts; and

(C) assessing how capacity building has increased the ability of U.S. Customs and Border Protection and the Postal Service to advance the goals of this subtitle and the amendments made by this subtitle.

(c) **REPORT AND CONSULTATIONS BY SECRETARY OF HOMELAND SECURITY AND POSTMASTER GENERAL.**—

(1) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter until 3 years after the Postmaster General has met the requirement under clause (vi) of subparagraph (K) of section 343(a)(3) of the Trade Act of 2002, as amended by subsection (a)(1), the Secretary of Homeland Security and the Postmaster General shall, in consultation with the Secretary of State, jointly submit to the appropriate congressional committees a report on compliance with that subparagraph that includes the following:

(A) An assessment of the status of the regulations required to be promulgated under that subparagraph.

(B) An update regarding new and existing agreements reached with foreign postal operators for the transmission of the information required by that subparagraph.

(C) A summary of deliberations between the United States Postal Service and foreign postal operators with respect to issues relating to the transmission of that information.

(D) A summary of the progress made in achieving the transmission of that information for the percentage of shipments required by that subparagraph.

(E) An assessment of the quality of that information being received by foreign postal operators, as determined by the Secretary of Homeland Security, and actions taken to improve the quality of that information.

(F) A summary of policies established by the Universal Postal Union that may affect the ability of the Postmaster General to obtain the transmission of that information.

(G) A summary of the use of technology to detect illicit synthetic opioids and other illegal substances in international mail parcels and planned acquisitions and advancements in such technology.

(H) Such other information as the Secretary of Homeland Security and the Postmaster General consider appropriate with respect to obtaining the transmission of information required by that subparagraph.

(2) **CONSULTATIONS.**—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until the Postmaster General has met the requirement under clause (vi) of section 343(a)(3)(K) of the Trade Act of 2002, as amended by subsection (a)(1), to arrange for the transmission of information with respect to 100 percent of the aggregate number of mail shipments described in clause (i) of that section, the Secretary of Homeland Security and the Postmaster General shall provide briefings to the appropriate congressional committees on the progress made in achieving the transmission of that information for that percentage of shipments.

(d) **GOVERNMENT ACCOUNTABILITY OFFICE REPORT.**—Not later than June 30, 2019, the Comptroller General of the United States shall submit to the appropriate congressional committees a report—

(1) assessing the progress of the United States Postal Service in achieving the transmission of the information required by subparagraph (K) of section 343(a)(3) of the Trade Act of 2002, as amended by subsection (a)(1), for the percentage of shipments required by that subparagraph;

(2) assessing the quality of the information received from foreign postal operators for targeting purposes;

(3) assessing the specific percentage of targeted mail presented by the Postal Service to U.S. Customs and Border Protection for inspection;

(4) describing the costs of collecting the information required by such subparagraph (K)

from foreign postal operators and the costs of implementing the use of that information;

(5) assessing the benefits of receiving that information with respect to international mail shipments;

(6) assessing the feasibility of assessing a customs fee under section 13031(b)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended by section 8002, on international mail shipments other than In-bound Express Mail service in a manner consistent with the obligations of the United States under international agreements; and

(7) identifying recommendations, including recommendations for legislation, to improve the compliance of the Postal Service with such subparagraph (K), including an assessment of whether the detection of illicit synthetic opioids in the international mail would be improved by—

(A) requiring the Postal Service to serve as the consignee for international mail shipments containing goods; or

(B) designating a customs broker to act as an importer of record for international mail shipments containing goods.

(e) **TECHNICAL CORRECTION.**—Section 343 of the Trade Act of 2002 (Public Law 107–210; 19 U.S.C. 2071 note) is amended in the section heading by striking “ADVANCED” and inserting “ADVANCE”.

(f) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Ways and Means, the Committee on Oversight and Government Reform, and the Committee on Homeland Security of the House of Representatives.

#### **SEC. 8004. INTERNATIONAL POSTAL AGREEMENTS.**

(a) **EXISTING AGREEMENTS.**—

(1) **IN GENERAL.**—In the event that any provision of this subtitle, or any amendment made by this subtitle, is determined to be in violation of obligations of the United States under any postal treaty, convention, or other international agreement related to international postal services, or any amendment to such an agreement, the Secretary of State should negotiate to amend the relevant provisions of the agreement so that the United States is no longer in violation of the agreement.

(2) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to permit delay in the implementation of this subtitle or any amendment made by this subtitle.

(b) **FUTURE AGREEMENTS.**—

(1) **CONSULTATIONS.**—Before entering into, on or after the date of the enactment of this Act, any postal treaty, convention, or other international agreement related to international postal services, or any amendment to such an agreement, that is related to the ability of the United States to secure the provision of advance electronic information by foreign postal operators, the Secretary of State should consult with the appropriate congressional committees (as defined in section 8003(f)).

(2) **EXPEDITED NEGOTIATION OF NEW AGREEMENT.**—To the extent that any new postal treaty, convention, or other international agreement related to international postal services would improve the ability of the United States to secure the provision of advance electronic information by foreign postal operators as required by regulations prescribed under section 343(a)(3)(K) of the Trade Act of 2002, as amended by section 8003(a)(1), the Secretary of State should expeditiously conclude such an agreement.

**SEC. 8005. COST RECOUPMENT.**

(a) IN GENERAL.—The United States Postal Service shall, to the extent practicable and otherwise recoverable by law, ensure that all costs associated with complying with this subtitle and amendments made by this subtitle are charged directly to foreign shippers or foreign postal operators.

(b) COSTS NOT CONSIDERED REVENUE.—The recovery of costs under subsection (a) shall not be deemed revenue for purposes of subchapter I and II of chapter 36 of title 39, United States Code, or regulations prescribed under that chapter.

**SEC. 8006. DEVELOPMENT OF TECHNOLOGY TO DETECT ILLICIT NARCOTICS.**

(a) IN GENERAL.—The Postmaster General and the Commissioner of U.S. Customs and Border Protection, in coordination with the heads of other agencies as appropriate, shall collaborate to identify and develop technology for the detection of illicit fentanyl, other synthetic opioids, and other narcotics and psychoactive substances entering the United States by mail.

(b) OUTREACH TO PRIVATE SECTOR.—The Postmaster General and the Commissioner shall conduct outreach to private sector entities to gather information regarding the current state of technology to identify areas for innovation relating to the detection of illicit fentanyl, other synthetic opioids, and other narcotics and psychoactive substances entering the United States.

**SEC. 8007. CIVIL PENALTIES FOR POSTAL SHIPMENTS.**

Section 436 of the Tariff Act of 1930 (19 U.S.C. 1436) is amended by adding at the end the following new subsection:

“(e) CIVIL PENALTIES FOR POSTAL SHIPMENTS.—

“(1) CIVIL PENALTY.—A civil penalty shall be imposed against the United States Postal Service if the Postal Service accepts a shipment in violation of section 343(a)(3)(K)(vii)(I) of the Trade Act of 2002.

“(2) MODIFICATION OF CIVIL PENALTY.—

“(A) IN GENERAL.—U.S. Customs and Border Protection shall reduce or dismiss a civil penalty imposed pursuant to paragraph (1) if U.S. Customs and Border Protection determines that the United States Postal Service—

“(i) has a low error rate in compliance with section 343(a)(3)(K) of the Trade Act of 2002;

“(ii) is cooperating with U.S. Customs and Border Protection with respect to the violation of section 343(a)(3)(K)(vii)(I) of the Trade Act of 2002; or

“(iii) has taken remedial action to prevent future violations of section 343(a)(3)(K)(vii)(I) of the Trade Act of 2002.

“(B) WRITTEN NOTIFICATION.—U.S. Customs and Border Protection shall issue a written notification to the Postal Service with respect to each exercise of the authority of subparagraph (A) to reduce or dismiss a civil penalty imposed pursuant to paragraph (1).

“(3) ONGOING LACK OF COMPLIANCE.—If U.S. Customs and Border Protection determines that the United States Postal Service—

“(A) has repeatedly committed violations of section 343(a)(3)(K)(vii)(I) of the Trade Act of 2002,

“(B) has failed to cooperate with U.S. Customs and Border Protection with respect to violations of section 343(a)(3)(K)(vii)(I) of the Trade Act of 2002, and

“(C) has an increasing error rate in compliance with section 343(a)(3)(K) of the Trade Act of 2002,

civil penalties may be imposed against the United States Postal Service until corrective action, satisfactory to U.S. Customs and Border Protection, is taken.”.

**SEC. 8008. REPORT ON VIOLATIONS OF ARRIVAL, REPORTING, ENTRY, AND CLEARANCE REQUIREMENTS AND FALSITY OR LACK OF MANIFEST.**

(a) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection shall submit to the appropriate congressional committees an annual report that contains the information described in subsection (b) with respect to each violation of section 436 of the Tariff Act of 1930 (19 U.S.C. 1436), as amended by section 8007, and section 584 of such Act (19 U.S.C. 1584) that occurred during the previous year.

(b) INFORMATION DESCRIBED.—The information described in this subsection is the following:

(1) The name and address of the violator.

(2) The specific violation that was committed.

(3) The location or port of entry through which the items were transported.

(4) An inventory of the items seized, including a description of the items and the quantity seized.

(5) The location from which the items originated.

(6) The entity responsible for the apprehension or seizure, organized by location or port of entry.

(7) The amount of penalties assessed by U.S. Customs and Border Protection, organized by name of the violator and location or port of entry.

(8) The amount of penalties that U.S. Customs and Border Protection could have levied, organized by name of the violator and location or port of entry.

(9) The rationale for negotiating lower penalties, organized by name of the violator and location or port of entry.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Finance and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Committee on Ways and Means, the Committee on Oversight and Government Reform, and the Committee on Homeland Security of the House of Representatives.

**SEC. 8009. EFFECTIVE DATE; REGULATIONS.**

(a) EFFECTIVE DATE.—This subtitle and the amendments made by this subtitle (other than the amendments made by section 8002) shall take effect on the date of the enactment of this Act.

(b) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, such regulations as are necessary to carry out this subtitle and the amendments made by this subtitle shall be prescribed.

**Subtitle B—Opioid Addiction Recovery Fraud Prevention****SEC. 8021. SHORT TITLE.**

This subtitle may be cited as the “Opioid Addiction Recovery Fraud Prevention Act of 2018”.

**SEC. 8022. DEFINITIONS.**

For purposes of this subtitle only, and not be construed or applied as to challenge or affect the characterization, definition, or treatment under any other statute, regulation, or rule:

(1) SUBSTANCE USE DISORDER TREATMENT PRODUCT.—The term “substance use disorder treatment product” means a product for use or marketed for use in the treatment, cure, or prevention of a substance use disorder, including an opioid use disorder.

(2) SUBSTANCE USE DISORDER TREATMENT SERVICE.—The term “substance use disorder treatment service” means a service that purports to provide referrals to treatment, treatment, or recovery housing for people diagnosed with, having, or purporting to have

a substance use disorder, including an opioid use disorder.

**SEC. 8023. UNFAIR OR DECEPTIVE ACTS OR PRACTICES WITH RESPECT TO SUBSTANCE USE DISORDER TREATMENT SERVICE AND PRODUCTS.**

(a) UNLAWFUL ACTIVITY.—It is unlawful to engage in an unfair or deceptive act or practice with respect to any substance use disorder treatment service or substance use disorder treatment product.

(b) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (a) shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.

(2) POWERS OF THE FEDERAL TRADE COMMISSION.—

(A) IN GENERAL.—The Federal Trade Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

(B) PRIVILEGES AND IMMUNITIES.—Any person who violates subsection (a) shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated and made part of this section.

(c) AUTHORITY PRESERVED.—Nothing in this subtitle shall be construed to limit the authority of the Federal Trade Commission or the Food and Drug Administration under any other provision of law.

**Subtitle C—Addressing Economic and Workforce Impacts of the Opioid Crisis****SEC. 8041. ADDRESSING ECONOMIC AND WORKFORCE IMPACTS OF THE OPIOID CRISIS.**

(a) DEFINITIONS.—Except as otherwise expressly provided, in this section:

(1) WIOA DEFINITIONS.—The terms “core program”, “individual with a barrier to employment”, “local area”, “local board”, “one-stop operator”, “outlying area”, “State”, “State board”, and “supportive services” have the meanings given the terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(2) EDUCATION PROVIDER.—The term “education provider” means—

(A) an institution of higher education, as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

(B) a postsecondary vocational institution, as defined in section 102(c) of such Act (20 U.S.C. 1002(c)).

(3) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a State workforce agency;

(B) an outlying area; or

(C) a Tribal entity.

(4) PARTICIPATING PARTNERSHIP.—The term “participating partnership” means a partnership—

(A) evidenced by a written contract or agreement; and

(B) including, as members of the partnership, a local board receiving a subgrant under subsection (d) and 1 or more of the following:

(i) The eligible entity.

(ii) A treatment provider.

(iii) An employer or industry organization.

(iv) An education provider.

(v) A legal service or law enforcement organization.

(vi) A faith-based or community-based organization.

(vii) Other State or local agencies, including counties or local governments.

(viii) Other organizations, as determined to be necessary by the local board.

(ix) Indian Tribes or tribal organizations.

(5) PROGRAM PARTICIPANT.—The term “program participant” means an individual who—

(A) is a member of a population of workers described in subsection (e)(2) that is served by a participating partnership through the pilot program under this section; and

(B) enrolls with the applicable participating partnership to receive any of the services described in subsection (e)(3).

(6) PROVIDER OF PEER RECOVERY SUPPORT SERVICES.—The term “provider of peer recovery support services” means a provider that delivers peer recovery support services through an organization described in section 547(a) of the Public Health Service Act (42 U.S.C. 290ee–2(a)).

(7) SECRETARY.—The term “Secretary” means the Secretary of Labor.

(8) STATE WORKFORCE AGENCY.—The term “State workforce agency” means the lead State agency with responsibility for the administration of a program under chapter 2 or 3 of subtitle B of title I of the Workforce Innovation and Opportunity Act (29 U.S.C. 3161 et seq., 3171 et seq.).

(9) SUBSTANCE USE DISORDER.—The term “substance use disorder” has the meaning given such term by the Assistant Secretary for Mental Health and Substance Use.

(10) TREATMENT PROVIDER.—The term “treatment provider”—

(A) means a health care provider that—

(i) offers services for treating substance use disorders and is licensed in accordance with applicable State law to provide such services; and

(ii) accepts health insurance for such services, including coverage under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(B) may include—

(i) a nonprofit provider of peer recovery support services;

(ii) a community health care provider;

(iii) a Federally qualified health center (as defined in section 1861(aa) of the Social Security Act (42 U.S.C. 1395x));

(iv) an Indian health program (as defined in section 3 of the Indian Health Care Improvement Act (25 U.S.C. 1603)), including an Indian health program that serves an urban center (as defined in such section); and

(v) a Native Hawaiian health center (as defined in section 12 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11711)).

(11) TRIBAL ENTITY.—The term “Tribal entity” includes any Indian Tribe, tribal organization, Indian-controlled organization serving Indians, Native Hawaiian organization, or Alaska Native entity, as such terms are defined or used in section 166 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3221).

(b) PILOT PROGRAM AND GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Health and Human Services, shall carry out a pilot program to address economic and workforce impacts associated with a high rate of a substance use disorder. In carrying out the pilot program, the Secretary shall make grants, on a competitive basis, to eligible entities to enable such entities to make subgrants to local boards to address the economic and workforce impacts associated with a high rate of a substance use disorder.

(2) GRANT AMOUNTS.—The Secretary shall make each such grant in an amount that is not less than \$500,000, and not more than \$5,000,000, for a fiscal year.

(c) GRANT APPLICATIONS.—

(1) IN GENERAL.—An eligible entity applying for a grant under this section shall submit an application to the Secretary at such time and in such form and manner as the Secretary may reasonably require, including the information described in this subsection.

(2) SIGNIFICANT IMPACT ON COMMUNITY BY OPIOID AND SUBSTANCE USE DISORDER-RELATED PROBLEMS.—

(A) DEMONSTRATION.—An eligible entity shall include in the application—

(i) information that demonstrates significant impact on the community by problems related to opioid abuse or another substance use disorder, by—

(I) identifying the counties, communities, regions, or local areas that have been significantly impacted and will be served through the grant (each referred to in this section as a “service area”); and

(II) demonstrating for each such service area, an increase equal to or greater than the national increase in such problems, between—

(aa) 1999; and

(bb) 2016 or the latest year for which data are available; and

(ii) a description of how the eligible entity will prioritize support for significantly impacted service areas described in clause (i)(I).

(B) INFORMATION.—To meet the requirements described in subparagraph (A)(i)(II), the eligible entity may use information including data on—

(i) the incidence or prevalence of opioid abuse and other substance use disorders;

(ii) the age-adjusted rate of drug overdose deaths, as determined by the Director of the Centers for Disease Control and Prevention;

(iii) the rate of non-fatal hospitalizations related to opioid abuse or other substance use disorders;

(iv) the number of arrests or convictions, or a relevant law enforcement statistic, that reasonably shows an increase in opioid abuse or another substance use disorder; or

(v) in the case of an eligible entity described in subsection (a)(3)(C), other alternative relevant data as determined appropriate by the Secretary.

(C) SUPPORT FOR STATE STRATEGY.—The eligible entity may include in the application information describing how the proposed services and activities are aligned with the State, outlying area, or Tribal strategy, as applicable, for addressing problems described in subparagraph (A) in specific service areas or across the State, outlying area, or Tribal land.

(3) ECONOMIC AND EMPLOYMENT CONDITIONS DEMONSTRATE ADDITIONAL FEDERAL SUPPORT NEEDED.—

(A) DEMONSTRATION.—An eligible entity shall include in the application information that demonstrates that a high rate of a substance use disorder has caused, or is coincident to—

(i) an economic or employment downturn in the service area; or

(ii) persistent economically depressed conditions in such service area.

(B) INFORMATION.—To meet the requirements of subparagraph (A), an eligible entity may use information including—

(i) documentation of any layoff, announced future layoff, legacy industry decline, decrease in an employment or labor market participation rate, or economic impact, whether or not the result described in this clause is overtly related to a high rate of a substance use disorder;

(ii) documentation showing decreased economic activity related to, caused by, or contributing to a high rate of a substance use disorder, including a description of how the service area has been impacted, or will be impacted, by such a decrease;

(iii) information on economic indicators, labor market analyses, information from public announcements, and demographic and industry data;

(iv) information on rapid response activities (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102)) that have been or will be conducted, including demographic data gathered by employer or worker surveys or through other methods;

(v) data or documentation, beyond anecdotal evidence, showing that employers face challenges filling job vacancies due to a lack of skilled workers able to pass a drug test; or

(vi) any additional relevant data or information on the economy, workforce, or another aspect of the service area to support the application.

(d) SUBGRANT AUTHORIZATION AND APPLICATION PROCESS.—

(1) SUBGRANTS AUTHORIZED.—

(A) IN GENERAL.—An eligible entity receiving a grant under subsection (b)—

(i) may use not more than 5 percent of the grant funds for the administrative costs of carrying out the grant;

(ii) in the case of an eligible entity described in subparagraph (A) or (B) of subsection (a)(3), shall use the remaining grant funds to make subgrants to local entities in the service area to carry out the services and activities described in subsection (e); and

(iii) in the case of an eligible entity described in subsection (a)(3)(C), shall use the remaining grant funds to carry out the services and activities described in subsection (e).

(B) EQUITABLE DISTRIBUTION.—In making subgrants under this subsection, an eligible entity shall ensure, to the extent practicable, the equitable distribution of subgrants, based on—

(i) geography (such as urban and rural distribution); and

(ii) significantly impacted service areas as described in subsection (c)(2).

(C) TIMING OF SUBGRANT FUNDS DISTRIBUTION.—An eligible entity making subgrants under this subsection shall disburse subgrant funds to a local board receiving a subgrant from the eligible entity by the later of—

(i) the date that is 90 days after the date on which the Secretary makes the funds available to the eligible entity; or

(ii) the date that is 15 days after the date that the eligible entity makes the subgrant under subparagraph (A)(ii).

(2) SUBGRANT APPLICATION.—

(A) IN GENERAL.—A local board desiring to receive a subgrant under this subsection from an eligible entity shall submit an application at such time and in such manner as the eligible entity may reasonably require, including the information described in this paragraph.

(B) CONTENTS.—Each application described in subparagraph (A) shall include—

(i) an analysis of the estimated performance of the local board in carrying out the proposed services and activities under the subgrant—

(I) based on—

(aa) primary indicators of performance described in section 116(c)(1)(A)(i) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141(c)(1)(A)(i)), to assess estimated effectiveness of the proposed services and activities, including the estimated number of individuals with a substance use disorder who may be served by the proposed services and activities;

(bb) the record of the local board in serving individuals with a barrier to employment; and

(cc) the ability of the local board to establish a participating partnership; and

(II) which may include or utilize—

(aa) data from the National Center for Health Statistics of the Centers for Disease Control and Prevention;

(bb) data from the Center for Behavioral Health Statistics and Quality of the Substance Abuse and Mental Health Services Administration;

(cc) State vital statistics;

(dd) municipal police department records;

(ee) reports from local coroners; or

(ff) other relevant data; and

(i) in the case of a local board proposing to serve a population described in subsection (e)(2)(B), a demonstration of the workforce shortage in the professional area to be addressed under the subgrant (which may include substance use disorder treatment and related services, non-addictive pain therapy and pain management services, mental health care treatment services, emergency response services, or mental health care), which shall include information that can demonstrate such a shortage, such as—

(I) the distance between—

(aa) communities affected by opioid abuse or another substance use disorder; and

(bb) facilities or professionals offering services in the professional area; or

(II) the maximum capacity of facilities or professionals to serve individuals in an affected community, or increases in arrests related to opioid or another substance use disorder, overdose deaths, or nonfatal overdose emergencies in the community.

(e) SUBGRANT SERVICES AND ACTIVITIES.—

(1) IN GENERAL.—Each local board that receives a subgrant under subsection (d) shall carry out the services and activities described in this subsection through a participating partnership.

(2) SELECTION OF POPULATION TO BE SERVED.—A participating partnership shall elect to provide services and activities under the subgrant to one or both of the following populations of workers:

(A) Workers, including dislocated workers, individuals with barriers to employment, new entrants in the workforce, or incumbent workers (employed or underemployed), each of whom—

(i) is directly or indirectly affected by a high rate of a substance use disorder; and

(ii) voluntarily confirms that the worker, or a friend or family member of the worker, has a history of opioid abuse or another substance use disorder.

(B) Workers, including dislocated workers, individuals with barriers to employment, new entrants in the workforce, or incumbent workers (employed or underemployed), who—

(i) seek to transition to professions that support individuals with a substance use disorder or at risk for developing such disorder, such as professions that provide—

(I) substance use disorder treatment and related services;

(II) services offered through providers of peer recovery support services;

(III) non-addictive pain therapy and pain management services;

(IV) emergency response services; or

(V) mental health care; and

(ii) need new or upgraded skills to better serve such a population of struggling or at-risk individuals.

(3) SERVICES AND ACTIVITIES.—Each participating partnership shall use funds available through a subgrant under this subsection to carry out 1 or more of the following:

(A) ENGAGING EMPLOYERS.—Engaging with employers to—

(i) learn about the skill and hiring requirements of employers;

(ii) learn about the support needed by employers to hire and retain program participants, and other individuals with a substance use disorder, and the support needed

by such employers to obtain their commitment to testing creative solutions to employing program participants and such individuals;

(iii) connect employers and workers to on-the-job or customized training programs before or after layoff to help facilitate reemployment;

(iv) connect employers with an education provider to develop classroom instruction to complement on-the-job learning for program participants and such individuals;

(v) help employers develop the curriculum design of a work-based learning program for program participants and such individuals;

(vi) help employers employ program participants or such individuals engaging in a work-based learning program for a transitional period before hiring such a program participant or individual for full-time employment of not less than 30 hours a week; or

(vii) connect employers to program participants receiving concurrent outpatient treatment and job training services.

(B) SCREENING SERVICES.—Providing screening services, which may include—

(i) using an evidence-based screening method to screen each individual seeking participation in the pilot program to determine whether the individual has a substance use disorder;

(ii) conducting an assessment of each such individual to determine the services needed for such individual to obtain or retain employment, including an assessment of strengths and general work readiness; or

(iii) accepting walk-ins or referrals from employers, labor organizations, or other entities recommending individuals to participate in such program.

(C) INDIVIDUAL TREATMENT AND EMPLOYMENT PLAN.—Developing an individual treatment and employment plan for each program participant—

(i) in coordination, as appropriate, with other programs serving the participant such as the core programs within the workforce development system under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.); and

(ii) which shall include providing a case manager to work with each participant to develop the plan, which may include—

(I) identifying employment and career goals;

(II) exploring career pathways that lead to in-demand industries and sectors, as determined by the State board and the head of the State workforce agency or, as applicable, the Tribal entity;

(III) setting appropriate achievement objectives to attain the employment and career goals identified under subclause (I); or

(IV) developing the appropriate combination of services to enable the participant to achieve the employment and career goals identified under subclause (I).

(D) OUTPATIENT TREATMENT AND RECOVERY CARE.—In the case of a participating partnership serving program participants described in paragraph (2)(A) with a substance use disorder, providing individualized and group outpatient treatment and recovery services for such program participants that are offered during the day and evening, and on weekends. Such treatment and recovery services—

(i) shall be based on a model that utilizes combined behavioral interventions and other evidence-based or evidence-informed interventions; and

(ii) may include additional services such as—

(I) health, mental health, addiction, or other forms of outpatient treatment that may impact a substance use disorder and co-occurring conditions;

(II) drug testing for a current substance use disorder prior to enrollment in career or training services or prior to employment;

(III) linkages to community services, including services offered by partner organizations designed to support program participants; or

(IV) referrals to health care, including referrals to substance use disorder treatment and mental health services.

(E) SUPPORTIVE SERVICES.—Providing supportive services, which shall include services such as—

(i) coordinated wraparound services to provide maximum support for program participants to assist the program participants in maintaining employment and recovery for not less than 12 months, as appropriate;

(ii) assistance in establishing eligibility for assistance under Federal, State, Tribal, and local programs providing health services, mental health services, vocational services, housing services, transportation services, social services, or services through early childhood education programs (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003));

(iii) services offered through providers of peer recovery support services;

(iv) networking and mentorship opportunities; or

(v) any supportive services determined necessary by the local board.

(F) CAREER AND JOB TRAINING SERVICES.—Offering career services and training services, and related services, concurrently or sequentially with the services provided under subparagraphs (B) through (E). Such services shall include the following:

(i) Services provided to program participants who are in a pre-employment stage of the program, which may include—

(I) initial education and skills assessments;

(II) traditional classroom training funded through individual training accounts under chapter 3 of subtitle B of title I of the Workforce Innovation and Opportunity Act (29 U.S.C. 3171 et seq.);

(III) services to promote employability skills such as punctuality, personal maintenance skills, and professional conduct;

(IV) in-depth interviewing and evaluation to identify employment barriers and to develop individual employment plans;

(V) career planning that includes—

(aa) career pathways leading to in-demand, high-wage jobs; and

(bb) job coaching, job matching, and job placement services;

(VI) provision of payments and fees for employment and training-related applications, tests, and certifications; or

(VII) any other appropriate career service or training service described in section 134(c) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(c)).

(ii) Services provided to program participants during their first 6 months of employment to ensure job retention, which may include—

(I) case management and support services, including a continuation of the services described in clause (i);

(II) a continuation of skills training, and career and technical education, described in clause (i) that is conducted in collaboration with the employers of such participants;

(III) mentorship services and job retention support for such participants; or

(IV) targeted training for managers and workers working with such participants (such as mentors), and human resource representatives in the business in which such participants are employed.

(iii) Services to assist program participants in maintaining employment for not less than 12 months, as appropriate.



(G) **PROVEN AND PROMISING PRACTICES.**—Leading efforts in the service area to identify and promote proven and promising strategies and initiatives for meeting the needs of employers and program participants.

(4) **LIMITATIONS.**—A participating partnership may not use—

(A) more than 10 percent of the funds received under a subgrant under subsection (d) for the administrative costs of the partnership;

(B) more than 10 percent of the funds received under such subgrant for the provision of treatment and recovery services, as described in paragraph (3)(D); and

(C) more than 10 percent of the funds received under such subgrant for the provision of supportive services described in paragraph (3)(E) to program participants.

(f) **PERFORMANCE ACCOUNTABILITY.**—

(1) **REPORTS.**—The Secretary shall establish quarterly reporting requirements for recipients of grants and subgrants under this section that, to the extent practicable, are based on the performance accountability system under section 116 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3141) and, in the case of a grant awarded to an eligible entity described in subsection (a)(3)(C), section 166(h) of such Act (29 U.S.C. 3221(h)), including the indicators described in subsection (c)(1)(A)(i) of such section 116 and the requirements for local area performance reports under subsection (d) of such section 116.

(2) **EVALUATIONS.**—

(A) **AUTHORITY TO ENTER INTO AGREEMENTS.**—The Secretary shall ensure that an independent evaluation is conducted on the pilot program carried out under this section to determine the impact of the program on employment of individuals with substance use disorders. The Secretary shall enter into an agreement with eligible entities receiving grants under this section to pay for all or part of such evaluation.

(B) **METHODOLOGIES TO BE USED.**—The independent evaluation required under this paragraph shall use experimental designs using random assignment or, when random assignment is not feasible, other reliable, evidence-based research methodologies that allow for the strongest possible causal inferences.

(g) **FUNDING.**—

(1) **COVERED FISCAL YEAR.**—In this subsection, the term “covered fiscal year” means any of fiscal years 2019 through 2023.

(2) **USING FUNDING FOR NATIONAL DISLOCATED WORKER GRANTS.**—Subject to paragraph (4) and notwithstanding section 132(a)(2)(A) and subtitle D of the Workforce Innovation and Opportunity Act (29 U.S.C. 3172(a)(2)(A), 3221 et seq.), the Secretary may use, to carry out the pilot program under this section for a covered fiscal year—

(A) funds made available to carry out section 170 of such Act (29 U.S.C. 3225) for that fiscal year;

(B) funds made available to carry out section 170 of such Act that remain available for that fiscal year; and

(C) funds that remain available under section 172(f) of such Act (29 U.S.C. 3227(f)).

(3) **AVAILABILITY OF FUNDS.**—Funds appropriated under section 136(c) of such Act (29 U.S.C. 3181(c)) and made available to carry out section 170 of such Act for a fiscal year shall remain available for use under paragraph (2) for a subsequent fiscal year until expended.

(4) **LIMITATION.**—The Secretary may not use more than \$100,000,000 of the funds described in paragraph (2) for any covered fiscal year under this section.

#### Subtitle D—Peer Support Counseling Program for Women Veterans

##### SEC. 8051. PEER SUPPORT COUNSELING PROGRAM FOR WOMEN VETERANS.

(a) **IN GENERAL.**—Section 1720F(j) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(4)(A) As part of the counseling program under this subsection, the Secretary shall emphasize appointing peer support counselors for women veterans. To the degree practicable, the Secretary shall seek to recruit women peer support counselors with expertise in—

“(i) female gender-specific issues and services;

“(ii) the provision of information about services and benefits provided under laws administered by the Secretary; or

“(iii) employment mentoring.

“(B) To the degree practicable, the Secretary shall emphasize facilitating peer support counseling for women veterans who are eligible for counseling and services under section 1720D of this title, have post-traumatic stress disorder or suffer from another mental health condition, are homeless or at risk of becoming homeless, or are otherwise at increased risk of suicide, as determined by the Secretary.

“(C) The Secretary shall conduct outreach to inform women veterans about the program and the assistance available under this paragraph.

“(D) In carrying out this paragraph, the Secretary shall coordinate with such community organizations, State and local governments, institutions of higher education, chambers of commerce, local business organizations, organizations that provide legal assistance, and other organizations as the Secretary considers appropriate.

“(E) In carrying out this paragraph, the Secretary shall provide adequate training for peer support counselors, including training carried out under the national program of training required by section 304(c) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (38 U.S.C. 1712A note).”

(b) **FUNDING.**—The Secretary of Veterans Affairs shall carry out paragraph (4) of section 1720F(j) of title 38, United States Code, as added by subsection (a), using funds otherwise made available to the Secretary. No additional funds are authorized to be appropriated by reason of such paragraph.

(c) **REPORT TO CONGRESS.**—Not later than 2 years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the peer support counseling program under section 1720F(j) of title 38, United States Code, as amended by this section. Such report shall include—

(1) the number of peer support counselors in the program;

(2) an assessment of the effectiveness of the program; and

(3) a description of the oversight of the program.

#### Subtitle E—Treating Barriers to Prosperity

##### SEC. 8061. SHORT TITLE.

This subtitle may be cited as the “Treating Barriers to Prosperity Act of 2018”.

##### SEC. 8062. DRUG ABUSE MITIGATION INITIATIVE.

(a) **IN GENERAL.**—Chapter 145 of title 40, United States Code, is amended by inserting after section 14509 the following:

#### “§ 14510. Drug abuse mitigation initiative

“(a) **IN GENERAL.**—The Appalachian Regional Commission may provide technical assistance to, make grants to, enter into contracts with, or otherwise provide amounts to individuals or entities in the Appalachian region for projects and activities

to address drug abuse, including opioid abuse, in the region, including projects and activities—

“(1) to facilitate the sharing of best practices among States, counties, and other experts in the region with respect to reducing such abuse;

“(2) to initiate or expand programs designed to eliminate or reduce the harm to the workforce and economic growth of the region that results from such abuse;

“(3) to attract and retain relevant health care services, businesses, and workers; and

“(4) to develop relevant infrastructure, including broadband infrastructure that supports the use of telemedicine.

“(b) **LIMITATION ON AVAILABLE AMOUNTS.**—Of the cost of any activity eligible for a grant under this section—

“(1) not more than 50 percent may be provided from amounts appropriated to carry out this section; and

“(2) notwithstanding paragraph (1)—

“(A) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, not more than 80 percent may be provided from amounts appropriated to carry out this section; and

“(B) in the case of a project to be carried out in a county for which an at-risk designation is in effect under section 14526, not more than 70 percent may be provided from amounts appropriated to carry out this section.

“(c) **SOURCES OF ASSISTANCE.**—Subject to subsection (b), a grant provided under this section may be provided from amounts made available to carry out this section in combination with amounts made available—

“(1) under any other Federal program (subject to the availability of subsequent appropriations); or

“(2) from any other source.

“(d) **FEDERAL SHARE.**—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Appalachian Regional Commission determines to be appropriate.”

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 145 of title 40, United States Code, is amended by inserting after the item relating to section 14509 the following:

“14510. Drug abuse mitigation initiative.”

#### Subtitle F—Pilot Program to Help Individuals in Recovery From a Substance Use Disorder Become Stably Housed

##### SEC. 8071. PILOT PROGRAM TO HELP INDIVIDUALS IN RECOVERY FROM A SUBSTANCE USE DISORDER BECOME STABLY HOUSED.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated under this section such sums as may be necessary for each of fiscal years 2019 through 2023 for assistance to States to provide individuals in recovery from a substance use disorder stable, temporary housing for a period of not more than 2 years or until the individual secures permanent housing, whichever is earlier.

(b) **ALLOCATION OF APPROPRIATED AMOUNTS.**—

(1) **IN GENERAL.**—The amounts appropriated or otherwise made available to States under this section shall be allocated based on a funding formula established by the Secretary of Housing and Urban Development (referred to in this section as the “Secretary”) not later than 60 days after the date of enactment of this Act.

(2) **CRITERIA.**—

(A) **IN GENERAL.**—The funding formula required under paragraph (1) shall ensure that any amounts appropriated or otherwise made

available under this section are allocated to States with an age-adjusted rate of drug overdose deaths that is above the national overdose mortality rate, according to the Centers for Disease Control and Prevention.

(B) PRIORITY.—

(i) IN GENERAL.—Among such States, priority shall be given to States with the greatest need, as such need is determined by the Secretary based on the following factors, and weighting such factors as described in clause (ii):

(I) The highest average rates of unemployment based on data provided by the Bureau of Labor Statistics for calendar years 2013 through 2017.

(II) The lowest average labor force participation rates based on data provided by the Bureau of Labor Statistics for calendar years 2013 through 2017.

(III) The highest age-adjusted rates of drug overdose deaths based on data from the Centers for Disease Control and Prevention.

(i) WEIGHTING.—The factors described in clause (i) shall be weighted as follows:

(I) The rate described in clause (i)(I) shall be weighted at 15 percent.

(II) The rate described in clause (i)(II) shall be weighted at 15 percent.

(III) The rate described in clause (i)(III) shall be weighted at 70 percent.

(3) DISTRIBUTION.—Amounts appropriated or otherwise made available under this section shall be distributed according to the funding formula established by the Secretary under paragraph (1) not later than 30 days after the establishment of such formula.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Any State that receives amounts pursuant to this section shall expend at least 30 percent of such funds within one year of the date funds become available to the grantee for obligation.

(2) PRIORITY.—Any State that receives amounts pursuant to this section shall distribute such amounts giving priority to entities with the greatest need and ability to deliver effective assistance in a timely manner.

(3) ADMINISTRATIVE COSTS.—Any State that receives amounts pursuant to this section may use up to 5 percent of any grant for administrative costs.

(d) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—Except as otherwise provided by this section, amounts appropriated, or amounts otherwise made available to States under this section shall be treated as though such funds were community development block grant funds under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(2) NO MATCH.—No matching funds shall be required in order for a State to receive any amounts under this section.

(e) AUTHORITY TO WAIVE OR SPECIFY ALTERNATIVE REQUIREMENTS.—

(1) IN GENERAL.—In administering any amounts appropriated or otherwise made available under this section, the Secretary may waive or specify alternative requirements to any provision under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) except for requirements related to fair housing, non-discrimination, labor standards, the environment, and requirements that activities benefit persons of low- and moderate-income, upon a finding that such a waiver is necessary to expedite or facilitate the use of such funds.

(2) NOTICE OF INTENT.—The Secretary shall provide written notice of its intent to exercise the authority to specify alternative requirements under paragraph (1) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representa-

tives not later than 15 business days before such exercise of authority occurs.

(3) NOTICE TO THE PUBLIC.—The Secretary shall provide written notice of its intent to exercise the authority to specify alternative requirements under paragraph (1) to the public via notice, on the internet website of the Department of Housing and Urban Development, and by other appropriate means, not later than 15 business days before such exercise of authority occurs.

(f) TECHNICAL ASSISTANCE.—For the 2-year period following the date of enactment of this Act, the Secretary may use not more than 2 percent of the funds made available under this section for technical assistance to grantees.

(g) STATE.—For purposes of this section the term “State” includes any State as defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302) and the District of Columbia.

**Subtitle G—Human Services**

**SEC. 8081. SUPPORTING FAMILY-FOCUSED RESIDENTIAL TREATMENT.**

(a) DEFINITIONS.—In this section:

(1) FAMILY-FOCUSED RESIDENTIAL TREATMENT PROGRAM.—The term “family-focused residential treatment program” means a trauma-informed residential program primarily for substance use disorder treatment for pregnant and postpartum women and parents and guardians that allows children to reside with such women or their parents or guardians during treatment to the extent appropriate and applicable.

(2) MEDICAID PROGRAM.—The term “Medicaid program” means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(3) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(4) TITLE IV-E PROGRAM.—The term “title IV-E program” means the program for foster care, prevention, and permanency established under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.).

(b) GUIDANCE ON FAMILY-FOCUSED RESIDENTIAL TREATMENT PROGRAMS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with divisions of the Department of Health and Human Services administering substance use disorder or child welfare programs, shall develop and issue guidance to States identifying opportunities to support family-focused residential treatment programs for the provision of substance use disorder treatment. Before issuing such guidance, the Secretary shall solicit input from representatives of States, health care providers with expertise in addiction medicine, obstetrics and gynecology, neonatology, child trauma, and child development, health plans, recipients of family-focused treatment services, and other relevant stakeholders.

(2) ADDITIONAL REQUIREMENTS.—The guidance required under paragraph (1) shall include descriptions of the following:

(A) Existing opportunities and flexibilities under the Medicaid program, including under waivers authorized under section 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1396n), for States to receive Federal Medicaid funding for the provision of substance use disorder treatment for pregnant and postpartum women and parents and guardians and, to the extent applicable, their children, in family-focused residential treatment programs.

(B) How States can employ and coordinate funding provided under the Medicaid program, the title IV-E program, and other programs administered by the Secretary to support the provision of treatment and services

provided by a family-focused residential treatment facility such as substance use disorder treatment and services, including medication-assisted treatment, family, group, and individual counseling, case management, parenting education and skills development, the provision, assessment, or coordination of care and services for children, including necessary assessments and appropriate interventions, non-emergency transportation for necessary care provided at or away from a program site, transitional services and supports for families leaving treatment, and other services.

(C) How States can employ and coordinate funding provided under the Medicaid program and the title IV-E program (including as amended by the Family First Prevention Services Act enacted under title VII of division E of Public Law 115-123, and particularly with respect to the authority under subsections (a)(2)(C) and (j) of section 472 and section 474(a)(1) of the Social Security Act (42 U.S.C. 672, 674(a)(1)) (as amended by section 50712 of Public Law 115-123) to provide foster care maintenance payments for a child placed with a parent who is receiving treatment in a licensed residential family-based treatment facility for a substance use disorder) to support placing children with their parents in family-focused residential treatment programs.

**SEC. 8082. IMPROVING RECOVERY AND REUNITING FAMILIES.**

(a) FAMILY RECOVERY AND REUNIFICATION PROGRAM REPLICATION PROJECT.—Section 435 of the Social Security Act (42 U.S.C. 629e) is amended by adding at the end the following:

“(e) FAMILY RECOVERY AND REUNIFICATION PROGRAM REPLICATION PROJECT.—

“(1) PURPOSE.—The purpose of this subsection is to provide resources to the Secretary to support the conduct and evaluation of a family recovery and reunification program replication project (referred to in this subsection as the ‘project’) and to determine the extent to which such programs may be appropriate for use at different intervention points (such as when a child is at risk of entering foster care or when a child is living with a guardian while a parent is in treatment). The family recovery and reunification program conducted under the project shall use a recovery coach model that is designed to help reunify families and protect children by working with parents or guardians with a substance use disorder who have temporarily lost custody of their children.

“(2) PROGRAM COMPONENTS.—The family recovery and reunification program conducted under the project shall adhere closely to the elements and protocol determined to be most effective in other recovery coaching programs that have been rigorously evaluated and shown to increase family reunification and protect children and, consistent with such elements and protocol, shall provide such items and services as—

“(A) assessments to evaluate the needs of the parent or guardian;

“(B) assistance in receiving the appropriate benefits to aid the parent or guardian in recovery;

“(C) services to assist the parent or guardian in prioritizing issues identified in assessments, establishing goals for resolving such issues that are consistent with the goals of the treatment provider, child welfare agency, courts, and other agencies involved with the parent or guardian or their children, and making a coordinated plan for achieving such goals;

“(D) home visiting services coordinated with the child welfare agency and treatment provider involved with the parent or guardian or their children;

“(E) case management services to remove barriers for the parent or guardian to participate and continue in treatment, as well as to re-engage a parent or guardian who is not participating or progressing in treatment;

“(F) access to services needed to monitor the parent’s or guardian’s compliance with program requirements;

“(G) frequent reporting between the treatment provider, child welfare agency, courts, and other agencies involved with the parent or guardian or their children to ensure appropriate information on the parent’s or guardian’s status is available to inform decision-making; and

“(H) assessments and recommendations provided by a recovery coach to the child welfare caseworker responsible for documenting the parent’s or guardian’s progress in treatment and recovery as well as the status of other areas identified in the treatment plan for the parent or guardian, including a recommendation regarding the expected safety of the child if the child is returned to the custody of the parent or guardian that can be used by the caseworker and a court to make permanency decisions regarding the child.

“(3) RESPONSIBILITIES OF THE SECRETARY.—

“(A) IN GENERAL.—The Secretary shall, through a grant or contract with 1 or more entities, conduct and evaluate the family recovery and reunification program under the project.

“(B) REQUIREMENTS.—In identifying 1 or more entities to conduct the evaluation of the family recovery and reunification program, the Secretary shall—

“(i) determine that the area or areas in which the program will be conducted have sufficient substance use disorder treatment providers and other resources (other than those provided with funds made available to carry out the project) to successfully conduct the program;

“(ii) determine that the area or areas in which the program will be conducted have enough potential program participants, and will serve a sufficient number of parents or guardians and their children, so as to allow for the formation of a control group, evaluation results to be adequately powered, and preliminary results of the evaluation to be available within 4 years of the program’s implementation;

“(iii) provide the entity or entities with technical assistance for the program design, including by working with 1 or more entities that are or have been involved in recovery coaching programs that have been rigorously evaluated and shown to increase family reunification and protect children so as to make sure the program conducted under the project adheres closely to the elements and protocol determined to be most effective in such other recovery coaching programs;

“(iv) assist the entity or entities in securing adequate coaching, treatment, child welfare, court, and other resources needed to successfully conduct the family recovery and reunification program under the project; and

“(v) ensure the entity or entities will be able to monitor the impacts of the program in the area or areas in which it is conducted for at least 5 years after parents or guardians and their children are randomly assigned to participate in the program or to be part of the program’s control group.

“(4) EVALUATION REQUIREMENTS.—

“(A) IN GENERAL.—The Secretary, in consultation with the entity or entities conducting the family recovery and reunification program under the project, shall conduct an evaluation to determine whether the program has been implemented effectively and resulted in improvements for children and families. The evaluation shall have 3

components: a pilot phase, an impact study, and an implementation study.

“(B) PILOT PHASE.—The pilot phase component of the evaluation shall consist of the Secretary providing technical assistance to the entity or entities conducting the family recovery and reunification program under the project to ensure—

“(i) the program’s implementation adheres closely to the elements and protocol determined to be most effective in other recovery coaching programs that have been rigorously evaluated and shown to increase family reunification and protect children; and

“(ii) random assignment of parents or guardians and their children to be participants in the program or to be part of the program’s control group is being carried out.

“(C) IMPACT STUDY.—The impact study component of the evaluation shall determine the impacts of the family recovery and reunification program conducted under the project on the parents and guardians and their children participating in the program. The impact study component shall—

“(i) be conducted using an experimental design that uses a random assignment research methodology;

“(ii) consistent with previous studies of other recovery coaching programs that have been rigorously evaluated and shown to increase family reunification and protect children, measure outcomes for parents and guardians and their children over multiple time periods, including for a period of 5 years; and

“(iii) include measurements of family stability and parent, guardian, and child safety for program participants and the program control group that are consistent with measurements of such factors for participants and control groups from previous studies of other recovery coaching programs so as to allow results of the impact study to be compared with the results of such prior studies, including with respect to comparisons between program participants and the program control group regarding—

“(I) safe family reunification;

“(II) time to reunification;

“(III) permanency (such as through measures of reunification, adoption, or placement with guardians);

“(IV) safety (such as through measures of subsequent maltreatment);

“(V) parental or guardian treatment persistence and engagement;

“(VI) parental or guardian substance use;

“(VII) juvenile delinquency;

“(VIII) cost; and

“(IX) other measurements agreed upon by the Secretary and the entity or entities operating the family recovery and reunification program under the project.

“(D) IMPLEMENTATION STUDY.—The implementation study component of the evaluation shall be conducted concurrently with the conduct of the impact study component and shall include, in addition to such other information as the Secretary may determine, descriptions and analyses of—

“(i) the adherence of the family recovery and reunification program conducted under the project to other recovery coaching programs that have been rigorously evaluated and shown to increase family reunification and protect children; and

“(ii) the difference in services received or proposed to be received by the program participants and the program control group.

“(E) REPORT.—The Secretary shall publish on an internet website maintained by the Secretary the following information:

“(i) A report on the pilot phase component of the evaluation.

“(ii) A report on the impact study component of the evaluation.

“(iii) A report on the implementation study component of the evaluation.

“(iv) A report that includes—

“(I) analyses of the extent to which the program has resulted in increased reunifications, increased permanency, case closures, net savings to the State or States involved (taking into account both costs borne by States and the Federal government), or other outcomes, or if the program did not produce such outcomes, an analysis of why the replication of the program did not yield such results;

“(II) if, based on such analyses, the Secretary determines the program should be replicated, a replication plan; and

“(III) such recommendations for legislative and administrative action as the Secretary determines appropriate.

“(5) APPROPRIATION.—In addition to any amounts otherwise made available to carry out this subpart, out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated \$15,000,000 for fiscal year 2019 to carry out the project, which shall remain available through fiscal year 2026.”.

(b) CLARIFICATION OF PAYER OF LAST RESORT APPLICATION TO CHILD WELFARE PREVENTION AND FAMILY SERVICES.—Section 471(e)(10) of the Social Security Act (42 U.S.C. 671(e)(10)), as added by section 50711(a)(2) of division E of Public Law 115-123, is amended—

(1) in subparagraph (A), by inserting “, nor shall the provision of such services or programs be construed to permit the State to reduce medical or other assistance available to a recipient of such services or programs” after “under this Act”; and

(2) by adding at the end the following:

“(C) PAYER OF LAST RESORT.—In carrying out its responsibilities to ensure access to services or programs under this subsection, the State agency shall not be considered to be a legally liable third party for purposes of satisfying a financial commitment for the cost of providing such services or programs with respect to any individual for whom such cost would have been paid for from another public or private source but for the enactment of this subsection (except that whenever considered necessary to prevent a delay in the receipt of appropriate early intervention services by a child or family in a timely fashion, funds provided under section 474(a)(6) may be used to pay the provider of services or programs pending reimbursement from the public or private source that has ultimate responsibility for the payment).”.

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect as if included in section 50711 of division E of Public Law 115-123.

#### SEC. 8083. BUILDING CAPACITY FOR FAMILY-FOCUSED RESIDENTIAL TREATMENT.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means a State, county, local, or tribal health or child welfare agency, a private nonprofit organization, a research organization, a treatment service provider, an institution of higher education (as defined under section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), or another entity specified by the Secretary.

(2) FAMILY-FOCUSED RESIDENTIAL TREATMENT PROGRAM.—The term “family-focused residential treatment program” means a trauma-informed residential program primarily for substance use disorder treatment for pregnant and postpartum women and parents and guardians that allows children to reside with such women or their parents or guardians during treatment to the extent appropriate and applicable.

(3) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(b) SUPPORT FOR THE DEVELOPMENT OF EVIDENCE-BASED FAMILY-FOCUSED RESIDENTIAL TREATMENT PROGRAMS.—

(1) AUTHORITY TO AWARD GRANTS.—The Secretary shall award grants to eligible entities for purposes of developing, enhancing, or evaluating family-focused residential treatment programs to increase the availability of such programs that meet the requirements for promising, supported, or well-supported practices specified in section 471(e)(4)(C) of the Social Security Act (42 U.S.C. 671(e)(4)(C)) (as added by the Family First Prevention Services Act enacted under title VII of division E of Public Law 115-123).

(2) EVALUATION REQUIREMENT.—The Secretary shall require any evaluation of a family-focused residential treatment program by an eligible entity that uses funds awarded under this section for all or part of the costs of the evaluation be designed to assist in the determination of whether the program may qualify as a promising, supported, or well-supported practice in accordance with the requirements of such section 471(e)(4)(C).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section, \$20,000,000 for fiscal year 2019, which shall remain available through fiscal year 2023.

#### **Subtitle H—Reauthorizing and Extending Grants for Recovery From Opioid Use Programs**

##### **SEC. 8091. SHORT TITLE.**

This subtitle may be cited as the “Reauthorizing and Extending Grants for Recovery from Opioid Use Programs Act of 2018” or the “REGROUP Act of 2018”.

##### **SEC. 8092. REAUTHORIZATION OF THE COMPREHENSIVE OPIOID ABUSE GRANT PROGRAM.**

Section 1001(a)(27) of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10261(a)(27)) is amended by striking “through 2021” and inserting “and 2018, and \$330,000,000 for each of fiscal years 2019 through 2023”.

#### **Subtitle I—Fighting Opioid Abuse in Transportation**

##### **SEC. 8101. SHORT TITLE.**

This subtitle may be cited as the “Fighting Opioid Abuse in Transportation Act”.

##### **SEC. 8102. ALCOHOL AND CONTROLLED SUBSTANCE TESTING OF MECHANICAL EMPLOYEES.**

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall publish a rule in the Federal Register revising the regulations promulgated under section 20140 of title 49, United States Code, to cover all employees of railroad carriers who perform mechanical activities.

(b) DEFINITION OF MECHANICAL ACTIVITIES.—For the purposes of the rule under subsection (a), the Secretary shall define the term “mechanical activities” by regulation.

##### **SEC. 8103. DEPARTMENT OF TRANSPORTATION PUBLIC DRUG AND ALCOHOL TESTING DATABASE.**

(a) IN GENERAL.—Subject to subsection (c), the Secretary of Transportation shall—

(1) not later than March 31, 2019, establish and make publicly available on its website a database of the drug and alcohol testing data reported by employers for each mode of transportation; and

(2) update the database annually.

(b) CONTENTS.—The database under subsection (a) shall include, for each mode of transportation—

(1) the total number of drug and alcohol tests by type of substance tested;

(2) the drug and alcohol test results by type of substance tested;

(3) the reason for the drug or alcohol test, such as pre-employment, random, post-accident, reasonable suspicion or cause, return-to-duty, or follow-up, by type of substance tested; and

(4) the number of individuals who refused testing.

(c) COMMERCIALLY SENSITIVE DATA.—The Department of Transportation shall not release any commercially sensitive data or personally identifiable data furnished by an employer under this section unless the data is aggregated or otherwise in a form that does not identify the employer providing the data.

(d) SAVINGS CLAUSE.—Nothing in this section may be construed as limiting or otherwise affecting the requirements of the Secretary of Transportation to adhere to requirements applicable to confidential business information and sensitive security information, consistent with applicable law.

##### **SEC. 8104. GAO REPORT ON DEPARTMENT OF TRANSPORTATION'S COLLECTION AND USE OF DRUG AND ALCOHOL TESTING DATA.**

(a) IN GENERAL.—Not later than 2 years after the date the Department of Transportation public drug and alcohol testing database is established under section 8103, the Comptroller General of the United States shall—

(1) review the Department of Transportation Drug and Alcohol Testing Management Information System; and

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the review, including recommendations under subsection (c).

(b) CONTENTS.—The report under subsection (a) shall include—

(1) a description of the process the Department of Transportation uses to collect and record drug and alcohol testing data submitted by employers for each mode of transportation;

(2) an assessment of whether and, if so, how the Department of Transportation uses the data described in paragraph (1) in carrying out its responsibilities; and

(3) an assessment of the Department of Transportation public drug and alcohol testing database under section 8103.

(c) RECOMMENDATIONS.—The report under subsection (a) may include recommendations regarding—

(1) how the Department of Transportation can best use the data described in subsection (b)(1);

(2) any improvements that could be made to the process described in subsection (b)(1);

(3) whether and, if so, how the Department of Transportation public drug and alcohol testing database under section 8103 could be made more effective; and

(4) such other recommendations as the Comptroller General considers appropriate.

##### **SEC. 8105. TRANSPORTATION WORKPLACE DRUG AND ALCOHOL TESTING PROGRAM; ADDITION OF FENTANYL AND OTHER SUBSTANCES.**

(a) MANDATORY GUIDELINES FOR FEDERAL WORKPLACE DRUG TESTING PROGRAMS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Health and Human Services shall—

(A) determine whether a revision of the Mandatory Guidelines for Federal Workplace Drug Testing Programs to expand the opiate category on the list of authorized substance testing to include fentanyl is justified, based on the reliability and cost-effectiveness of available testing; and

(B) consider whether to include with the determination under subparagraph (A) a separate determination on whether a revision of the Mandatory Guidelines for Federal Workplace Drug Testing Programs to expand the list of substances authorized for testing to include any other drugs or other substances listed in schedule I and II of section 202 of the Controlled Substances Act (21 U.S.C. 812) is justified based on the criteria described in subparagraph (A).

(2) REVISION OF GUIDELINES.—If an expansion of the substance list is determined to be justified under paragraph (1), the Secretary of Health and Human Services shall—

(A) notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the determination; and

(B) publish in the Federal Register, not later than 18 months after the date of the determination under that paragraph, a final notice of the revision of the Mandatory Guidelines for Federal Workplace Drug Testing Programs to expand the list of substances authorized to be tested to include the substance or substances determined to be justified for inclusion.

(3) REPORT.—If an expansion of the substance list is determined not to be justified under paragraph (1), the Secretary of Health and Human Services shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report explaining, in detail, the reasons the expansion of the list of authorized substances is not justified.

(b) DEPARTMENT OF TRANSPORTATION DRUG-TESTING PANEL.—If an expansion is determined to be justified under subsection (a)(1), the Secretary of Transportation shall publish in the Federal Register, not later than 18 months after the date the final notice is published under subsection (a)(2), a final rule revising part 40 of title 49, Code of Federal Regulations, to include such substances in the Department of Transportation's drug-testing panel, consistent with the Mandatory Guidelines for Federal Workplace Drug Testing Programs as revised by the Secretary of Health and Human Services under subsection (a).

(c) SAVINGS PROVISION.—Nothing in this section may be construed as—

(1) delaying the publication of the notices described in sections 8106 and 8107 of this Act until the Secretary of Health and Human Services makes a determination or publishes a notice under this section; or

(2) limiting or otherwise affecting any authority of the Secretary of Health and Human Services or the Secretary of Transportation to expand the list of authorized substance testing to include an additional substance.

##### **SEC. 8106. STATUS REPORTS ON HAIR TESTING GUIDELINES.**

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, and annually thereafter until the date that the Secretary of Health and Human Services publishes in the Federal Register a final notice of scientific and technical guidelines for hair testing in accordance with section 5402(b) of the Fixing America's Surface Transportation Act (Public Law 114-94; 129 Stat. 1312), the Secretary of Health and Human Services shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on—

(1) the status of the hair testing guidelines;

(2) an explanation for why the hair testing guidelines have not been issued; and

(3) an estimated date of completion of the hair testing guidelines.

(b) **REQUIREMENT.**—To the extent practicable and consistent with the objective of the hair testing described in subsection (a) to detect illegal or unauthorized use of substances by the individual being tested, the final notice of scientific and technical guidelines under that subsection, as determined by the Secretary of Health and Human Services, shall eliminate the risk of positive test results, of the individual being tested, caused solely by the drug use of others and not caused by the drug use of the individual being tested.

**SEC. 8107. MANDATORY GUIDELINES FOR FEDERAL WORKPLACE DRUG TESTING PROGRAMS USING ORAL FLUID.**

(a) **DEADLINE.**—Not later than December 31, 2018, the Secretary of Health and Human Services shall publish in the Federal Register a final notice of the Mandatory Guidelines for Federal Workplace Drug Testing Programs using Oral Fluid, based on the notice of proposed mandatory guidelines published in the Federal Register on May 15, 2015 (94 FR 28054).

(b) **REQUIREMENT.**—To the extent practicable and consistent with the objective of the testing described in subsection (a) to detect illegal or unauthorized use of substances by the individual being tested, the final notice of scientific and technical guidelines under that subsection, as determined by the Secretary of Health and Human Services, shall eliminate the risk of positive test results, of the individual being tested, caused solely by the drug use of others and not caused by the drug use of the individual being tested.

(c) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed as requiring the Secretary of Health and Human Services to reissue a notice of proposed mandatory guidelines to carry out subsection (a).

**SEC. 8108. ELECTRONIC RECORDKEEPING.**

(a) **DEADLINE.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall—

(1) ensure that each certified laboratory that requests approval for the use of completely paperless electronic Federal Drug Testing Custody and Control Forms from the National Laboratory Certification Program's Electronic Custody and Control Form systems receives approval for those completely paperless electronic forms instead of forms that include any combination of electronic traditional handwritten signatures executed on paper forms; and

(2) establish a deadline for a certified laboratory to request approval under paragraph (1).

(b) **SAVINGS CLAUSE.**—Nothing in this section may be construed as limiting or otherwise affecting any authority of the Secretary of Health and Human Services to grant approval to a certified laboratory for use of completely paperless electronic Federal Drug Testing Custody and Control Forms, including to grant approval outside of the process under subsection (a).

(c) **ELECTRONIC SIGNATURES.**—Not later than 18 months after the date of the deadline under subsection (a)(2), the Secretary of Transportation shall issue a final rule revising part 40 of title 49, Code of Federal Regulations, to authorize, to the extent practicable, the use of electronic signatures or digital signatures executed to electronic forms instead of traditional handwritten signatures executed on paper forms.

**SEC. 8109. STATUS REPORTS ON COMMERCIAL DRIVER'S LICENSE DRUG AND ALCOHOL CLEARINGHOUSE.**

(a) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, and

annually thereafter until the compliance date, the Administrator of the Federal Motor Carrier Safety Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a status report on implementation of the final rule for the Commercial Driver's License Drug and Alcohol Clearinghouse (81 FR 87686), including—

(1) an updated schedule, including benchmarks, for implementing the final rule as soon as practicable, but not later than the compliance date; and

(2) a description of each action the Federal Motor Carrier Safety Administration is taking to implement the final rule before the compliance date.

(b) **DEFINITION OF COMPLIANCE DATE.**—In this section, the term “compliance date” means the earlier of—

(1) January 6, 2020; or

(2) the date that the national clearinghouse required under section 31306a of title 49, United States Code, is operational.

**Subtitle J—Eliminating Kickbacks in Recovery**

**SEC. 8121. SHORT TITLE.**

This subtitle may be cited as the “Eliminating Kickbacks in Recovery Act of 2018”.

**SEC. 8122. CRIMINAL PENALTIES.**

(a) **IN GENERAL.**—Chapter 11 of title 18, United States Code, is amended by inserting after section 219 the following:

**“§ 220. Illegal remunerations for referrals to recovery homes, clinical treatment facilities, and laboratories**

“(a) **OFFENSE.**—Except as provided in subsection (b), whoever, with respect to services covered by a health care benefit program, in or affecting interstate or foreign commerce, knowingly and willfully—

“(1) solicits or receives any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind, in return for referring a patient or patronage to a recovery home, clinical treatment facility, or laboratory; or

“(2) pays or offers any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind—

“(A) to induce a referral of an individual to a recovery home, clinical treatment facility, or laboratory; or

“(B) in exchange for an individual using the services of that recovery home, clinical treatment facility, or laboratory, shall be fined not more than \$200,000, imprisoned not more than 10 years, or both, for each occurrence.

“(b) **APPLICABILITY.**—Subsection (a) shall not apply to—

“(1) a discount or other reduction in price obtained by a provider of services or other entity under a health care benefit program if the reduction in price is properly disclosed and appropriately reflected in the costs claimed or charges made by the provider or entity;

“(2) a payment made by an employer to an employee or independent contractor (who has a bona fide employment or contractual relationship with such employer) for employment, if the employee's payment is not determined by or does not vary by—

“(A) the number of individuals referred to a particular recovery home, clinical treatment facility, or laboratory;

“(B) the number of tests or procedures performed; or

“(C) the amount billed to or received from, in part or in whole, the health care benefit program from the individuals referred to a particular recovery home, clinical treatment facility, or laboratory;

“(3) a discount in the price of an applicable drug of a manufacturer that is furnished to an applicable beneficiary under the Medicare coverage gap discount program under section 1860D-14A(g) of the Social Security Act (42 U.S.C. 1395w-114a(g));

“(4) a payment made by a principal to an agent as compensation for the services of the agent under a personal services and management contract that meets the requirements of section 1001.952(d) of title 42, Code of Federal Regulations, as in effect on the date of enactment of this section;

“(5) a waiver or discount (as defined in section 1001.952(h)(5) of title 42, Code of Federal Regulations, or any successor regulation) of any coinsurance or copayment by a health care benefit program if—

“(A) the waiver or discount is not routinely provided; and

“(B) the waiver or discount is provided in good faith;

“(6) a remuneration described in section 1128B(b)(3)(I) of the Social Security Act (42 U.S.C. 1320a-7b(b)(3)(I));

“(7) a remuneration made pursuant to an alternative payment model (as defined in section 1833(z)(3)(C) of the Social Security Act) or pursuant to a payment arrangement used by a State, health insurance issuer, or group health plan if the Secretary of Health and Human Services has determined that such arrangement is necessary for care coordination or value-based care; or

“(8) any other payment, remuneration, discount, or reduction as determined by the Attorney General, in consultation with the Secretary of Health and Human Services, by regulation.

“(c) **REGULATIONS.**—The Attorney General, in consultation with the Secretary of Health and Human Services, may promulgate regulations to clarify the exceptions described in subsection (b).

“(d) **PREEMPTION.**—

“(1) **FEDERAL LAW.**—This section shall not apply to conduct that is prohibited under section 1128B of the Social Security Act (42 U.S.C. 1320a-7b).

“(2) **STATE LAW.**—Nothing in this section shall be construed to occupy the field in which any provisions of this section operate to the exclusion of State laws on the same subject matter.

“(e) **DEFINITIONS.**—In this section—

“(1) the terms ‘applicable beneficiary’ and ‘applicable drug’ have the meanings given those terms in section 1860D-14A(g) of the Social Security Act (42 U.S.C. 1395w-114a(g));

“(2) the term ‘clinical treatment facility’ means a medical setting, other than a hospital, that provides detoxification, risk reduction, outpatient treatment and care, residential treatment, or rehabilitation for substance use, pursuant to licensure or certification under State law;

“(3) the term ‘health care benefit program’ has the meaning given the term in section 24(b);

“(4) the term ‘laboratory’ has the meaning given the term in section 353 of the Public Health Service Act (42 U.S.C. 263a); and

“(5) the term ‘recovery home’ means a shared living environment that is, or purports to be, free from alcohol and illicit drug use and centered on peer support and connection to services that promote sustained recovery from substance use disorders.”

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 11 of title 18, United States Code, is amended by inserting after the item related to section 219 the following:

“220. Illegal remunerations for referrals to recovery homes, clinical treatment facilities, and laboratories.”

**Subtitle K—Substance Abuse Prevention****SEC. 8201. SHORT TITLE.**

This subtitle may be cited as the “Substance Abuse Prevention Act of 2018”.

**SEC. 8202. REAUTHORIZATION OF THE OFFICE OF NATIONAL DRUG CONTROL POLICY.**

(a) OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 1998.—

(1) IN GENERAL.—The Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), as in effect on September 29, 2003, and as amended by the laws described in paragraph (2), is revived and restored.

(2) LAWS DESCRIBED.—The laws described in this paragraph are:

(A) The Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469; 120 Stat. 3502).

(B) The Presidential Appointment Efficiency and Streamlining Act of 2011 (Public Law 112-166; 126 Stat. 1283).

(b) REAUTHORIZATION.—

(1) IN GENERAL.—Section 714 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1711) is amended by striking “such sums as may be necessary for each of fiscal years 2006 through 2010” and inserting “\$18,400,000 for each of fiscal years 2018 through 2023”.

(2) REPEAL OF TERMINATION.—The Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.) is amended by striking section 715 (21 U.S.C. 1712).

**SEC. 8203. REAUTHORIZATION OF THE DRUG-FREE COMMUNITIES PROGRAM.**

(a) REVIVAL OF NATIONAL NARCOTICS LEADERSHIP ACT OF 1988.—

(1) IN GENERAL.—Chapter 2 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1521 et seq.), except for subchapter II (21 U.S.C. 1541 et seq.), as in effect on September 29, 1997, and as amended by the laws described in paragraph (2), is revived and restored.

(2) LAWS DESCRIBED.—The laws described in this paragraph are:

(A) Public Law 107-82 (115 Stat. 814).

(B) The Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469; 120 Stat. 3502), as amended by paragraph (4).

(3) AMENDMENT TO TERMINATION PROVISION.—Section 1009 of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1056) is amended by inserting “and sections 1021 through 1035” after “section 1007”.

(4) TECHNICAL CORRECTION.—

(A) IN GENERAL.—Title VIII of the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469; 120 Stat. 3535) is amended by striking “Drug-Free Communities Act of 1997” each place it appears and inserting “National Narcotics Leadership Act of 1988”.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect as though enacted as part of the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469; 120 Stat. 3502).

(b) AMENDMENT TO NATIONAL NARCOTICS LEADERSHIP ACT OF 1988.—Chapter 2 of subtitle A of title I of the National Narcotics Leadership Act of 1988 (21 U.S.C. 1521 et seq.) is amended—

(1) in section 1022 (21 U.S.C. 1522), by striking “substance abuse” each place it appears and inserting “substance use and misuse”;

(2) in section 1023 (21 U.S.C. 1523), by striking paragraph (9) and inserting the following:

“(9) SUBSTANCE USE AND MISUSE.—The term ‘substance use and misuse’ means—

“(A) the illegal use or misuse of drugs, including substances for which a listing is effect under any of schedules I through V

under section 202 of the Controlled Substances Act (21 U.S.C. 812);

“(B) the misuse of inhalants or over-the-counter drugs; or

“(C) the use of alcohol, tobacco, or other related product as such use is prohibited by State or local law.”;

(3) in section 1024 (21 U.S.C. 1524), by striking subsections (a) and (b) and inserting the following:

“(a) IN GENERAL.—There is authorized to be appropriated to the Office of National Drug Control Policy to carry out this chapter \$99,000,000 for each of fiscal years 2018 through 2023.

“(b) ADMINISTRATIVE COSTS.—Not more than 8 percent of the funds appropriated to carry out this chapter may be used by the Office of National Drug Control Policy to pay administrative costs associated with the responsibilities of the Office under this chapter.”;

(4) in subchapter I (21 U.S.C. 1531 et seq.)—

(A) by striking “substance abuse” each place it appears and inserting “substance use and misuse”; and

(B) in section 1032(b)(1)(A) (21 U.S.C. 1532(b)(1)(A)), by striking clause (iii) and inserting the following:

“(iii) RENEWAL GRANTS.—Subject to clause (iv), the Administrator may award a renewal grant to a grant recipient under this subparagraph for each fiscal year of the 4-fiscal-year period following the first fiscal year for which the initial additional grant is awarded in an amount not to exceed the following:

“(I) For the first and second fiscal years of the 4-fiscal-year period, the amount of the non-Federal funds, including in-kind contributions, raised by the coalition for the applicable fiscal year is not less than 125 percent of the amount awarded.

“(II) For the third and fourth fiscal years of the 4-fiscal-year period, the amount of the non-Federal funds, including in-kind contributions, raised by the coalition for the applicable fiscal year is not less than 150 percent of the amount awarded.”; and

(5) by striking subchapter II (21 U.S.C. 1541 et seq.).

**SEC. 8204. REAUTHORIZATION OF THE NATIONAL COMMUNITY ANTI-DRUG COALITION INSTITUTE.**

Section 4 of Public Law 107-82 (21 U.S.C. 1521 note) is amended to read as follows:

**“SEC. 4. AUTHORIZATION FOR NATIONAL COMMUNITY ANTIDRUG COALITION INSTITUTE.**

“(a) IN GENERAL.—The Director shall, using amounts authorized to be appropriated by subsection (d), make a competitive grant to provide for the continuation of the National Community Anti-drug Coalition Institute.

“(b) ELIGIBLE ORGANIZATIONS.—An organization eligible for the grant under subsection (a) is any national nonprofit organization that represents, provides technical assistance and training to, and has special expertise and broad, national-level experience in community antidrug coalitions under this subchapter.

“(c) USE OF GRANT AMOUNT.—The organization that receives the grant under subsection (a) shall continue a National Community Anti-Drug Coalition Institute to—

“(1) provide education, training, and technical assistance for coalition leaders and community teams, with emphasis on the development of coalitions serving economically disadvantaged areas;

“(2) develop and disseminate evaluation tools, mechanisms, and measures to better assess and document coalition performance measures and outcomes; and

“(3) bridge the gap between research and practice by translating knowledge from research into practical information.

“(d) AUTHORIZATION OF APPROPRIATIONS.—The Director shall, using amounts authorized to be appropriated by section 1032 of the National Narcotics Leadership Act of 1988 (15 U.S.C. 1532), make a grant of \$2 million under subsection (a), for each of the fiscal years 2018 through 2023.”.

**SEC. 8205. REAUTHORIZATION OF THE HIGH-INTENSITY DRUG TRAFFICKING AREA PROGRAM.**

Section 707 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1706) is amended—

(1) in subsection (f), by striking “no Federal” and all that follows through “programs.” and inserting the following: “not more than a total of 5 percent of Federal funds appropriated for the Program are expended for substance use disorder treatment programs and drug prevention programs.”;

(2) in subsection (p)—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(6) \$280,000,000 for each of fiscal years 2018 through 2023.”; and

(3) in subsection (q)—

(A) by striking paragraph (2) and inserting the following:

“(2) REQUIRED USES.—The funds used under paragraph (1) shall be used to ensure the safety of neighborhoods and the protection of communities, including the prevention of the intimidation of witnesses of illegal drug distribution and related activities and the establishment of, or support for, programs that provide protection or assistance to witnesses in court proceedings.”; and

(B) by adding at the end the following:

“(3) BEST PRACTICE MODELS.—The Director shall work with HIDTAs to develop and maintain best practice models to assist State, local, and Tribal governments in addressing witness safety, relocation, financial and housing assistance, or any other services related to witness protection or assistance in cases of illegal drug distribution and related activities. The Director shall ensure dissemination of the best practice models to each HIDTA.”.

**SEC. 8206. REAUTHORIZATION OF DRUG COURT PROGRAM.**

Section 1001(a)(25)(A) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10261(a)(25)(A)) is amended by striking “Except as provided” and all that follows and inserting the following: “Except as provided in subparagraph (C), there is authorized to be appropriated to carry out part EE \$75,000,000 for each of fiscal years 2018 through 2023.”.

**SEC. 8207. DRUG COURT TRAINING AND TECHNICAL ASSISTANCE.**

Section 705 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1704) is amended by adding at the end the following:

“(e) DRUG COURT TRAINING AND TECHNICAL ASSISTANCE PROGRAM.—

“(1) GRANTS AUTHORIZED.—The Director may make a grant to a nonprofit organization for the purpose of providing training and technical assistance to drug courts.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$2,000,000 for each of fiscal years 2018 through 2023.”.

**SEC. 8208. DRUG OVERDOSE RESPONSE STRATEGY.**

Section 707 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1706) is amended by adding at the end the following:

“(r) DRUG OVERDOSE RESPONSE STRATEGY IMPLEMENTATION.—The Director may use



funds appropriated to carry out this section to implement a drug overdose response strategy in high intensity drug trafficking areas on a nationwide basis by—

“(1) coordinating multi-disciplinary efforts to prevent, reduce, and respond to drug overdoses, including the uniform reporting of fatal and non-fatal overdoses to public health and safety officials;

“(2) increasing data sharing among public safety and public health officials concerning drug-related abuse trends, including new psychoactive substances, and related crime; and

“(3) enabling collaborative deployment of prevention, intervention, and enforcement resources to address substance use addiction and narcotics trafficking.”.

#### **SEC. 8209. PROTECTING LAW ENFORCEMENT OFFICERS FROM ACCIDENTAL EXPOSURE.**

Section 707 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1706), as amended by section 8208, is amended by adding at the end the following:

“(s) SUPPLEMENTAL GRANTS.—The Director is authorized to use not more than \$10,000,000 of the amounts otherwise appropriated to carry out this section to provide supplemental competitive grants to high intensity drug trafficking areas that have experienced high seizures of fentanyl and new psychoactive substances for the purposes of—

“(1) purchasing portable equipment to test for fentanyl and other substances;

“(2) training law enforcement officers and other first responders on best practices for handling fentanyl and other substances; and

“(3) purchasing protective equipment, including overdose reversal drugs.”.

#### **SEC. 8210. COPS ANTI-METH PROGRAM.**

Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10381) is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following:

“(k) COPS ANTI-METH PROGRAM.—The Attorney General shall use amounts otherwise appropriated to carry out this section for a fiscal year (beginning with fiscal year 2019) to make competitive grants, in amounts of not less than \$1,000,000 for such fiscal year, to State law enforcement agencies with high seizures of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures for the purpose of locating or investigating illicit activities, such as precursor diversion, laboratories, or methamphetamine traffickers.”.

#### **SEC. 8211. COPS ANTI-HEROIN TASK FORCE PROGRAM.**

Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10381) is amended—

(1) by redesignating subsection (l), as so redesignated by section 8210, as subsection (m); and

(2) by inserting after subsection (k), as added by section 8210, the following:

“(l) COPS ANTI-HEROIN TASK FORCE PROGRAM.—The Attorney General shall use amounts otherwise appropriated to carry out this section, or other amounts as appropriated, for a fiscal year (beginning with fiscal year 2019) to make competitive grants to State law enforcement agencies in States with high per capita rates of primary treatment admissions, for the purpose of locating or investigating illicit activities, through Statewide collaboration, relating to the distribution of heroin, fentanyl, or carfentanil or relating to the unlawful distribution of prescription opioids.”.

#### **SEC. 8212. COMPREHENSIVE ADDICTION AND RECOVERY ACT EDUCATION AND AWARENESS.**

Title VII of the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114-198; 130 Stat. 735) is amended by adding at the end the following:

#### **“SEC. 709. SERVICES FOR FAMILIES AND PATIENTS IN CRISIS.**

“(a) IN GENERAL.—The Secretary of Health and Human Services may make grants to entities that focus on addiction and substance use disorders and specialize in family and patient services, advocacy for patients and families, and educational information.

“(b) ALLOWABLE USES.—A grant awarded under this section may be used for nonprofit national, State, or local organizations that engage in the following activities:

“(1) Expansion of resource center services with professional, clinical staff that provide, for families and individuals impacted by a substance use disorder, support, access to treatment resources, brief assessments, medication and overdose prevention education, compassionate listening services, recovery support or peer specialists, bereavement and grief support, and case management.

“(2) Continued development of health information technology systems that leverage new and upcoming technology and techniques for prevention, intervention, and filling resource gaps in communities that are underserved.

“(3) Enhancement and operation of treatment and recovery resources, easy-to-read scientific and evidence-based education on addiction and substance use disorders, and other informational tools for families and individuals impacted by a substance use disorder and community stakeholders, such as law enforcement agencies.

“(4) Provision of training and technical assistance to State and local governments, law enforcement agencies, health care systems, research institutions, and other stakeholders.

“(5) Expanding upon and implementing educational information using evidence-based information on substance use disorders.

“(6) Expansion of training of community stakeholders, law enforcement officers, and families across a broad-range of addiction, health, and related topics on substance use disorders, local issues and community-specific issues related to the drug epidemic.

“(7) Program evaluation.”.

#### **SEC. 8213. REIMBURSEMENT OF SUBSTANCE USE DISORDER TREATMENT PROFESSIONALS.**

Not later than January 1, 2020, the Comptroller General of the United States shall submit to Congress a report examining how substance use disorder services are reimbursed.

#### **SEC. 8214. SOBRIETY TREATMENT AND RECOVERY TEAMS (START).**

Title V of the Public Health Service Act (42 U.S.C. 290dd et seq.) is amended by adding at the end the following:

#### **“SEC. 550. SOBRIETY TREATMENT AND RECOVERY TEAMS.**

“(a) IN GENERAL.—The Secretary may make grants to States, units of local government, or tribal governments to establish or expand Sobriety Treatment And Recovery Team (referred to in this section as ‘START’) or other similar programs to determine the effectiveness of pairing social workers or mentors with families that are struggling with a substance use disorder and child abuse or neglect in order to help provide peer support, intensive treatment, and child welfare services to such families.

“(b) ALLOWABLE USES.—A grant awarded under this section may be used for one or more of the following activities:

“(1) Training eligible staff, including social workers, social services coordinators, child welfare specialists, substance use disorder treatment professionals, and mentors.

“(2) Expanding access to substance use disorder treatment services and drug testing.

“(3) Enhancing data sharing with law enforcement agencies, child welfare agencies, substance use disorder treatment providers, judges, and court personnel.

“(4) Program evaluation and technical assistance.

“(c) PROGRAM REQUIREMENTS.—A State, unit of local government, or tribal government receiving a grant under this section shall—

“(1) serve only families for which—

“(A) there is an open record with the child welfare agency; and

“(B) substance use disorder was a reason for the record or finding described in paragraph (1); and

“(2) coordinate any grants awarded under this section with any grant awarded under section 437(f) of the Social Security Act focused on improving outcomes for children affected by substance abuse.

“(d) TECHNICAL ASSISTANCE.—The Secretary may reserve not more than 5 percent of funds provided under this section to provide technical assistance on the establishment or expansion of programs funded under this section from the National Center on Substance Abuse and Child Welfare.”.

#### **SEC. 8215. PROVIDER EDUCATION.**

Not later than 60 days after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Health and Human Services, shall complete the plan related to medical registration coordination required by Senate Report 114-239, which accompanied the Veterans Care Financial Protection Act of 2017 (Public Law 115-131; 132 Stat. 334).

#### **SEC. 8216. DEFINITIONS.**

Section 702 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701) is amended—

(1) by striking paragraphs (5), (12), and (13);

(2) by redesignating paragraph (11) as paragraph (17);

(3) by redesignating paragraphs (9) and (10) as paragraphs (14) and (15), respectively;

(4) by redesignating paragraphs (6), (7), and (8) as paragraphs (10), (11), and (12), respectively;

(5) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (3), (4), (5), and (6), respectively;

(6) by inserting before paragraph (3), as so redesignated, the following:

“(1) AGENCY.—The term ‘agency’ has the meaning given the term ‘executive agency’ in section 102 of title 31, United States Code.

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—

“(A) IN GENERAL.—The term ‘appropriate congressional committees’ means—

“(i) the Committee on the Judiciary, the Committee on Appropriations, and the Committee on Health, Education, Labor, and Pensions of the Senate; and

“(ii) the Committee on Oversight and Government Reform, the Committee on the Judiciary, the Committee on Energy and Commerce, and the Committee on Appropriations of the House of Representatives.

“(B) SUBMISSION TO CONGRESS.—Any submission to Congress shall mean submission to the appropriate congressional committees.”;

(7) by amending paragraph (3), as so redesignated, to read as follows:

“(3) DEMAND REDUCTION.—The term ‘demand reduction’ means any activity conducted by a National Drug Control Program Agency, other than an enforcement activity,

that is intended to reduce or prevent the use of drugs or support, expand, or provide treatment and recovery efforts, including—

“(A) education about the dangers of illicit drug use;

“(B) services, programs, or strategies to prevent substance use disorder, including evidence-based education campaigns, community-based prevention programs, collection and disposal of unused prescription drugs, and services to at-risk populations to prevent or delay initial use of an illicit drug;

“(C) substance use disorder treatment;

“(D) support for long-term recovery from substance use disorders;

“(E) drug-free workplace programs;

“(F) drug testing, including the testing of employees;

“(G) interventions for illicit drug use and dependence;

“(H) expanding availability of access to health care services for the treatment of substance use disorders;

“(I) international drug control coordination and cooperation with respect to activities described in this paragraph;

“(J) pre- and post-arrest criminal justice interventions such as diversion programs, drug courts, and the provision of evidence-based treatment to individuals with substance use disorders who are arrested or under some form of criminal justice supervision, including medication assisted treatment;

“(K) other coordinated and joint initiatives among Federal, State, local, and Tribal agencies to promote comprehensive drug control strategies designed to reduce the demand for, and the availability of, illegal drugs;

“(L) international illicit drug use education, prevention, treatment, recovery, research, rehabilitation activities, and interventions for illicit drug use and dependence; and

“(M) research related to illicit drug use and any of the activities described in this paragraph.”;

(8) by inserting after paragraph (6), as so redesignated, the following:

“(7) **EMERGING DRUG THREAT.**—The term ‘emerging drug threat’ means the occurrence of a new and growing trend in the use of an illicit drug or class of drugs, including rapid expansion in the supply of or demand for such drug.

“(8) **ILLCIT DRUG USE; ILLCIT DRUGS; ILLEGAL DRUGS.**—The terms ‘illicit drug use’, ‘illicit drugs’, and ‘illegal drugs’ include the illegal or illicit use of prescription drugs.

“(9) **LAW ENFORCEMENT.**—The term ‘law enforcement’ or ‘drug law enforcement’ means all efforts by a Federal, State, local, or Tribal government agency to enforce the drug laws of the United States or any State, including investigation, arrest, prosecution, and incarceration or other punishments or penalties.”;

(9) by amending paragraph (11), as so redesignated, to read as follows:

“(11) **NATIONAL DRUG CONTROL PROGRAM AGENCY.**—The term ‘National Drug Control Program Agency’ means any agency (or bureau, office, independent agency, board, division, commission, subdivision, unit, or other component thereof) that is responsible for implementing any aspect of the National Drug Control Strategy, including any agency that receives Federal funds to implement any aspect of the National Drug Control Strategy, but does not include any agency that receives funds for drug control activity solely under the National Intelligence Program or the Joint Military Intelligence Program.”;

(10) in paragraph (12), as so redesignated—

(A) by inserting “or ‘Strategy’” before “means”; and

(B) by inserting “, including any report, plan, or strategy required to be incorporated into or issued concurrently with such strategy” before the period at the end;

(11) by inserting after paragraph (12), as so redesignated, the following:

“(13) **NONPROFIT ORGANIZATION.**—The term ‘nonprofit organization’ means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.”;

(12) in paragraph (14), as so redesignated, by striking “Unless the context clearly indicates otherwise, the” and inserting “The”;

(13) by inserting after paragraph (15), as so redesignated, the following:

“(16) **SUBSTANCE USE DISORDER TREATMENT.**—The term ‘substance use disorder treatment’ means an evidence-based, professionally directed, deliberate, and planned regimen including evaluation, observation, medical monitoring, and rehabilitative services and interventions such as pharmacotherapy, behavioral therapy, and individual and group counseling, on an inpatient or outpatient basis, to help patients with substance use disorder reach recovery.”; and

(14) in paragraph (17), as so redesignated—

(A) by redesignating subparagraphs (B), (C), (D), and (E), as subparagraphs (C), (D), (E), and (F), respectively;

(B) by inserting after subparagraph (A) the following:

“(B) domestic law enforcement.”;

(C) in subparagraph (E), as so redesignated, by striking “and” at the end;

(D) in subparagraph (F), as so redesignated, by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

“(G) activities to prevent the diversion of drugs for their illicit use; and

“(H) research related to any of the activities described in this paragraph.”.

#### **SEC. 8217. AMENDMENTS TO ADMINISTRATION OF THE OFFICE.**

(a) **RESPONSIBILITIES OF OFFICE.**—Section 703(a) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1702(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) lead the national drug control effort, including coordinating with the National Drug Control Program Agencies.”;

(2) in paragraph (2), by inserting before the semicolon the following: “, including the National Drug Control Strategy”;

(3) in paragraph (3), by striking “and” at the end; and

(4) by striking paragraph (4) and all that follows through “the National Academy of Sciences.” and inserting the following:

“(4) evaluate the effectiveness of national drug control policy efforts, including the National Drug Control Program Agencies’ program, by developing and applying specific goals and performance measurements and monitoring the agencies’ program-level spending;

“(5) identify and respond to emerging drug threats related to illicit drug use;

“(6) administer the Drug-Free Communities Program, the High-Intensity Drug Trafficking Areas Program, and other grant programs directly authorized to be administered by the Office in furtherance of the National Drug Control Strategy; and

“(7) facilitate broad-scale information sharing and data standardization among Federal, State, and local entities to support the national drug control efforts.”.

(b) **ETHICS GUIDELINES.**—Section 703(d) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C.

1702(d)) is amended by adding at the end the following:

“(4) **ETHICS GUIDELINES.**—The Director shall establish written guidelines setting forth the criteria to be used in determining whether a gift or donation should be declined under this subsection because the acceptance of the gift or donation would—

“(A) reflect unfavorably upon the ability of the Director or the Office, or any employee of the Office, to carry out responsibilities or official duties under this chapter in a fair and objective manner; or

“(B) compromise the integrity or the appearance of integrity of programs or services provided under this chapter or of any official involved in those programs or services.

“(5) **REGISTRY OF GIFTS.**—The Director shall maintain a list of—

“(A) the source and amount of each gift or donation accepted by the Office; and

“(B) the source and amount of each gift or donation accepted by a contractor to be used in its performance of a contract for the Office.

“(6) **REPORT TO CONGRESS.**—The Director shall include in the annual assessment under section 706(g) a copy of the registry maintained under paragraph (5).”.

(c) **APPOINTMENT OF DIRECTOR AND DEPUTY DIRECTOR.**—Section 704(a) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1703(a)) is amended—

(1) in paragraph (1), by striking subparagraphs (A), (B), and (C), and inserting the following:

“(A) **DIRECTOR.**—

“(i) **IN GENERAL.**—There shall be at the head of the Office a Director who shall hold the same rank and status as the head of an executive department listed in section 101 of title 5, United States Code.

“(ii) **APPOINTMENT.**—The Director shall be appointed by the President, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President.

“(B) **DEPUTY DIRECTOR.**—There shall be a Deputy Director who shall report directly to the Director, and who shall be appointed by the President, and shall serve at the pleasure of the President.

“(C) **COORDINATORS.**—The following coordinators shall be appointed by the Director:

“(i) Performance Budget Coordinator, as described in section 704(c)(4).

“(ii) Interdiction Coordinator, as described in section 711.

“(iii) Emerging and Continuing Threats Coordinator, as described in section 709.

“(iv) State, Local, and Tribal Affairs Coordinator, to carry out the activities described in section 704(j).

“(v) Demand Reduction Coordinator, as described in subparagraph (D).

“(D) **DEMAND REDUCTION COORDINATOR.**—The Director shall designate or appoint a United States Demand Reduction Coordinator to be responsible for the activities described in section 702(3). The Director shall determine whether the coordinator position is a noncareer appointee in the Senior Executive Service or a career appointee in a position at level 15 of the General Schedule (or equivalent).”;

(2) in paragraph (5), by striking “such official” and inserting “such officer or employee”; and

(3) by adding at the end the following:

“(6) **PROHIBITION ON THE USE OF FUNDS FOR BALLOT INITIATIVES.**—No funds authorized under this title may be obligated for the purpose of expressly advocating the passage or defeat of a State or local ballot initiative.”.

(d) **CONSULTATION.**—Section 704(b) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1703(b)) is amended—

(1) in paragraph (19), by striking “; and” and inserting a semicolon;

(2) in paragraph (20), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(21) in order to formulate the national drug control policies, goals, objectives, and priorities—

“(A) shall consult with and assist—

“(i) State and local governments;

“(ii) National Drug Control Program Agencies;

“(iii) each committee, working group, council, or other entity established under this chapter, as appropriate;

“(iv) the public;

“(v) appropriate congressional committees; and

“(vi) any other person in the discretion of the Director; and

“(B) may—

“(i) establish advisory councils;

“(ii) acquire data from agencies; and

“(iii) request data from any other entity.”.

(e) NATIONAL DRUG CONTROL PROGRAM BUDGET.—Section 704(c) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1703(c)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking “paragraph (1)(C);” and inserting the following: “paragraph (1)(C) and include—

“(i) the funding level for each National Drug Control Program agency; and

“(ii) alternative funding structures that could improve progress on achieving the goals for the National Drug Control Strategy; and”;

(B) in subparagraph (B), strike “the President; and” and inserting “the President and Congress.”; and

(C) by striking subparagraph (C);

(2) in paragraph (3)(E), by striking clause (ii) and inserting the following:

“(ii) CERTIFICATION.—The Director shall—

“(I) review each budget submission submitted under subparagraph (A);

“(II) based on the review under clause (i), make a determination as to whether the budget submission of a National Drug Control Program agency includes the funding levels and initiatives described in subparagraph (B); and

“(III) submit to the appropriate congressional committees—

“(aa) a written statement that either—

“(AA) certifies that the budget submission includes sufficient funding; or

“(BB) decertifies the budget submission as not including sufficient funding;

“(bb) a copy of the description made under subparagraph (B); and

“(cc) the budget recommendations made under subsection (b)(8).”; and

(3) by adding at the end the following:

“(5) PERFORMANCE-BUDGET COORDINATOR.—

“(A) DESIGNATION.—The Director shall designate or appoint a United States Performance-Budget Coordinator to—

“(i) ensure the Director has sufficient information necessary to analyze the performance of each National Drug Control Program Agency, the impact Federal funding has had on the goals in the Strategy, and the likely contributions to the goals of the Strategy based on funding levels of each National Drug Control Program Agency, to make an independent assessment of the budget request of each agency under this subsection;

“(ii) advise the Director on agency budgets, performance measures and targets, and additional data and research needed to make informed policy decisions under this section and section 706; and

“(iii) other duties as may be determined by the Director with respect to measuring or assessing performance or agency budgets.

“(B) DETERMINATION OF POSITION.—The Director shall determine whether the coordinator position is a noncareer appointee in the Senior Executive Service or a career appointee in a position at level 15 of the General Schedule (or equivalent).

“(6) BUDGET ESTIMATE OR REQUEST SUBMISSION TO CONGRESS.—Whenever the Director submits any budget estimate or request to the President or the Office of Management and Budget, the Director shall concurrently transmit to the appropriate congressional committees a detailed statement of the budgetary needs of the Office to execute its mission based on the good-faith assessment of the Director.”.

(f) POWERS AND RESPONSIBILITIES OF THE DIRECTOR.—Section 704 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1703) is amended—

(1) in subsection (d)(8)—

(A) in subparagraph (D), by striking “and” at the end;

(B) in subparagraph (E)—

(i) in clause (i)—

(I) by striking “Congress, including to the Committees on Appropriations of the Senate and the House of Representatives, the authorizing committees for the Office,” and inserting “the appropriate congressional committees”; and

(II) by striking “or agencies”;

(ii) in clause (ii)—

(I) by striking “Congress” and inserting “the appropriate congressional committees”; and

(II) by adding “and” at the end; and

(iii) by adding at the end the following:

“(iii) funds may only be used for—

“(I) expansion of demand reduction activities;

“(II) interdiction of illicit drugs on the high seas, in United States territorial waters, and at United States ports of entry by officers and employees of National Drug Control Program Agencies and domestic and foreign law enforcement officers;

“(III) accurate assessment and monitoring of international drug production and interdiction programs and policies;

“(IV) activities to facilitate and enhance the sharing of domestic and foreign intelligence information among National Drug Control Program Agencies related to the production and trafficking of drugs in the United States and foreign countries; and

“(V) research related to any of these activities.”;

(2) in subsection (e)(2)(A), by striking “Notwithstanding any other provision of law” and inserting “Subject to the availability of appropriations”; and

(3) by adding at the end the following:

“(i) MODEL ACTS PROGRAM.—

“(1) IN GENERAL.—The Director shall provide for or shall enter into an agreement with a nonprofit organization to—

“(A) advise States on establishing laws and policies to address illicit drug use issues; and

“(B) revise such model State drug laws and draft supplementary model State laws to take into consideration changes in illicit drug use issues in the State involved.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$1,250,000 for each of fiscal years 2018 through 2023.

“(j) STATE, LOCAL, AND TRIBAL AFFAIRS COORDINATOR.—The Director shall designate or appoint a United States State, Local, and Tribal Affairs Coordinator to perform the duties of the Office outlined in this section and 706 and such other duties as may be determined by the Director with respect to coordination of drug control efforts between agencies and State, local, and Tribal governments. The Director shall determine whether the coordinator position is a noncareer ap-

pointee in the Senior Executive Service or a career appointee in a position at level 15 of the General Schedule (or equivalent).

“(k) HARM REDUCTION PROGRAMS.—When developing the national drug control policy, any policy of the Director, including policies relating to syringe exchange programs for intravenous drug users, shall be based on the best available medical and scientific evidence regarding the effectiveness of such policy in promoting individual health and preventing the spread of infectious disease and the impact of such policy on drug addiction and use. In making any policy relating to harm reduction programs, the Director shall consult with the National Institutes of Health and the National Academy of Sciences.”.

(g) ACCOUNTING OF FUNDS EXPENDED.—Section 705 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1704(d)), as amended by section 8207 is further amended—

(1) by amending subsection (d) to read as follows:

“(d) ACCOUNTING OF FUNDS EXPENDED.—

“(1) IN GENERAL.—Not later than February 1 of each year, in accordance with guidance issued by the Director, the head of each National Drug Control Program Agency shall submit to the Director a detailed accounting of all funds expended by the agency for National Drug Control Program activities during the previous fiscal year and shall ensure such detailed accounting is authenticated for the previous fiscal year by the Inspector General for such agency prior to the submission to the Director as frequently as determined by the Inspector General but not less frequently than every 3 years.

“(2) SUBMISSION TO CONGRESS.—The Director shall submit to Congress not later than April 1 of each year the information submitted to the Director under paragraph (1).”; and

(2) by adding at the end the following:

“(f) TRACKING SYSTEM FOR FEDERALLY FUNDED GRANT PROGRAMS.—

“(1) ESTABLISHMENT.—The Director, or the head of an agency designated by the Director, in coordination with the Secretary of Health and Human Services, shall track federally-funded grant programs to—

“(A) ensure the public has electronic access to information identifying:

“(i) all drug control grants and pertinent identifying information for each grant;

“(ii) any available performance metrics, evaluations, or other information indicating the effectiveness of such programs;

“(B) facilitate efforts to identify duplication, overlap, or gaps in funding to provide increased accountability of Federally-funded grants for substance use disorder treatment, prevention, and enforcement; and

“(C) identify barriers in the grant application process impediments that applicants currently have in the grant application process with applicable agencies.

“(2) NATIONAL DRUG CONTROL AGENCIES.—The head of each National Drug Control Program Agency shall provide to the Director a complete list of all drug control program grant programs and any other relevant information for inclusion in the system developed under paragraph (1) and annually update such list.

“(3) UPDATING EXISTING SYSTEMS.—The Director may meet the requirements of this subsection by utilizing, updating, or improving existing Federal information systems to ensure they meet the requirements of this subsection.

“(4) REPORT.—Not later than 3 years after the date of enactment of this subsection, the Comptroller General of the United States shall submit to Congress a report examining implementation of this subsection.”.

(h) TECHNICAL AND CONFORMING AMENDMENT.—Section 1105 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1701 note) is repealed.

**SEC. 8218. EMERGING THREATS COMMITTEE, PLAN, AND MEDIA CAMPAIGN.**

(a) IN GENERAL.—Section 709 of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1708) is amended to read as follows:

**“SEC. 709. EMERGING THREATS COMMITTEE, PLAN, AND MEDIA CAMPAIGN.**

“(a) EMERGING THREATS COORDINATOR.—The Director shall designate or appoint a United States Emerging and Continuing Threats Coordinator to perform the duties of that position described in this section and such other duties as may be determined by the Director. The Director shall determine whether the coordinator position is a non-career appointee in the Senior Executive Service or a career appointee in a position at level 15 of the General Schedule (or equivalent).

“(b) EMERGING THREATS COMMITTEE.—

“(1) IN GENERAL.—The Emerging Threats Committee shall—

“(A) monitor evolving and emerging drug threats in the United States;

“(B) identify and discuss evolving and emerging drug trends in the United States using the criteria required to be established under paragraph (6);

“(C) assist in the formulation of and oversee implementation of any plan described in subsection (d);

“(D) provide such other advice to the Coordinator and Director concerning strategy and policies for emerging drug threats and trends as the Committee determines to be appropriate; and

“(E) disseminate and facilitate the sharing with Federal, State, local, and Tribal officials and other entities as determined by the Director of pertinent information and data relating to—

“(i) recent trends in drug supply and demand;

“(ii) fatal and nonfatal overdoses;

“(iii) demand for and availability of evidence-based substance use disorder treatment, including the extent of the unmet treatment need, and treatment admission trends;

“(iv) recent trends in drug interdiction, supply, and demand from State, local, and Tribal law enforcement agencies; and

“(v) other subject matter as determined necessary by the Director.

“(2) CHAIRPERSON.—The Director shall designate one of the members of the Emerging Threats Committee to serve as Chairperson.

“(3) MEMBERS.—The Director shall appoint other members of the Committee, which shall include—

“(A) representatives from National Drug Control Program Agencies or other agencies;

“(B) representatives from State, local, and Tribal governments; and

“(C) representatives from other entities as designated by the Director.

“(4) MEETINGS.—The members of the Emerging Threats Committee shall meet, in person and not through any delegate or representative, not less frequently than once per calendar year, before June 1. At the call of the Director or the Chairperson, the Emerging Threats Committee may hold additional meetings as the members may choose.

“(5) CONTRACT, AGREEMENT, AND OTHER AUTHORITY.—The Director may award contracts, enter into interagency agreements, manage individual projects, and conduct other activities in support of the identification of emerging drug threats and in support of the development, implementation, and as-

essment of any Emerging Threat Response Plan.

“(6) CRITERIA TO IDENTIFY EMERGING DRUG THREATS.—Not later than 180 days after the date on which the Committee first meets, the Committee shall develop and recommend to the Director criteria to be used to identify an emerging drug threat or the termination of an emerging drug threat designation based on information gathered by the Committee, statistical data, and other evidence.

“(c) DESIGNATION.—

“(1) IN GENERAL.—The Director, in consultation with the Coordinator, the Committee, and the head of each National Drug Control Program Agency, may designate an emerging drug threat in the United States.

“(2) STANDARDS FOR DESIGNATION.—The Director, in consultation with the Coordinator, shall promulgate and make publicly available standards by which a designation under paragraph (1) and the termination of such designation may be made. In developing such standards, the Director shall consider the recommendations of the committee and other criteria the Director considers to be appropriate.

“(3) PUBLIC STATEMENT REQUIRED.—The Director shall publish a public written statement on the portal of the Office explaining the designation of an emerging drug threat or the termination of such designation and shall notify the appropriate congressional committees of the availability of such statement when a designation or termination of such designation has been made.

“(d) PLAN.—

“(1) PUBLIC AVAILABILITY OF PLAN.—Not later than 90 days after making a designation under subsection (c), the Director shall publish and make publicly available an Emerging Threat Response Plan and notify the President and the appropriate congressional committees of such plan's availability.

“(2) TIMING.—Concurrently with the annual submissions under section 706(g), the Director shall update the plan and report on implementation of the plan, until the Director issues the public statement required under subsection (c)(3) to terminate the emerging drug threat designation.

“(3) CONTENTS OF AN EMERGING THREAT RESPONSE PLAN.—The Director shall include in the plan required under this subsection—

“(A) a comprehensive strategic assessment of the emerging drug threat, including the current availability of, demand for, and effectiveness of evidence-based prevention, treatment, and enforcement programs and efforts to respond to the emerging drug threat;

“(B) comprehensive, research-based, short- and long-term, quantifiable goals for addressing the emerging drug threat, including for reducing the supply of the drug designated as the emerging drug threat and for expanding the availability and effectiveness of evidence-based substance use disorder treatment and prevention programs to reduce the demand for the emerging drug threat;

“(C) performance measures pertaining to the plan's goals, including quantifiable and measurable objectives and specific targets;

“(D) the level of funding needed to implement the plan, including whether funding is available to be reprogrammed or transferred to support implementation of the plan or whether additional appropriations are necessary to implement the plan;

“(E) an implementation strategy for the media campaign under subsection (f), including goals as described under subparagraph (B) of this paragraph and performance measures, objectives, and targets, as described under subparagraph (C) of this paragraph; and

“(F) any other information necessary to inform the public of the status, progress, or response of an emerging drug threat.

“(4) IMPLEMENTATION.—

“(A) IN GENERAL.—Not later than 120 days after the date on which a designation is made under subsection (c), the Director, in consultation with the President, the appropriate congressional committees, and the head of each National Drug Control Program Agency, shall issue guidance on implementation of the plan described in this subsection to the National Drug Control Program Agencies and any other relevant agency determined to be necessary by the Director.

“(B) COORDINATOR'S RESPONSIBILITIES.—The Coordinator shall—

“(i) direct the implementation of the plan among the agencies identified in the plan, State, local, and Tribal governments, and other relevant entities;

“(ii) facilitate information-sharing between agencies identified in the plan, State, local, and Tribal governments, and other relevant entities; and

“(iii) monitor implementation of the plan by coordinating the development and implementation of collection and reporting systems to support performance measurement and adherence to the plan by agencies identified in plan, where appropriate.

“(C) REPORTING.—Not later than 180 days after the date on which a designation is made under subsection (c) and in accordance with subparagraph (A), the head of each agency identified in the plan shall submit to the Coordinator a report on implementation of the plan.

“(e) EVALUATION OF MEDIA CAMPAIGN.—Upon designation of an emerging drug threat, the Director shall evaluate whether a media campaign would be appropriate to address that threat.

“(f) NATIONAL ANTI-DRUG MEDIA CAMPAIGN.—

“(1) IN GENERAL.—The Director shall, to the extent feasible and appropriate, conduct a national anti-drug media campaign (referred to in this subtitle as the ‘national media campaign’) in accordance with this subsection for the purposes of—

“(A) preventing substance abuse among people in the United States;

“(B) educating the public about the dangers and negative consequences of substance use and abuse, including patient and family education about the characteristics and hazards of substance abuse and methods to safeguard against substance use, to include the safe disposal of prescription medications;

“(C) supporting evidence-based prevention programs targeting the attitudes, perception, and beliefs of persons concerning substance use and intentions to initiate or continue such use;

“(D) encouraging individuals affected by substance use disorders to seek treatment and providing such individuals with information on—

“(i) how to recognize addiction issues;

“(ii) what forms of evidence-based treatment options are available; and

“(iii) how to access such treatment;

“(E) combating the stigma of addiction and substance use disorders, including the stigma of treating such disorders with medication-assisted treatment therapies; and

“(F) informing the public about the dangers of any drug identified by the Director as an emerging drug threat as appropriate.

“(2) USE OF FUNDS.—

“(A) IN GENERAL.—Amounts made available to carry out this subsection for the national media campaign may only be used for the following:

“(i) The purchase of media time and space, including the strategic planning for, tracking, and accounting of, such purchases.

“(ii) Creative and talent costs, consistent with subparagraph (B)(i).

“(iii) Advertising production costs, which may include television, radio, internet, social media, and other commercial marketing venues.

“(iv) Testing and evaluation of advertising.

“(v) Evaluation of the effectiveness of the national media campaign.

“(vi) Costs of contracts to carry out activities authorized by this subsection.

“(vii) Partnerships with professional and civic groups, community-based organizations, including faith-based organizations, and government organizations related to the national media campaign.

“(viii) Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

“(ix) Operational and management expenses.

“(B) SPECIFIC REQUIREMENTS.—

“(i) CREATIVE SERVICES.—In using amounts for creative and talent costs under subparagraph (A)(ii), the Director shall use creative services donated at no cost to the Government wherever feasible and may only procure creative services for advertising—

“(I) responding to high-priority or emergent campaign needs that cannot timely be obtained at no cost; or

“(II) intended to reach a minority, ethnic, or other special audience that cannot reasonably be obtained at no cost.

“(ii) TESTING AND EVALUATION OF ADVERTISING.—In using amounts for testing and evaluation of advertising under subparagraph (A)(iv), the Director shall test all advertisements prior to use in the national media campaign to ensure that the advertisements are effective with the target audience and meet industry-accepted standards. The Director may waive this requirement for advertisements using no more than 10 percent of the purchase of advertising time purchased under this subsection in a fiscal year and no more than 10 percent of the advertising space purchased under this subsection in a fiscal year, if the advertisements respond to emergent and time-sensitive campaign needs or the advertisements will not be widely utilized in the national media campaign.

“(iii) CONSULTATION.—For the planning of the campaign under paragraph (1), the Director may consult with—

“(I) the head of any appropriate National Drug Control Program Agency;

“(II) experts on the designated drug;

“(III) State, local, and Tribal government officials and relevant agencies;

“(IV) communications professionals;

“(V) the public; and

“(VI) appropriate congressional committees.

“(iv) EVALUATION OF EFFECTIVENESS OF NATIONAL MEDIA CAMPAIGN.—In using amounts for the evaluation of the effectiveness of the national media campaign under subparagraph (A)(v), the Director shall—

“(I) designate an independent entity to evaluate by April 20 of each year the effectiveness of the national media campaign based on data from—

“(aa) the Monitoring the Future Study published by the Department of Health and Human Services;

“(bb) the National Survey on Drug Use and Health; and

“(cc) other relevant studies or publications, as determined by the Director, including tracking and evaluation data collected according to marketing and advertising industry standards; and

“(II) ensure that the effectiveness of the national media campaign is evaluated in a

manner that enables consideration of whether the national media campaign has contributed to changes in attitude or behaviors among the target audience with respect to substance use and such other measures of evaluation as the Director determines are appropriate.

“(3) ADVERTISING.—In carrying out this subsection, the Director shall ensure that sufficient funds are allocated to meet the stated goals of the national media campaign.

“(4) RESPONSIBILITIES AND FUNCTIONS UNDER THE PROGRAM.—

“(A) IN GENERAL.—The Director shall determine the overall purposes and strategy of the national media campaign.

“(B) DIRECTOR.—

“(i) IN GENERAL.—The Director shall approve—

“(I) the strategy of the national media campaign;

“(II) all advertising and promotional material used in the national media campaign; and

“(III) the plan for the purchase of advertising time and space for the national media campaign.

“(ii) IMPLEMENTATION.—The Director shall be responsible for implementing a focused national media campaign to meet the purposes set forth in paragraph (1) and shall ensure—

“(I) information disseminated through the campaign is accurate and scientifically valid; and

“(II) the campaign is designed using strategies demonstrated to be the most effective at achieving the goals and requirements of paragraph (1), which may include—

“(aa) a media campaign, as described in paragraph (2);

“(bb) local, regional, or population specific messaging;

“(cc) the development of websites to publicize and disseminate information;

“(dd) conducting outreach and providing educational resources for parents;

“(ee) collaborating with law enforcement agencies; and

“(ff) providing support for school-based public health education classes to improve teen knowledge about the effects of substance use.

“(5) PROHIBITIONS.—None of the amounts made available under paragraph (2) may be obligated or expended for any of the following:

“(A) To supplant current anti-drug community-based coalitions.

“(B) To supplant pro bono public service time donated by national and local broadcasting networks for other public service campaigns.

“(C) For partisan political purposes, or to express advocacy in support of or to defeat any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.

“(D) To fund advertising that features any elected officials, persons seeking elected office, cabinet level officials, or other Federal officials employed pursuant to section 213 of Schedule C of title 5, Code of Federal Regulations.

“(E) To fund advertising that does not contain a primary message intended to reduce or prevent substance use.

“(F) To fund advertising containing a primary message intended to promote support for the national media campaign or private sector contributions to the national media campaign.

“(6) MATCHING REQUIREMENT.—

“(A) IN GENERAL.—Amounts made available under paragraph (2) for media time and space shall be matched by an equal amount of non-Federal funds for the national media

campaign, or be matched with in-kind contributions of the same value.

“(B) NO-COST MATCH ADVERTISING DIRECT RELATIONSHIP REQUIREMENT.—The Director shall ensure that not less than 85 percent of no-cost match advertising directly relates to substance abuse prevention consistent with the specific purposes of the national media campaign.

“(C) NO-COST MATCH ADVERTISING NOT DIRECTLY RELATED.—The Director shall ensure that no-cost match advertising that does not directly relate to substance abuse prevention consistent with the purposes of the national media campaign includes a clear anti-drug message. Such message is not required to be the primary message of the match advertising.

“(7) FINANCIAL AND PERFORMANCE ACCOUNTABILITY.—The Director shall cause to be performed—

“(A) audits and reviews of costs of the national media campaign pursuant to section 4706 of title 41, United States Code; and

“(B) an audit to determine whether the costs of the national media campaign are allowable under chapter 43 of title 41, United States Code.

“(8) REPORT TO CONGRESS.—The Director shall submit on an annual basis a report to Congress that describes—

“(A) the strategy of the national media campaign and whether specific objectives of the national media campaign were accomplished;

“(B) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the national media campaign;

“(C) plans to purchase advertising time and space;

“(D) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse;

“(E) all contracts entered into with a corporation, partnership, or individual working on behalf of the national media campaign;

“(F) the results of any financial audit of the national media campaign;

“(G) a description of any evidence used to develop the national media campaign;

“(H) specific policies and steps implemented to ensure compliance with this section;

“(I) a detailed accounting of the amount of funds obligated during the previous fiscal year for carrying out the national media campaign, including each recipient of funds, the purpose of each expenditure, the amount of each expenditure, any available outcome information, and any other information necessary to provide a complete accounting of the funds expended; and

“(J) a review and evaluation of the effectiveness of the national media campaign strategy for the past year.

“(9) REQUIRED NOTICE FOR COMMUNICATION FROM THE OFFICE.—Any communication, including an advertisement, paid for or otherwise disseminated by the Office directly or through a contract awarded by the Office shall include a prominent notice informing the audience that the communication was paid for by the Office.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Office to carry out this section, \$25,000,000 for each of fiscal years 2018 through 2023.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Subsection (a) of section 203 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1708a) is repealed.

(ii) a list of relevant stakeholders and each such stakeholder's role in achieving such goal;



“(iii) an estimate of Federal funding and other resources needed to achieve such goal;

“(iv) a list of each existing or new coordinating mechanism needed to achieve such goal; and

“(v) a description of the Office’s role in facilitating the achievement of such goal.

“(G) For each year covered by the Strategy, a performance evaluation plan for each goal established under subparagraph (B) for each National Drug Control Program Agency, including—

“(i) specific performance measures for each National Drug Control Program Agency;

“(ii) annual and, to the extent practicable, quarterly objectives and targets for each performance measure; and

“(iii) an estimate of Federal funding and other resources needed to achieve each performance objective and target.

“(H) A list identifying existing data sources or a description of data collection needed to evaluate performance, including a description of how the Director will obtain such data.

“(I) A list of any anticipated challenges to achieving the National Drug Control Strategy goals and planned actions to address such challenges.

“(J) A description of how each goal established under subparagraph (B) was determined, including—

“(i) a description of each required consultation and a description of how such consultation was incorporated; and

“(ii) data, research, or other information used to inform the determination to establish the goal.

“(K) A description of the current prevalence of illicit drug use in the United States, including both the availability of illicit drugs and the prevalence of substance use disorders.

“(L) Such other statistical data and information as the Director considers appropriate to demonstrate and assess trends relating to illicit drug use, the effects and consequences of illicit drug use (including the effects on children), supply reduction, demand reduction, drug-related law enforcement, and the implementation of the National Drug Control Strategy.

“(M) A systematic plan for increasing data collection to enable real time surveillance of drug control threats, developing analysis and monitoring capabilities, and identifying and addressing policy questions related to the National Drug Control Strategy and Program, which shall include—

“(i) a list of policy-relevant questions for which the Director and each National Drug Control Program Agency intends to develop evidence to support the National Drug Control Program and Strategy;

“(ii) a list of data the Director and each National Drug Control Program Agency intends to collect, use, or acquire to facilitate the use of evidence in drug control policymaking and monitoring;

“(iii) a list of methods and analytical approaches that may be used to develop evidence to support the National Drug Control Program and Strategy and related policy;

“(iv) a list of any challenges to developing evidence to support policymaking, including any barriers to accessing, collecting, or using relevant data;

“(v) a description of the steps the Director and the head of each National Drug Control Program Agency will take to effectuate the plan; and

“(vi) any other relevant information as determined by the Director.

“(N) A plan to expand treatment of substance use disorders, which shall—

“(i) identify unmet needs for treatment for substance use disorders and a strategy for

closing the gap between available and needed treatment;

“(ii) describe the specific roles and responsibilities of the relevant National Drug Control Programs for implementing the plan;

“(iii) identify the specific resources required to enable the relevant National Drug Control Agencies to implement that strategy; and

“(iv) identify the resources, including private sources, required to eliminate the unmet need for evidence-based substance use disorder treatment.

“(2) CONSULTATION.—In developing the plan required under paragraph (1), the Director shall consult with the following:

“(A) The public.

“(B) Any evaluation or analysis units and personnel of the Office.

“(C) Office officials responsible for implementing privacy policy.

“(D) Office officials responsible for data governance.

“(E) The appropriate congressional committees.

“(F) Any other individual or entity as determined by the Director.

“(3) ADDITIONAL STRATEGIES.—

“(A) IN GENERAL.—The Director shall include in the National Drug Control Strategy the additional strategies described under this paragraph and shall comply with the following:

“(i) Provide a copy of the additional strategies to the appropriate congressional committees and to the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate.

“(ii) Issue the additional strategies in consultation with the head of each relevant National Drug Control Program Agency, any relevant official of a State, local, or Tribal government, and the government of other relevant countries.

“(iii) Not change any existing agency authority or construe any strategy described under this paragraph to amend or modify any law governing interagency relationship but may include recommendations about changes to such authority or law.

“(iv) Present separately from the rest of any strategy described under this paragraph any information classified under criteria established by an Executive order, or whose public disclosure, as determined by the Director or the head of any relevant National Drug Control Program Agency, would be detrimental to the law enforcement or national security activities of any Federal, State, local, or Tribal agency.

“(B) REQUIREMENT FOR SOUTHWEST BORDER COUNTERNARCOTICS STRATEGY.—

“(i) PURPOSES.—The Southwest Border Counternarcotics Strategy shall—

“(I) set forth the Government’s strategy for preventing the illegal trafficking of drugs across the international border between the United States and Mexico, including through ports of entry and between ports of entry on that border;

“(II) state the specific roles and responsibilities of the relevant National Drug Control Program Agencies for implementing that strategy; and

“(III) identify the specific resources required to enable the relevant National Drug Control Program Agencies to implement that strategy.

“(ii) SPECIFIC CONTENT RELATED TO DRUG TUNNELS BETWEEN THE UNITED STATES AND MEXICO.—The Southwest Border Counternarcotics Strategy shall include—

“(I) a strategy to end the construction and use of tunnels and subterranean passages that cross the international border between

the United States and Mexico for the purpose of illegal trafficking of drugs across such border; and

“(II) recommendations for criminal penalties for persons who construct or use such a tunnel or subterranean passage for such a purpose.

“(C) REQUIREMENT FOR NORTHERN BORDER COUNTERNARCOTICS STRATEGY.—

“(i) PURPOSES.—The Northern Border Counternarcotics Strategy shall—

“(I) set forth the strategy of the Federal Government for preventing the illegal trafficking of drugs across the international border between the United States and Canada, including through ports of entry and between ports of entry on the border;

“(II) state the specific roles and responsibilities of each relevant National Drug Control Program Agency for implementing the strategy;

“(III) identify the specific resources required to enable the relevant National Drug Control Program Agencies to implement the strategy;

“(IV) be designed to promote, and not hinder, legitimate trade and travel; and

“(V) reflect the unique nature of small communities along the international border between the United States and Canada, ongoing cooperation and coordination with Canadian law, enforcement authorities, and variations in the volumes of vehicles and pedestrians crossing through ports of entry along the international border between the United States and Canada.

“(ii) SPECIFIC CONTENT RELATED TO CROSS-BORDER INDIAN RESERVATIONS.—The Northern Border Counternarcotics Strategy shall include—

“(I) a strategy to end the illegal trafficking of drugs to or through Indian reservations on or near the international border between the United States and Canada; and

“(II) recommendations for additional assistance, if any, needed by Tribal law enforcement agencies relating to the strategy, including an evaluation of Federal technical and financial assistance, infrastructure capacity building, and interoperability deficiencies.

“(4) CLASSIFIED INFORMATION.—Any contents of the National Drug Control Strategy that involve information properly classified under criteria established by an Executive order shall be presented to Congress separately from the rest of the National Drug Control Strategy.

“(5) SELECTION OF DATA AND INFORMATION.—In selecting data and information for inclusion in the Strategy, the Director shall ensure—

“(A) the inclusion of data and information that will permit analysis of current trends against previously compiled data and information where the Director believes such analysis enhances long-term assessment of the National Drug Control Strategy; and

“(B) the inclusion of data and information to permit a standardized and uniform assessment of the effectiveness of drug treatment programs in the United States.

“(d) SUBMISSION OF REVISED STRATEGY.—The President may submit to Congress a revised National Drug Control Strategy that meets the requirements of this section—

“(1) at any time, upon a determination of the President, in consultation with the Director, that the National Drug Control Strategy in effect is not sufficiently effective; or

“(2) if a new President or Director takes office.

“(e) FAILURE OF DIRECTOR TO SUBMIT NATIONAL DRUG CONTROL STRATEGY.—If the Director does not submit a National Drug Control Strategy to Congress in accordance with subsection (a)(2), not later than five days

after the first Monday in February following the year in which the term of the President commences, the Director shall send a notification to the appropriate congressional committees—

“(1) explaining why the Strategy was not submitted; and

“(2) specifying the date by which the Strategy will be submitted.

“(f) DRUG CONTROL DATA DASHBOARD.—

“(1) IN GENERAL.—The Director shall collect and disseminate, as appropriate, such information as the Director determines is appropriate, but not less than the information described in this subsection. The data shall be publicly available in a machine-readable format on the online portal of the Office, and to the extent practicable on the Drug Control Data Dashboard.

“(2) ESTABLISHMENT.—The Director shall publish to the online portal of the office in a machine-readable, sortable, and searchable format, or to the extent practicable, establish and maintain a data dashboard on the online portal of the Office to be known as the ‘Drug Control Data Dashboard’. To the extent practicable, when establishing the Drug Control Dashboard, the Director shall ensure the user interface of the dashboard is constructed with modern design standards. To the extent practicable, the data made available on the dashboard shall be publicly available in a machine-readable format and searchable by year, agency, drug, and location.

“(3) DATA.—The data included in the Drug Control Data Dashboard shall be updated quarterly to the extent practicable, but not less frequently than annually and shall include, at a minimum, the following:

“(A) For each substance identified by the Director as having a significant impact on the prevalence of illicit drug use—

“(i) data sufficient to show the quantities of such substance available in the United States, including—

“(I) the total amount seized and disrupted in the calendar year and each of the previous 3 calendar years, including to the extent practicable the amount seized by State, local, and Tribal governments;

“(II) the known and estimated flows into the United States from all sources in the calendar year and each of the previous 3 calendar years;

“(III) the total amount of known flows that could not be interdicted or disrupted in the calendar year and each of the previous 3 calendar years;

“(IV) the known and estimated levels of domestic production in the calendar year and each of the previous three calendar years, including the levels of domestic production if the drug is a prescription drug, as determined under the Federal Food, Drug, and Cosmetic Act, for which a listing is in effect under section 202 of the Controlled Substances Act (21 U.S.C. 812);

“(V) the average street price for the calendar year and the highest known street price during the preceding 10-year period; and

“(VI) to the extent practicable, related prosecutions by State, local, and Tribal governments;

“(ii) data sufficient to show the frequency of use of such substance, including—

“(I) use of such substance in the workplace and productivity lost by such use;

“(II) use of such substance by arrestees, probationers, and parolees;

“(III) crime and criminal activity related to such substance;

“(IV) to the extent practicable, related prosecutions by State, local, and Tribal governments;

“(B) For the calendar year and each of the previous three years data sufficient to show,

disaggregated by State and, to the extent feasible, by region within a State, county, or city, the following:

“(i) The number of fatal and non-fatal overdoses caused by each drug identified under subparagraph (A)(i).

“(ii) The prevalence of substance use disorders.

“(iii) The number of individuals who have received substance use disorder treatment, including medication assisted treatment, for a substance use disorder, including treatment provided through publicly-financed health care programs.

“(iv) The extent of the unmet need for substance use disorder treatment, including the unmet need for medication-assisted treatment.

“(C) Data sufficient to show the extent of prescription drug diversion, trafficking, and misuse in the calendar year and each of the previous 3 calendar years.

“(D) Any quantifiable measures the Director determines to be appropriate to detail progress toward the achievement of the goals of the National Drug Control Strategy.

“(g) DEVELOPMENT OF AN ANNUAL NATIONAL DRUG CONTROL ASSESSMENT.—

“(1) TIMING.—Not later than the first Monday in February of each year, the Director shall submit to the President, Congress, and the appropriate congressional committees, a report assessing the progress of each National Drug Control Program Agency toward achieving each goal, objective, and target contained in the National Drug Control Strategy applicable to the prior fiscal year.

“(2) PROCESS FOR DEVELOPMENT OF THE ANNUAL ASSESSMENT.—Not later than November 1 of each year, the head of each National Drug Control Program Agency shall submit, in accordance with guidance issued by the Director, to the Director an evaluation of progress by the agency with respect to the National Drug Control Strategy goals using the performance measures for the agency developed under this title, including progress with respect to—

“(A) success in achieving the goals of the National Drug Control Strategy;

“(B) success in reducing domestic and foreign sources of illegal drugs;

“(C) success in expanding access to and increasing the effectiveness of substance use disorder treatment;

“(D) success in protecting the borders of the United States (and in particular the Southwestern border of the United States) from penetration by illegal narcotics;

“(E) success in reducing crime associated with drug use in the United States;

“(F) success in reducing the negative health and social consequences of drug use in the United States;

“(G) implementation of evidence-based substance use disorder treatment and prevention programs in the United States and improvements in the adequacy and effectiveness of such programs; and

“(H) success in increasing the prevention of illicit drug use.

“(3) CONTENTS OF THE ANNUAL ASSESSMENT.—The Director shall include in the annual assessment required under paragraph (1)—

“(A) a summary of each evaluation received by the Director under paragraph (2);

“(B) a summary of the progress of each National Drug Control Program Agency toward the National Drug Control Strategy goals of the agency using the performance measures for the agency developed under this chapter;

“(C) an assessment of the effectiveness of each National Drug Control Program Agency and program in achieving the National Drug Control Strategy for the previous year, including a specific evaluation of whether the

applicable goals, measures, objectives, and targets for the previous year were met; and

“(D) the assessments required under this subsection shall be based on the Performance Measurement System.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 704(b) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1703(b)) is amended—

(A) by striking paragraphs (13) and (17); and

(B) in paragraph (14)(A), by striking “paragraph (13)” and inserting “section 706(g)(2)”.

(2) The Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469; 120 Stat. 3502) is amended by striking sections 1110 and 1110A.

#### SEC. 8222. TECHNICAL AND CONFORMING AMENDMENTS TO THE OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 1998.

The Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.) is amended—

(1) by striking section 703(b) (21 U.S.C. 1702(b));

(2) in section 704 (21 U.S.C. 1703)—

(A) in subsection (c)—

(i) in paragraph (3)(C)—

(I) in the matter before clause (i), by inserting “requests a level of funding that will not enable achievement of the goals of the National Drug Control Strategy, including” after “request that”;

(II) in clause (iii)—

(aa) by striking “drug treatment” and inserting “substance use disorder prevention and treatment”;

(bb) by striking the semicolon at the end and inserting “; and”;

(III) by striking clauses (iv), (vi), and (vii);

(IV) by redesignating clause (v) as clause (iv); and

(V) in clause (iv), as so redesignated, by striking the semicolon and inserting a period;

(ii) in paragraph (4)(A), by striking “\$1,000,000” and inserting “\$5,000,000 or 10 percent of a specific program or account”;

and

(B) in subsection (f)—

(i) by striking the first paragraph (5); and

(ii) by striking the second paragraph (4); and

(3) by striking section 708 (21 U.S.C. 1707).

#### Subtitle L—Budgetary Effects

#### SEC. 8231. BUDGETARY EFFECT.

(a) IN GENERAL.—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(d)).

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

#### GENERAL LEAVE

Mr. WALDEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material in the RECORD on the resolution.

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

There was no objection.

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

I have dozens and dozens of letters of support for this legislation; 90 or 100 different letters of support from different groups, 124 names, it looks like, that I will include in the RECORD.

Statements and Letters of Support from:

U.S. Chamber—Key Vote Alert, American Society of Addiction Medicine—Statement, Advocates for Opioid Recovery—advocacy e-mail, Corporate Health Care Coalition—support letter, First Focus Campaign for Children—statement, National Association for Behavioral Healthcare—Statement, National Association of Community Health Centers—Letter, Catholic Health Association—Letter, American Benefits Council—Letter, A Coalition letter signed by 124 addiction advocacy groups:

1. A New PATH, San Diego, California
2. Addiction Policy Forum
3. AIDS United
4. Alabama, Addiction Policy Forum
5. Alaska, Addiction Policy Forum
6. American Correctional Association
7. Arizona, Addiction Policy Forum
8. Association of Prosecuting Attorneys
9. Beyond Addiction Ministry, WI
10. Brave Health
11. CADA of Northwest Louisiana
12. California Consortium of Addiction Programs & Professionals (CCAPP)
13. California, Addiction Policy Forum
14. Campaign for Youth Justice
15. Caron Treatment Centers
16. CFC Loud N Clear Foundation, Farmingdale, New Jersey
17. Chicago Recovering Communities Coalition, Chicago, Illinois
18. Colorado, Addiction Policy Forum
19. Community Anti-Drug Coalitions of America (CADCA)
20. Connecticut Certification Board
21. Connecticut Community for Addiction Recovery (CCAR), Hartford, Connecticut
22. Connecticut, Addiction Policy Forum
23. COPEs
24. DarJune Recovery Support Services & Cafe, Green Bay, Wisconsin
25. Delaware, Addiction Policy Forum
26. Delphi Behavioral Health Group
27. DisposeRx
28. El Paso Alliance, El Paso, Texas
29. Faces & Voices of Recovery
30. FAVOR Low Country, Charleston, South Carolina
31. FAVOR Tri-County, Rock Hill, South Carolina
32. FedCURE
33. Fellowship Foundation Recovery Community Organization, Margate, Florida
34. Floridians for Recovery, West Palm Beach, Florida
35. Foundation for Recovery, Las Vegas, Nevada
36. Friends of Emmett
37. H.O.P.E.S. Forever
38. Healthcare Leadership Council
39. IC & RC
40. Idaho, Addiction Policy Forum
41. Illinois Association of Behavioral Health
42. Illinois, Addiction Policy Forum
43. Indiana, Addiction Policy Forum
44. Institute for Behavior and Health (IBH)
45. Iowa, Addiction Policy Forum
46. Jackson Area Recovery Community, Jackson, Michigan
47. Kansas, Addiction Policy Forum
48. Kentucky, Addiction Policy Forum
49. Kingston NH Lions Foundation
50. Lifehouse Recovery Connection, San Diego, California
51. Maine Alliance for Addiction Recovery, Augusta, Maine

52. Maine, Addiction Policy Forum
53. Maryland House Detox
54. Maryland, Addiction Policy Forum
55. Massachusetts, Addiction Policy Forum
56. Michigan, Addiction Policy Forum
57. Minnesota Recovery Connection, Minneapolis, Minnesota
58. Minnesota, Addiction Policy Forum
59. Missouri Recovery Network, Jefferson City, Missouri
60. Missouri, Addiction Policy Forum
61. Montana, Addiction Policy Forum
62. National Association of Social Workers (NASW)
63. National Prevention Science Coalition
64. National Safety Council
65. Navigate Recovery Gwinnett, Gwinnett County, Georgia
66. Navigating Recovery of the Lakes Region, Laconia, New Hampshire
67. Nevada, Addiction Policy Forum
68. New Hampshire, Addiction Policy Forum
69. New Jersey, Addiction Policy Forum
70. New Mexico, Addiction Policy Forum
71. New York, Addiction Policy Forum
72. North Carolina, Addiction Policy Forum
73. North Dakota, Addiction Policy Forum
74. Ohio Citizen Advocates for Addiction Recovery, Columbus, Ohio
75. Ohio, Addiction Policy Forum
76. Oklahoma, Addiction Policy Forum
77. Oregon, Addiction Policy Forum
78. PEER Wellness Center
79. PEER360 Recovery Alliance, Bay City, Michigan
80. Pennsylvania Recovery Organization, Achieving Community Together (PRO-ACT), Philadelphia, Pennsylvania
81. Pennsylvania, Addiction Policy Forum
82. People Advocating Recovery, Louisville, Kentucky
83. Phoenix House Recovery Residences
84. PLR Athens, Athens, Georgia
85. Reality Check, Jaffrey, New Hampshire
86. Recover Wyoming, Cheyenne, Wyoming
87. Recovery Communities of North Carolina, Raleigh, North Carolina
88. Recovery Community Connection, Williamsport, Pennsylvania
89. Recovery Community of Durham, Durham, North Carolina
90. Recovery Data Solutions
91. Rhode Island, Addiction Policy Forum
92. ROCoverly Fitness, Rochester, New York
93. Shatterproof
94. Smart Approaches to Marijuana Action (SAM Action)
95. SMART Recovery, Nationwide
96. Sobriety Matters
97. Solutions Recovery, Oshkosh, Wisconsin
98. South Dakota, Addiction Policy Forum
99. SpiritWorks Foundation, Williamsburg, Virginia
100. Springs Recovery Connection, Colorado Springs, Colorado
101. Strengthening the Mid-Atlantic Region for Tomorrow (SMART)
102. Tennessee, Addiction Policy Forum
103. Texas, Addiction Policy Forum
104. The DOOR—DeKalb Open Opportunity for Recovery, Decatur, Georgia
105. The McShin Foundation, Richmond, Virginia
106. The Moyer Foundation
107. The Phoenix, Nationwide
108. The RASE Project, Harrisburg, Pennsylvania
109. The Solano Project, Fairfield, California
110. Treatment Communities of America
111. Trilogy Recovery Community, Walla Walla, Washington
112. Trust for America's Health
113. Utah, Addiction Policy Forum

114. Vermont, Addiction Policy Forum
115. Virginia, Addiction Policy Forum
116. Voices of Hope Lexington, Lexington, Kentucky
117. Voices of Recovery San Mateo County, San Mateo, California
118. WAI-IAM, Inc. and RISE Recovery Community, Lansing, Michigan
119. Washington, Addiction Policy Forum
120. Washtenaw Recovery Advocacy Project (WRAP), Ann Arbor, Michigan
121. West Virginia, Addiction Policy Forum
122. Wisconsin Voices for Recovery, Madison, Wisconsin
123. Wisconsin, Addiction Policy Forum
124. Wyoming, Addiction Policy Forum

Mr. WALDEN. Mr. Speaker, I rise today in support of H.R. 6. This is the SUPPORT for Patients and Communities Act that your Energy and Commerce Committee has worked on diligently for nearly 2 years.

In my own case, in 10 roundtables throughout Oregon, I have heard from everyday people on the frontlines of this fight in our communities. They are the victims. They are the families. They are medical providers and treatment advocates. They are local law enforcement, and they are first responders. They are our neighbors. They are our loved ones.

Each of these people puts a name and a face to what I would say is the worst drug epidemic we have seen in America, the opioid crisis.

I have heard from Oregon families, I have heard from Mike and Winnie, from Grants Pass, who have seen their loved one struggle with addiction. Mike's sister who died, she was a nurse, became addicted, and overdosed. He told me that at a townhall in a community forum. Their son struggles with his addiction to this day from a sports injury starting with opioids, ending with heroin.

We will never know what could have become of the 72,000 Americans who died last year.

Every 24 hours, 1,000 people go to emergency rooms overdosing from opioids. Roughly 115 die.

I heard it from Paula, whose two sons and stepson struggle with their opioid addiction today.

As a parent, I can only imagine what parents of children with opioid addiction must feel every time the phone rings. They think it may be that call.

For the millions of people currently struggling with addiction, please know, don't give up. It is never too late to seek help. We stand with you.

Mr. Speaker, this legislation is a product of months of bipartisan, bicameral work, eight House committees involved, I think probably every Member of this House, five Senate committees, dozen and dozens of Members of Congress.

And the faces that we came to know are the parents and the children whom they lost, Amanda Beatrice Gray being one of them, a beautiful young woman, talented, struggling with her issues, overdosed on heroin heavily laced with fentanyl.

We are here for them, Mr. Speaker. We are here for our neighbors, for our

loved ones, who deal with this crisis every day of their life, and in the great joined cause of those who lost.

Mr. Speaker, because we are going to hear from a lot of our Members who have put so much work into this, I reserve the balance of my time.

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

I rise today in support of H.R. 6, the SUPPORT for Patients and Communities Act. This bill is the product of many months of hard work by several committees in the House and Senate. It is important that we pass this bill today as another step in addressing the opioid crisis that is ravaging every community in our Nation.

Last year, a record 72,000 Americans died of drug overdoses; that is about 200 people dying every day, and this is a national crisis that is devastating families and that this Congress must act on.

And while this legislation will not solve every problem, I do believe it includes important policies that will help turn the tide of this tragic opioid epidemic. It will also improve treatment options for those battling other substance-use disorders.

I am proud that H.R. 6 builds upon CARA, the Comprehensive Addiction and Recovery Act, by including a provision championed by my colleague, Congressman TONKO, that would allow all advanced practice registered nurses to treat patients with buprenorphine for opioid-use disorder. It also gives nurse practitioners and physician assistants the authority to treat patients with buprenorphine permanently, and it codifies the 275 patient physician cap. This is a critical step in expanding access to the treatment of these drugs, one of the major challenges that we continue to face in the fight against this epidemic.

Mr. Speaker, the legislation also expands access to coverage. It includes an important provision that I worked on with Ways and Means Committee Ranking Member NEAL that expands Medicare coverage of opioid treatment programs and medication-assisted treatment.

In the Medicaid space, I am pleased to see the inclusion of several Democratic priorities. This bill requires State Medicaid programs to cover all forms of medication-assisted treatment, which plays a critical and life-saving role in treating opioid use disorder.

It provides grants to State Medicaid programs to help increase the number of substance use disorder providers and services. It increases access to mental health and substance use disorder treatment for children and pregnant women covered by CHIP, and it ensures former foster youth are able to keep their Medicaid coverage across State lines up to the age of 26. And it improves the continuity of Medicaid coverage for juveniles in the justice system.

I am also pleased that we have been able to improve upon the House-passed

IMD policy. This bill adds new safeguards to ensure that States continue to provide an adequate level of outpatient services and offer medication-assisted treatment. It does this by making clear that this policy does not impact the more comprehensive efforts to provide care in IMDs that is ongoing in many States today.

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H.R. 6 also includes provisions from my legislation, the SCREEN Act, that would give the Food and Drug Administration the ability to take action against illicit controlled substances coming in through international mail facilities across the country.

FDA will now be able to prohibit the importation of drugs by people who have repeatedly imported illicit drugs. It also allows the agency to cease distribution of or recall controlled substances, like opioids, if they are endangering patients.

These provisions also provide FDA expanded authority and capacity needed to more effectively combat the influx of deadly synthetic opioids, like fentanyl, from reaching our shores through the mail in the first place.

It also provides the Federal Trade Commission with stronger enforcement tools to go after bad actors that are taking advantage of the suffering of individuals combating addictions.

Mr. Speaker, there is one provision that is concerning and that I do want to mention. It did not go through regular order and was not properly vetted. In fact, it was added at the very last minute. That is a proposal by Senator RUBIO to create a new criminal antikickback statute.

I know this proposal is well-intentioned in addressing the serious problem of patient brokers who are taking advantage of individuals with opioid use disorders and referring them to substandard or fraudulent providers in exchange for kickbacks. This is an issue, but since the bill was introduced last Tuesday night, multiple stakeholders have raised concerns that the language does not do what we think it does. It may have unintended consequences.

Mr. Speaker, I hope this is a good lesson to all of us that passing legislation that has not been properly vetted, and that the public has not had an adequate chance to review, is unwise. I hope to get a commitment from Chairman WALDEN and Chairman GOODLATTE to work to address any technical problems with this provision in the upcoming months.

In closing, Mr. Speaker, these are all policies that have the potential to make a real impact on this epidemic, but our work here is not complete. An epidemic of this size will take a long-term commitment to improving health insurance coverage, treatment, access, and affordability.

This bill is an important step, but I want to stress that we have to do a lot more. The opioid crisis continues to

get worse. A lot more needs to be done to provide treatment and expand the treatment infrastructure. More resources are needed to support the families and communities impacted by this crisis. So what we are doing today is clearly helpful, but it is not enough.

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

Mr. WALDEN. Mr. Speaker, I am honored to yield 1 minute to the gentleman from Texas (Mr. BRADY), the distinguished and talented chairman of the House Ways and Means Committee.

Mr. BRADY of Texas. Mr. Speaker, I thank Chairman WALDEN and Ranking Member PALLONE for their work. The opioid crisis, as you know, has impacted every community in America, has robbed countless individuals of their full potential. We all know someone who lost a loved one because they were exposed to opioids and then quickly addicted, and I know that sometimes, in routine surgery, they didn't even need it.

This can be prevented, and that is why I rise today in support of H.R. 6. This is bicameral and bipartisan. It addresses this crisis by putting in place many commonsense measures to reduce the unnecessary prescribing of opioids and get people treatment once they become addicted.

Mr. Speaker, I want to thank the ranking member of the Ways and Means Committee, Mr. NEAL; the ranking member of the Health Subcommittee, Mr. LEVIN; as well as leaders on our side and Mr. ROSKAM, Mr. CURBELO, Mr. PAULSEN, and Mr. BISHOP for authorizing key provisions of H.R. 6. They will save lives and heal communities.

Mr. PALLONE. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. NEAL), the ranking member of the Ways and Means Committee who worked so hard on this legislation as well.

Mr. NEAL. Mr. Speaker, I rise in support of H.R. 6, the SUPPORT for Patients and Communities Act, and I want to acknowledge Mr. PALLONE, Mr. WALDEN, and Mr. BRADY, the chairman of the Ways and Means Committee, for the good work that they have offered on this as well.

The opioid crisis is not a partisan issue. It is a health, safety, family, community, and economic issue. Everybody in this Chamber today has a family member or knows someone close to them who is connected to the opioid crisis.

H.R. 6 represents the best of bipartisan and bicameral negotiation. This is, indeed, the way policy can and should be done.

The bill includes a number of Democratic priorities to expand treatment options for our neighbors, family members, and friends suffering from opioid use disorders. It includes my bill, with Member PALLONE, that would require Medicare to cover opioid treatment programs so that our Nation's seniors might have more outpatient options for treatment.

Opioid use disorders are rapidly growing among Medicare beneficiaries. In 13 States, the highest rate of opioid-related inpatient hospital stays is amongst those over 65. This policy would give Medicare beneficiaries increased access to a range of medication and behavioral treatment options, leading to more hope for long-term recovery.

I am also pleased that H.R. 6 includes the Securing the International Mail Against Opioids Act, which would help to stop the flow of opioids through the United States. This legislation stems from the STOP Act, a bill that I worked on with Mr. Tiberi before his retirement earlier this year. I want to commend him, in addition to Trade Subcommittee Ranking Member PASCRELL, for their work on this bipartisan legislation.

While the bill before us is a step in the right direction, this epidemic is not going to turn around overnight. It needs a thoughtful, long-term, sustainable approach that requires significant Federal investments. H.R. 6 represents the initial step in addressing this crisis, but it cannot be the end. Part of that long-term approach must include protecting and strengthening Medicaid and the Affordable Care Act.

I want to take a moment to thank the staff on both sides of the aisle for their usual good work in this Chamber, for the weeks of hard effort they put in bringing this bill to fruition. The effort exemplifies bipartisan cooperation, and a particular thanks to House and Senate legislative counsel who worked long nights and weekends to finish the bill.

Thanks also to the CMS Office of Legislation and the staff of the Congressional Budget Office who played a critical role in finalizing the bill.

This is a complicated issue, and H.R. 6 is not going to solve the public health epidemic or its impact on society at the moment, but it certainly is a good step. I encourage all of us here in this Chamber today and in Congress to continue to work together to develop policy solutions for members of our community who are suffering from this terrible epidemic.

Mr. WALDEN. Mr. Speaker, I yield 30 seconds to the gentlewoman from Indiana (Mrs. BROOKS), and concur in my colleague's comments in praise of the staff that we worked with to get this done. The gentlewoman has been a real leader.

Mrs. BROOKS of Indiana. Mr. Speaker, the opioid and heroin crisis continues to hit Hoosiers hard. Sadly, we haven't turned the tide yet.

It is robbing the futures of Americans in every State in our Nation. We must support those battling addiction.

I have met with so many Hoosiers battling addiction. I visited treatment centers and recovery houses like the La Verna Lodge for men and Ohana House Sober Living for women. I have talked with addicts and those battling addiction about what is working and

what is not working with different recovery options.

Passing the strong bipartisan bill before us today is critically important. It will help ensure that more people have better access to treatments, and we can try to save more lives across this country.

Mr. PALLONE. Mr. Speaker, I yield 4 minutes the gentleman from Maryland (Mr. CUMMINGS), the ranking member of the Oversight and Government Reform Committee.

Mr. CUMMINGS. Mr. Speaker, I want to thank Mr. PALLONE for yielding, and for his great work on this legislation.

Mr. Speaker, I rise in support of provisions in this package reauthorizing and reforming the Office of National Drug Control Policy to improve coordination of our national response to the drug crisis.

At my request, the bill creates a demand reduction coordinator position, parallel to the existing interdiction coordinator, to strengthen demand reduction initiatives, including efforts to expand treatment.

Among other critical reforms, this legislation also requires ONDCP to report whether drug control program agency budgets are adequate to achieve the goals of the National Drug Control Strategy. It requires the compilation of essential data on overdoses, deaths, and interdiction in a data dashboard, so the American people have a clear, accessible picture of the effectiveness of efforts to combat the drug crisis.

I thank Chairman GOWDY, Chairman MEADOWS, and Vice Ranking Member CONNOLLY for working with me to develop legislation that will reform ONDCP. I thank Chairman GRASSLEY, Ranking Member FEINSTEIN, and Senator CORNYN for their leadership.

Let me also give special thanks to the committee staff and, I must say, to the majority and the minority staff. They did a phenomenal job working hard in conference and throughout this effort. Without their extraordinary efforts, this legislation would not be in this package today.

Mr. Speaker, I close with a simple warning. There are a lot of people suffering. Almost 198 people die a day—a day. Those are the people who are dying, but there are a lot of people in the pipeline who are in so much pain, they don't even know they are in pain.

So while the provisions of H.R. 6 are important, without significantly expanding access to treatment and wrap-around services through long-term, sustained funding, we continue to nibble at the edges of our national crisis, and the crisis will continue to worsen.

Mr. Speaker, I thank the gentleman for yielding.

Mr. WALDEN. Mr. Speaker, it is my great honor and high privilege to yield 1 minute to the gentleman from Wisconsin (Mr. RYAN), the Speaker of the House and my dear friend and classmate from the class of '98.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today to talk about something that is really close to all of our hearts. We have reached a point in this country where opioid overdoses claim more than 100 lives each and every single day.

Think about that for a moment, more than 100 lives every day. Mothers and fathers are burying sons and daughters, or in some cases, sons and daughters are burying mothers and fathers.

I bring this up simply to impart the gravity of the situation, which makes our response all the more urgent. But while the situation is certainly grave, that does not mean that we should ever lose hope.

As we have worked on this legislation we will soon send to the President, we all had to go out and gain an understanding of the facts on this issue. Everybody on both sides of the aisle spent so much time on this bill. In doing that, we have gleaned so much understanding.

And that is, after all, how our Republic works. That is what the people's House does. We learn from our constituents. We hear their stories. We see the suffering, and then we act.

This is a fantastic moment of people coming together to solve a problem. I think, in this process, we gained something very special.

Many of us heard the stories from incredible souls who have known unspeakable loneliness and who struggle with drug addiction. They made it through to the other side.

We met family members and friends who have known the pain and the fear that accompanies loving someone wrestling with addiction. Every one of us knows somebody or is related to somebody who has gone through this.

We met those who will never again have the chance to see the ones that they love so much.

Amid the overwhelming darkness, we have gotten to see their spark, their strength. From this pain has come something more powerful: resolve and a passion to make sure that others have a safe place to turn, that this doesn't happen to their family.

Witnessing this kind of strength, witnessing this kind of resilience, that is what helped produce this legislation. Through these bills, we are trying to ensure that anyone who needs help is not too isolated to receive it.

We are giving our communities the resources that they need to provide stronger treatment networks and support systems. That is where the healing happens. That is where Americans are at our best.

If this legislation can save one life and bring help to one person, that is what matters.

It is going to do far more than that.

□ 1100

So I want to thank all of those who were brave enough to share their stories with all of us. I want to thank all of those people who all of us met with

for being brave, for coming here, for meeting us, and for testifying and giving us their stories. And for all of those who are continuing to struggle in silence, I want them to know that there is no shame in their trials. In our own ways, we all fall.

In our Catholic tradition, we look to St. Jude as the patron saint of lost causes, a keeper of those who some in society may have written off. To me, his guardianship is written in this legislation. There are no lost causes. No one is permanently down. It is about offering a helping hand, and it is about opening our hearts.

Mr. Speaker, I am very proud of this legislation. I am so thankful to my colleagues on both sides of the aisle who came together to put these families and to put these communities first.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. TONKO), a member of the committee.

Mr. TONKO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, all across my district, I have encountered stories of individuals and families whose lives have been irrevocably changed by the scourge of the opioid epidemic: a father who lost his daughter too young and is pouring his grief into advocacy, a former neighbor and a dad who left behind two young children, a young man who is walking the hard path of recovery and showing others how to do the same.

These are the stories I hear day in and day out. They fill my heart; they fill my voice. And it is because of them that I am so very proud to cast a vote in favor of H.R. 6 today. It is my hope that this legislation will be another small step for our Nation on its road of recovery from this epidemic.

I am particularly proud that this bill incorporates legislation that I have introduced, along with my good friend Representative BEN RAY LUJÁN of New Mexico, which will provide a meaningful expansion to high-quality addiction treatment by allowing additional healthcare providers, such as nurse midwives, to prescribe buprenorphine, a medication-assisted treatment for opioid use disorder.

In addition, this provision will make permanent buprenorphine-prescribing authority for nurse practitioners and physician assistants and allow certain providers to treat more patients in the first year of their license.

These changes will make a big difference for individuals struggling from addiction across our country, especially in rural areas, and for vulnerable populations like pregnant and postpartum women and the 13,000 babies born each year with neonatal abstinence syndrome.

I also want to highlight the inclusion of my Medicaid Reentry Act into this bill, which aims to improve care for individuals who are leaving jail or prison and reentering a community setting.

The SPEAKER pro tempore (Mr. JODY B. HICE of Georgia). The time of the gentleman has expired.

Mr. PALLONE. Mr. Speaker, I yield an additional 30 seconds to the gentleman from New York.

Mr. TONKO. These individuals are highly vulnerable to opioid overdose due to lack of effective addiction treatment while incarcerated. By passing this legislation, we will allow States to engage in demonstration projects to improve medical care and transition-related services to Medicaid-eligible incarcerated individuals in the 30 days prior to their release, reducing the risk of overdose as individuals are coming back into the community for a second chance. I truly believe that this provision will transform lives.

I thank Ranking Member PALLONE, Chairman WALDEN, and their staffs for their continued efforts in this process. Without their dedicated, bipartisan work, we would not be making this progress today.

Mr. Speaker, I urge my colleagues to support H.R. 6.

Mr. WALDEN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. BURGESS). The country is well served by his chairmanship of the Subcommittee on Health.

Mr. BURGESS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, H.R. 6 is by far the most comprehensive legislation to address this national crisis. While more work remains—and I am the first to admit it—it provides meaningful solutions and vital resources for our States and localities.

Many of the priorities developed by the Energy and Commerce Committee are included in H.R. 6, like the 21st Century Tools for Pain and Addiction Treatment Act, partially repealing the institutions for mental disease exclusion and strengthening interagency coordination at our international mail facilities so that, perhaps, once and for all, we can do something about this poison coming into our country from eastern Asia to the detriment of our citizens.

I believe H.R. 6 could have been stronger. It could have included language aligning 42 CFR Part 2 with HIPAA. That stand-alone bill received 357 votes in this House. And I promise you, you will see it again. I am concerned about expanding prescriptive authority for nonphysicians, and I hope we will be able to look at that again in the future.

But I cannot let the perfect be the enemy of the good. I urge our Members to support this product today.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. DINGELL), also a member of the committee.

Mrs. DINGELL. Mr. Speaker, I thank Ranking Member PALLONE for yielding and Chairman WALDEN for his leadership in bringing this bill to the floor.

Mr. Speaker, I rise in strong support of H.R. 6, the SUPPORT for Patients and Communities Act. This is a critical first step in addressing the opioid epidemic.

I have lived on all sides of this. I lived in a home with a father who was an opioid addict before anyone knew what it was. I had a sister who died of a drug overdose. Yet I also live with a man who has very serious chronic pain and needs opioids to live his life comfortably.

We cannot let the pendulum swing too far in either direction, and we cannot be denying medication to those who need it. I am confident that this legislation strikes the right balance.

This bill has four provisions which I authored included in it:

The ACE Research Act, which I cosponsored with my friend Mr. UPTON, will spur innovative research into nonopioid pain medications at NIH and will help lead the next big breakthrough and bring benefits to patients. We need nonaddictive pain drugs.

I am also pleased that Jessie's Law, which I have worked on for years with Mr. WALBERG, is in this. This provision, which is named after a young woman we lost far too soon, would require HHS to establish best practices to ensure that medical professionals have full knowledge of their patient's opioid history.

The Safe Disposal of Unused Medication Act fixes a critical gap in our laws by permitting hospice employees from disposing of unused opioids after a patient has passed away or the medication is no longer needed.

Finally, I was pleased to work on language with Dr. BUCSHON to ensure that the Welcome to Medicare wellness exam includes a review of the beneficiary's current opioid prescriptions and screening for potential substance use disorder.

As we pass this legislation to combat this epidemic which has claimed so many lives, we cannot forget the 25 million people who do live in pain. We cannot let the pendulum go either way.

Mr. WALDEN. Mr. Speaker, it is now my privilege to yield 30 seconds to the gentleman from Ohio (Mr. LATTA), the very effective chairman of our Digital Commerce and Consumer Protection Subcommittee.

Mr. LATTA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of H.R. 6. This legislation will make a significant difference to tens of thousands of Americans who are struggling with addiction.

I am pleased that my bill, the INFO Act, is part of the fight against the opioid crisis. The INFO Act is essential to ensuring we are providing behavioral health professionals, advocates, physicians, and families with the tools, resources, and funding information they need to prevent, identify, and treat addiction.

Furthermore, H.R. 6 is critically important to stop the flow of illegal opioids, prevent the misuse of drugs, and help those who are addicted. With 190 Americans dying every day from overdoses, it is time to act now.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas



(Mr. GENE GREEN), the ranking member of our Health Subcommittee.

Mr. GENE GREEN of Texas. Mr. Speaker, I thank the ranking member for yielding to me.

Mr. Speaker, I rise in support of the SUPPORT for Patients and Communities Act, bipartisan legislation that will help stem the tide against the Nation's opioid crisis and support Americans overcoming opioid addiction.

In 2016 alone, 42,000 Americans died from opioids, including prescription pain relievers and illicit opioids like fentanyl. This is a serious national crisis that affects public health and the social and economic welfare of communities throughout our great country.

The Energy and Commerce Health Subcommittee, which I am proud to serve on as ranking member, held several hearings on the opioid crisis last spring. I am proud to see our committee and both Chambers of Congress come together and support the package before us today that includes the Comprehensive Opioid Recovery Centers Act that I introduced, along with my friend Representative BRETT GUTHRIE from Kentucky, earlier this year.

This legislation would fund designated treatment centers where Americans suffering from opioid abuse can receive comprehensive patient-centered care. The bill would allow designated treatment centers to provide wraparound services, including mental health, counseling, recovery housing, and job training and placement to support reintegration into the workforce. These wraparound services have been shown to help many Americans successfully overcome opioid addiction.

The SUPPORT for Patients and Communities Act includes several provisions to combat this crisis, including strengthening the Federal Government's authority to restrict illegal drugs entering our country, and providing Medicaid for at-risk youth and former foster children.

Mr. Speaker, I ask my colleagues to join me and support this important legislation.

Mr. WALDEN. Mr. Speaker, I am privileged to yield 30 seconds to the gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. Mr. Speaker, I rise in strong support of H.R. 6, which delivers greater resources, treatment, and mitigation tools to fight opioid addiction.

I am especially pleased that a bill that I sponsored related to infectious diseases is included in the final package. I commend the Congressman from Massachusetts, Mr. JOE KENNEDY, for being my lead cosponsor on this part of the overall whole.

Infectious diseases complicate the lifelong path toward addiction recovery. H.R. 6 is one of the most important measures to pass this Congress. It should be supported unanimously.

Mr. PALLONE. Mr. Speaker, may I inquire as to how much time remains on each side.

The SPEAKER pro tempore. The gentleman from New Jersey has 3 minutes remaining.

Mr. PALLONE. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico (Mr. BEN RAY LUJÁN).

Mr. BEN RAY LUJÁN of New Mexico. Mr. Speaker, I rise today in support of H.R. 6, the SUPPORT for Patients and Communities Act.

This is an important step forward in the fight against the Nation's opioid epidemic. However, this Congress must acknowledge that this is not the end.

Healthcare is a right, not a privilege. There is much more work to do to ensure that families get the help that they deserve.

I am pleased that this package includes language that I have championed to address gaps in prevention and gaps in access to treatment. In addition, this bill will create pathways to behavioral healthcare jobs in communities like New Mexico.

Still, Congress must do more. As we have heard from Representative CUMMINGS, this is going to take much more money, investment, and comprehensive legislation.

Mr. WALDEN. Mr. Speaker, I am privileged to yield 30 seconds to the gentleman from Kentucky (Mr. GUTHRIE).

Mr. GUTHRIE. Mr. Speaker, I rise in support of the SUPPORT for Patients and Communities Act.

One of the main things I hear back home is how our Nation's ongoing opioid crisis has affected either themselves, their loved ones, or their community.

Mothers, fathers, children, bankers, dentists, bus drivers, or high school athletes, anyone can fall victim to opioid use disorder. That is why I am proud to work with my colleagues in support of the act so that we can help these people who are suffering from this terrible epidemic.

Mr. Speaker, I urge my colleagues to support this critical legislation so that we can deliver relief to those communities.

□ 1115

Mr. PALLONE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, before we conclude debate, let me just take a moment to thank everyone for all of their hard work getting this bill across the finish line.

This bill represents a collection of Member ideas and policies across the political spectrum. Many people may not know this, but the staff of the House and Senate committees negotiated this bill in a matter of weeks, and that is no small feat. It took a lot of effort, long hours and weekend work to pull this off. It is a product we can all be proud of.

So let me thank all legislative counsel and CBO for their efforts as well.

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

Mr. WALDEN. Mr. Speaker, I yield 30 seconds to the gentleman from Florida (Mr. BILIRAKIS) to speak about the legislation.

Mr. BILIRAKIS. Mr. Speaker, the SUPPORT for Patients and Communities Act is the product of a year of hearings and investigations into America's opioid crisis.

This thoughtful bipartisan legislation will provide more tools to our communities to help them. I am proud that we included my legislative efforts to help Medicare beneficiaries, begin reforms to the sober home industry, and address the problem of patient brokering.

We need to pass this bill and give our constituents the help they need.

Mr. PALLONE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. WALDEN. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio (Mr. JOHNSON), who is a leader on this issue.

Mr. JOHNSON of Ohio. Mr. Speaker, today is the culmination of months of tireless work driven by heartbreaking stories of people whose lives were destroyed by opioid addiction, and, just as importantly, the powerful stories of hope and recovery.

I am grateful for the hard work of my colleagues and our Energy and Commerce staff. I am proud that my legislation to improve how health professional students are taught to recognize, prevent, and address addiction, as well as to expand the availability of telehealth and peer support services for those struggling with addiction is included.

Mr. Speaker, I am looking forward to continuing the hard work ahead on this very important issue, and I urge support for the bill.

Mr. PALLONE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. WALDEN. Mr. Speaker, I yield 30 seconds to the gentleman from Indiana (Mr. BUCSHON), who is a talented physician on our committee.

Mr. BUCSHON. Mr. Speaker, I rise today in support of H.R. 6, the SUPPORT for Patients and Communities Act.

This bipartisan bill will help our struggling communities to combat the opioid epidemic by increasing access and improving care to those in need and preventing new occurrences of opioid misuse and abuse.

Section 2002, which I authored, would provide screening for chronic pain, address possible non-opioid pain alternatives, and increase early detection of opioid use disorder in seniors as they enter Medicare.

Mr. Speaker, I am proud to have worked with my colleagues on solutions to this serious epidemic, and I urge support of H.R. 6.

Mr. PALLONE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. WALDEN. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. WALBERG) to speak on the measure.

Mr. WALBERG. Mr. Speaker, I rise today in strong support of this bipartisan package to address the opioid crisis devastating our communities.

This legislation includes two provisions authored by myself and my good friend from Michigan, Congresswoman DEBBIE DINGELL.

One will help safely dispose of unused drugs and prevent their diversion into the community. The other, Jessie's Law, honors the memory of Jessie Grubb and will help prevent future overdose tragedies under medical care.

Mr. Speaker, this critical legislation will help save and rebuild lives. I urge its passage today, and I look forward to its quickly advancing to the President's desk.

Mr. PALLONE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. WALDEN. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. CARTER), who is our resident pharmacist on the Energy and Commerce Committee.

Mr. CARTER of Georgia. Mr. Speaker, I would like to thank Chairmen WALDEN and BURGESS for working so hard with our partners across the aisle as well as across the Capitol to come to a consensus on this critical legislation necessary to combat the opioid epidemic.

As the only pharmacist currently serving in Congress, I have seen families saved by pain medications and have seen families torn apart by the same drugs.

Since this body began tackling the opioid epidemic, I have said there are three major components to this crisis: prevention, law enforcement, and treatment.

This legislation touches all three prongs of the opioid crisis with a number of creative solutions in addition to providing offsets to ensure that solving a public health crisis does not lead to a fiscal one.

This package is not a silver bullet, but as legislators we need to do everything in our capacity to prevent the addiction and overdoses that occur every day in the United States.

Mr. Speaker, I would like to thank Chairman WALDEN and BURGESS for working so hard with our partners across the aisle as well as across the Capitol to come to a consensus on this critical legislation necessary to combat the opioid epidemic.

As the only pharmacist in Congress, I have seen families saved by pain medications and have seen families torn apart by the same drugs.

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This legislation touches all three prongs of the opioid crisis with a number of creative solutions in addition to providing offsets to ensure that solving a public health crisis does not lead to a fiscal one.

I voted for many of these bills when they came before Energy and Commerce for markup, and once again I want to offer my full support for this legislation.

I am pleased that this package includes three of my own bills, the Special Registration for Telemedicine Clarification Act, the Abuse Deterrent Access Act, and the Empowering Pharmacists in the Fight Against Opioid Abuse Act.

This package is not a silver bullet—but as legislators we need to do everything in our capacity to prevent the addiction and overdoses that occur every day in the United States.

Mr. PALLONE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. WALDEN. Mr. Speaker, I yield 30 seconds to the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Mr. Speaker, what a joy it is to be on the floor today. What a joy it is to be amongst a group of people who have set aside partisanship and have come together to address a crisis that is crushing our constituents. What a joy it is to be a part of the process and among a group of people who are trying to find common ground.

This is a good day, Mr. Speaker. There is good work that is happening. I chair the Health Subcommittee, and it was incredible to see the work that that subcommittee did on the Ways and Means Committee.

Mr. Speaker, I am pleased to strongly endorse this bill, and I urge its passage.

Mr. PALLONE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. WALDEN. Mr. Speaker, I am honored to yield 30 seconds to the gentleman from Minnesota (Mr. PAULSEN), who has worked so hard for these issues.

Mr. PAULSEN. Mr. Speaker, I am excited to support this legislation. It is bipartisan.

Minnesotans and those who are on the front lines of the opioid crisis will be helped, and it will aid the millions of American families who are affected by this epidemic.

It includes a bipartisan measure that I authored that will help prevent opioid addiction among seniors by educating them on alternative pain management treatments, and the proper, safe disposal of prescription painkillers. It will help more than 90,000 at-risk seniors from descending into a deadly spiral of addiction.

The end result will be less addiction, fewer overdoses, and safer Minnesota communities.

Mr. Speaker, I thank the chairman for yielding time.

Mr. PALLONE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. WALDEN. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio (Mr. RENACCI) to speak on the measure.

Mr. RENACCI. Mr. Speaker, I rise in support of this legislation which includes my bipartisan bill, the Strengthening Partnerships to Prevent Opioid Abuse Act.

The opioid epidemic has hit my home State of Ohio particularly hard, with thousands of Ohioans dying from drug overdoses every year.

This bill will make it easier for Medicare Advantage Part D drug plans, and HHS to combat fraud, waste, and abuse and prevent the overprescribing of opioids to vulnerable seniors.

I would like to thank members of this conference committee as well as their staff for including my bill in this package and for their hard work to pass legislation to address the opioid epidemic.

Mr. PALLONE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. WALDEN. Mr. Speaker, may I inquire as to how much time each side has remaining?

The SPEAKER pro tempore. The gentleman from Oregon has 8½ minutes remaining. The gentleman from New Jersey has 1½ minutes remaining.

Mr. WALDEN. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Michigan (Mr. BISHOP.)

Mr. BISHOP of Michigan. Mr. Speaker, I rise in strong support of H.R. 6 which will make great strides toward ending the opioid crisis once and for all.

I am pleased this package includes my bill, the STOP Act, which is targeted legislation to help stop synthetic opioids like fentanyl and carfentanil from entering our country through the international mail system.

I want to make sure I thank all the parents, educators, law enforcement, emergency response personnel, healthcare professionals, victims, and those suffering from addiction who have been working with me to ensure this legislation gets signed into law. Your hard work has made a real difference.

Mr. Speaker, I also want to thank my colleagues for their support, and I urge a "yes" vote on the underlying bill, H.R. 6.

Mr. PALLONE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. WALDEN. Mr. Speaker, few States have been harder hit than Kentucky in this effort on opioids, a terrible tragedy.

Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Kentucky (Mr. BARR).

Mr. BARR. Mr. Speaker, on behalf of the families of the Commonwealth of Kentucky which suffers from the third highest opioid overdose mortality rate in the Nation, I rise today in support of H.R. 6, and I thank the chairman for his leadership on this.

This legislation marks a critical investment to help individuals and families struggling with addiction rise above addiction and transition back into the workforce.

Specifically, H.R. 6 includes my legislation, the CAREER Act, which creates a demonstration program to promote evidence-based transitional housing that pairs recovery support with life skills, workforce training, and job placement.

I would like to thank the many non-profits in my home State of Kentucky for inspiring this legislation.

Mr. PALLONE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. WALDEN. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania (Mr. BARLETTA). There is a lot of enthusiasm for this legislation, Mr. Speaker. We want to hear from Mr. BARLETTA about his thoughts on it. He has been a real leader on it.

Mr. BARLETTA. Mr. Speaker, I rise today in support of H.R. 6 which includes my bill, the Treating Barriers to Prosperity Act.

The Appalachian region, including much of my home State of Pennsylvania, has an overdose death rate 65 percent higher than the rest of the country for people ages 15 to 64.

My legislation will allow communities to use Appalachian Regional Commission funding for everything from attracting doctors to putting in broadband for telemedicine. It will spur economic growth in communities hit hardest by the opioid epidemic, while also helping those struggling with addiction by breaking down barriers to employment.

Mr. PALLONE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. WALDEN. Mr. Speaker, I yield 30 seconds to the gentlewoman from California (Mrs. MIMI WALTERS) who is from the West Coast and is a real leader on our committee.

Mrs. MIMI WALTERS of California. Mr. Speaker, I rise in support of H.R. 6 and the IMD exclusion repeal probation modeled after my bill, the IMD CARE Act.

I fought to ensure the IMD exclusion repeal was part of this final agreement because increasing inpatient treatment options is essential in our fight against the opioid epidemic.

The Orange County Board of Supervisors agrees with leading addiction treatment groups: the IMD exclusion repeal and the IMD CARE Act are the most important steps we can take to end drug overdose deaths in Orange County.

Mr. Speaker, I urge my colleagues to support this legislation to address this public health crisis.

Mr. PALLONE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. WALDEN. Mr. Speaker, I yield 30 seconds to the gentlewoman from Indiana (Mrs. WALORSKI), who is also a real worker on this legislation, to speak on the measure.

Mrs. WALORSKI. Mr. Speaker, I rise today in support of H.R. 6, the SUPPORT for Patients and Communities Act. It includes my bill, named for Dr. Todd Graham, who was senselessly murdered last year over an opioid prescription.

With this legislation, we build on Dr. Graham's legacy of treating patients not only for their pain, but for their underlying causes. Today we are taking bipartisan action to expand access to nonopioid alternatives and give our

communities better tools to prevent and treat addiction.

Mr. PALLONE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. WALDEN. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. MITCHELL).

Mr. MITCHELL. Mr. Speaker, I rise today in support of H.R. 6 as did my colleagues.

The opioid crisis has impacted nearly every community across this country, and in order to most effectively combat this crisis, we must establish a comprehensive response plan.

I am pleased this bill includes a version of my amendment offered in committee to establish a system to track Federal funding for drug control efforts, ensuring the government knows exactly where the money is being spent, how it is being used, and if it is working.

Mr. Speaker, I support this bill, and I ask my colleagues to do so as well.

Mr. PALLONE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. WALDEN. Mr. Speaker, we have heard from doctors, we heard from pharmacists, and we have heard from many family members. Now we will hear from somebody who has a distinguished career in law enforcement.

Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. KNIGHT) to speak on this legislation.

Mr. KNIGHT. Mr. Speaker, as a police officer and a street cop in L.A., I have seen the problems that the opioid epidemic has done to our communities. It has literally destroyed families and hurt our communities to no end. H.R. 6 is a much-needed display of bipartisanship to address the ongoing opioid crisis and epidemic.

Many of the issues that have come out of this bill spur development of national best practices for substance abuse recovery housing and incorporates my bill, the Eliminating Kickbacks in Recovery Act, to establish meaningful penalties for profiteering off other people's pain and addiction through illicit referrals.

Mr. PALLONE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. WALDEN. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. BRAT) to speak on the measure.

Mr. BRAT. Mr. Speaker, I rise today to thank Chairman BRADY, Chairwoman FOXX, and Chairman WALDEN for addressing opioid and substance abuse disorders and their work on H.R. 6, the SUPPORT for Patients and Communities Act. I am grateful to my colleagues for treating the crisis with the urgency it deserves.

In my district, this crisis has affected way too many. I am also grateful that my bill, H.R. 5889, the Recognizing Early Childhood Trauma Related to Substance Abuse Act of 2018 was included in the final package before us today.

Mr. PALLONE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. WALDEN. Mr. Speaker, I don't believe I have any other speakers on my side of the aisle pending, so with that, I reserve the balance of my time.

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

Mr. Speaker, I do urge support for this legislation. It is a good bill. It expands access in a number of ways in coverage. But I do also want to point out that there are limitations to the bill. In other words, we do need to do a lot more.

□ 1130

For example, we still haven't expanded Medicaid coverage in many States. Medicaid coverage is crucial, in terms of providing treatment.

The bottom line is that the treatment infrastructure in our country is very much inadequate. Many people really do not have access to treatment in many parts of the country, including my home State.

I want to close by urging everyone to support this bipartisan and bicameral bill, because it does do a lot. At the same time, I remind my colleagues that we have a lot more to do if we are going to address this opioid crisis, which actually is getting worse instead of better.

Mr. Speaker, I yield back the balance of my time.

Mr. WALDEN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, before I close, I want to especially thank our staff on both sides of the aisle for their incredible work. They have worked day and night, literally, and all through the weekend—also, the folks at the Congressional Budget Office and Legislative Counsel. But I especially thank our team: Josh Trent, Kristen Shatynski, Caleb Graff, Dan Butler, James Paluskiewicz, Danielle Steele, Adam Buckalew, Melissa Froelich, Bijan Koohmaraie, Ryan Long, Peter Keilty, and Jenn Sherman, and the whole team at the Energy and Commerce Committee on both sides of the aisle.

We worked through a lot of difficult issues, issues where we didn't start on the same side, but we ended on the same page as we listened to each other, as we listened to our constituents at home.

Seldom are there times when you are legislating that you can say what you are doing will actually save lives. This is one of those times. What we are doing here today is saving lives.

We will lift people out of addiction who are trapped there today. We will prevent people from ending up in that emergency room because they overdosed. Maybe they will find a better path. We will go after those who perpetrated this on the country and after those who try to smuggle in the illicit synthetics and fentanyl that are cut with heroin and kill our people.

So today's effort is about people like Amanda, who left this world tragically

at a very young age through an overdose. And it is about her parents. It is about Mike and Winnie. It is about Paula, and it is about her sons and sister. It is about a woman I met in Hermiston who had to travel 5 hours to find a physician who could oversee her treatment on Suboxone because nobody was available. We help fix that in this legislation.

It is about my friends at Winding Waters in Enterprise, Oregon, who I was with last week, and the sheriff and others, who talked about the continuing problems and challenges they face and who have given me great guidance on these and other issues.

From one end of my district to another, from one end of our country to another, we have all listened. We have heard. Frankly, we have cried as we have heard the stories of parents who help their children through addiction, only to drop them off at college and a matter of days later retrieve a body.

That is what brings us together here today, Mr. Speaker. It is their stories that are woven deeply into this legislation. It is because of them that we will make a difference and we will do it right.

We will know that, as we pass this today and the Senate after us, that more work does remain to be done. We are on a journey together, though, and we will find solutions.

Mr. Speaker, I thank my colleagues on both sides of the aisle. I thank our staffs. I thank the American people who have reached out to us, counseled us, and helped us.

Mr. Speaker, I urge my colleagues to strongly support passage of the SUPPORT Act. For patients and for communities, H.R. 6 needs to become law, and it will shortly.

Mr. Speaker, I yield back the balance of my time.

Ms. MAXINE WATERS of California. Mr. Speaker, I rise to support H.R. 6, the SUPPORT for Patients and Communities Act, a bipartisan bill to address opioid addiction and other forms of substance abuse.

A comprehensive, common-sense, and compassionate approach to substance use disorders is long overdue. For far too long, many communities throughout the United States have been devastated by substance use disorders. However, despite the widespread suffering that millions of people—particularly African Americans during the crack cocaine epidemic—endured and still endure today, our federal, state, and local governments, in many instances, have pursued punitive measures in lieu of effective solutions to ensure that all communities can adequately heal from the devastating impacts of addiction.

I am especially pleased that this bill now includes my amendment to the House version of H.R. 6, which requires the Department of Health and Human Services (HHS) to conduct a review of the organizations, government agencies, and other entities that receive federal funding to provide substance use disorder treatment services. In addition, the amendment directs HHS to develop, and submit to Congress, a plan to direct appropriate resources to address the inadequacies in services or funding identified through the review.

I am also pleased that this bill addresses concerns that I raised about the opioid legislation in the House that allowed states to use Medicaid funds to provide treatment to persons with opioid use disorders in Institutions for Mental Disease (IMDs), but did not allow similar treatment for persons with other types of substance use disorders. In order to seriously address substance use disorders in communities throughout the United States, it is critical that we include persons who suffer from all types of substance use disorders, including those that involve alcohol, cocaine, and methamphetamine, as well as opioids.

I offered an amendment to the legislation in the House aimed at addressing my concern about the exclusion of non-opioid forms of substance use disorders from treatment in IMDs. While my amendment was not accepted, I am pleased that efforts were made to address my concern. The final version of H.R. 6 allows states to provide Medicaid coverage in IMDs for persons with all types of substance use disorders and also includes safeguards to ensure that states do not reduce the availability of community-based treatment for persons suffering from substance use disorders.

While I appreciate the work that has been done on many components of this bill, I still have some important concerns. As the Ranking Member of the House Committee on Financial Services, which has jurisdiction over housing programs, I am concerned that this bill falls short when it comes to providing housing for people with substance use disorders. The bill includes a provision that creates a new grant program to provide temporary housing assistance to help people with substance use disorders, but this new funding will only be available in half of the states. This will leave the other half of the states continuing to struggle with the challenges of helping people with substance use disorders who are in need of housing. Furthermore, this bill does nothing to address the overly punitive and unfair policies governing our federal housing programs that create unnecessary barriers to housing for people who have criminal backgrounds related to substance use disorders.

I am encouraged that there is bipartisan support for addressing the housing needs of persons suffering from substance use disorders, but I am disheartened that Congress continues to fall short in its efforts to provide comprehensive solutions that will help people suffering from substance use disorders in every state of the country. As we work to address the opioid crisis at hand, let's not forget that Congress still has a lot of work to do in the way of criminal justice reform to address the ongoing harmful and discriminatory impacts of the war on drugs era.

Despite these concerns, I believe this bill includes some valuable bipartisan solutions that represent a step in the right direction. I urge all of my colleagues to support H.R. 6, and I look forward to continuing to work with my colleagues to address the scourge of substance use disorders in communities throughout the United States.

Mr. WALDEN. Mr. Speaker, I include the following letters in the RECORD.

CORPORATE HEALTH CARE COALITION,  
September 26, 2018.

Hon. PAUL RYAN,  
*Speaker, House of Representatives,*  
*Washington, DC.*  
Hon. MITCH MCCONNELL,  
*Majority Leader, U.S. Senate,*  
*Washington, DC.*  
Hon. NANCY PELOSI,  
*Minority Leader, House of Representatives,*  
*Washington, DC.*  
Hon. CHARLES SCHUMER,  
*Minority Leader, House of Representatives,*  
*Washington, DC.*

DEAR SPEAKER RYAN, LEADER MCCONNELL, LEADER PELOSI AND LEADER SCHUMER: The Corporate Health Care Coalition (CHCC) is writing to commend both the House of Representatives and the Senate on finalizing the SUPPORT for Patients and Communities Act (H.R. 6), bipartisan legislation to address the nation's opioid crisis. CHCC is comprised of companies from varying industries that compete in the global marketplace and sponsor health plans for the benefit of our employees and other beneficiaries. Collectively, CHCC member companies provide health benefits for nearly 5 million Americans across every state in the nation.

The depth and devastation associated with the opioid crisis is being felt by families and communities nationwide. CHCC therefore applauds lawmakers for working on a bipartisan basis to reach consensus on H.R. 6, which represents a critical step forward in providing necessary resources for treatment and prevention efforts related to opioids.

We urge the House and Senate to pass this important legislation.

Sincerely,  
CORPORATE HEALTH CARE COALITION.

[From the First Focus Campaign for Children, Sept. 27, 2018]

STATEMENT: FIRST FOCUS CAMPAIGN FOR CHILDREN APPLAUDS BIPARTISAN, BICAMERAL AGREEMENT ON OPIOID LEGISLATION

(By Simona Combi)

WASHINGTON, D.C., SEPT. 27, 2018.—First Focus Campaign for Children is delighted to see bipartisan agreement on tackling the opioid addiction epidemic and helping those affected by it. In June, the House passed H.R. 6, the SUPPORT for Patients and Communities Act by a vote of 396-14. On September 17th, the Senate passed the Opioid Crisis Response Act of 2018 by a vote of 99-1.

"It is crucial that families and foster youth affected by this devastating crisis get the help they need to overcome opioid addiction and put their lives back on track," said Bruce Lesley, First Focus president. "We are particularly heartened that this bipartisan bill offers substantive help and hope both sides of the aisle will make children a priority going forward."

The opioid crisis affects foster children and youth in two ways: First, children enter the child welfare and foster system often as a result of substance abuse by their parents, and secondly, foster youth who age out of care are at an increased risk of substance use disorders. We therefore commend Congress for including numerous provisions in the bipartisan, bicameral opioid package that will improve the lives of foster children and youth impacted by the opioid crisis, including:

Continuous Health Insurance for former foster youth: This provision, which corrects a glitch in existing law, allows foster youth who have aged out of care to remain on Medicaid through age 26, regardless of whether they relocate to other states. This provision recognizes the critical importance of health coverage for former foster youth as they transition into adulthood. Earlier this

month, First Focus, the State Policy and Advocacy Reform Center, and FosterClub held a congressional briefing on the importance of Medicaid to foster children and youth.

**Family-Focused Residential Treatment:** This provision promotes family-based residential treatment for substance use disorders by requiring the HHS Secretary to issue guidance to states on how they can support such treatment facilities.

**Recovery and Reunifying Families:** This provision promotes the replication of effective recovery coach programs to improve outcomes for children and families in the child welfare system who are impacted by substance use disorders.

**Family-Focused Residential Treatment:** This provision creates a grant program to promote family-based residential treatment programs, which are critical to helping parents and families get the treatment they need to overcome addiction.

**Plans of Safe Care:** This provision provides grants to states to improve and coordinate their response to ensure the safety, permanency, and well-being of infants affected by substance use.

**Trauma-Informed Care:** This provision gives the Center for Disease Control (CDC) authority to work with states to collect and report data on adverse childhood experiences. It also directs the CDC to form a task force to promote best practices in treating children impacted by trauma and to recommend best practices to federal agencies regarding its coordination and response to substance use disorders and other forms of trauma that affect children and families.

**At-Risk Youth Medicaid Protection:** This legislation would ensure that incarcerated youth are simply suspended, rather than terminated, from Medicaid while they are incarcerated. It would require states to automatically restore full eligibility to youth upon release from incarceration, and to take any steps necessary to make sure that youth begin receiving medical assistance benefits immediately.

The Fiscal Year 2019 annual spending bill for the Departments of Labor, Health and Human Services, Education and Related Agencies (H.R. 6157) includes \$3.8 billion for combatting the opioid crisis, and the bill should be signed into law soon. Adequate federal funding for these new programs benefiting our foster children is critical. Looking ahead to Fiscal Year 2020, though, these gains for our children could be jeopardized if Congress fails to lift the budget cap for non-defense discretionary spending established by the 2011 Budget Control Act. If budget caps are allowed, this type of spending will go down by \$55 billion. Congress must prioritize children in our federal budget decisions.

Mr. WALDEN. Mr. Speaker, I include the following letters in the RECORD.

AMERICAN BENEFITS COUNCIL,  
Washington, DC, September 27, 2018.

Hon. MITCH MCCONNELL,  
Majority Leader, U.S. Senate,  
Washington, DC.

Hon. CHUCK SCHUMER,  
Minority Leader, U.S. Senate,  
Washington, DC.

Hon. PAUL RYAN,  
Speaker, House of Representatives,  
Washington, DC.

Hon. NANCY PELOSI,  
Minority Leader, House of Representatives,  
Washington, DC.

DEAR LEADER MCCONNELL, LEADER SCHUMER, SPEAKER RYAN AND LEADER PELOSI: The American Benefits Council (the Council) supports the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treat-

ment (SUPPORT) for Patients and Communities Act (H.R. 6). We urge Congress to approve this measure as an important step toward addressing the nation's opioid addiction crisis.

The Council is a public policy organization representing principally Fortune 500 companies and other organizations that assist employers of all sizes in providing employee benefits. Collectively, the Council's members sponsor directly or provide services to retirement and health plans covering over 100 million Americans.

The opioid epidemic has touched workers and families across the country and employers have been on the front lines of this battle, striving to stem the tide of prescription drug abuse through innovative plan design and outreach. A Kaiser Family Foundation analysis found that the use of prescription opioids among people with employer-based health coverage declined in 2016 to its lowest levels in over a decade.

Nevertheless, the annual cost of treating addiction and overdoses has increased more than eight-fold since 2004, from \$0.3 billion dollars to \$2.6 billion in 2016, and pain-related conditions have resulted in up to \$635 billion in medical costs and lost productivity for employers.

H.R. 6 makes a number of important improvements to current law by reducing the use and supply of opioids, encouraging recovery, supporting caregivers and families and driving innovation and long-term solutions to the opioid addiction epidemic. The bill also imposes tighter control on opioid prescription and treatment under the Medicare and Medicaid programs while also clarifying FDA regulation of nonaddictive pain and addiction therapies and allowing for more flexibility with respect to medication-assisted treatment.

We are particularly pleased that the conference committee wisely excluded from the bill a harmful, unrelated provision that would have revised the Medicare secondary payer rules to require private insurers—including employer plans—to pay for an additional three months of care for end-stage renal disease (ESRD) patients before Medicare assumes responsibility for the payments.

The Council strongly opposed this provision, as employers already shoulder significant costs for workers and family members and should not be required to bear unrelated additional costs by expanding the length of time plans must cover ESRD.

We applaud Congress for developing legislation that will make America healthier, including many of the 181 million people covered by employer-provided health plans.

Sincerely,

JAMES A. KLEIN,  
President.

[From the National Association for  
Behavioral Healthcare]

NABH APPLAUDS CONGRESS FOR REACHING  
AGREEMENT ON OPIOID-RESPONSE PACKAGE

WASHINGTON, D.C., SEPT. 26, 2018.—On behalf of more than 1,000 mental health hospitals and addiction treatment centers, the National Association for Behavioral Healthcare thanks Congress for reaching an agreement to address America's deadly opioid crisis.

The final package includes many NABH-supported measures and contains the first substantive change to the Medicaid program's burdensome Institutions for Mental Diseases (IMD) exclusion since the early 1970s.

"NABH thanks House Energy and Commerce Chairman Greg Walden (R-Ore.) for his strong leadership in the House, which

helped ensure that his colleagues paid close attention to the IMD exclusion, an antiquated regulation that has denied access to inpatient treatment for those who need it," NABH President and CEO Mark Covall said in a statement. "We also thank Reps. Mimi Walters (R-Calif.) and Paul Tonko (D-N.Y.) and Sens. Rob Portman (R-Ohio) and Ben Cardin (D-Md.) for their tireless efforts to understand the IMD exclusion—and do all they can to repeal this provision and remove access barriers to behavioral healthcare services for millions of Americans."

NABH is also pleased with several other provisions in the final package and urges lawmakers to pass this legislation as soon as possible. Lives depend on it.

NATIONAL ASSOCIATION OF  
COMMUNITY HEALTH CENTERS,

September 27, 2018.

Hon. MITCH MCCONNELL,  
Senate Majority Leader,  
Washington, DC.

Hon. PAUL RYAN,  
Speaker of the United States House of Representatives,  
Washington, DC.

Hon. CHUCK SCHUMER  
Senate Minority Leader,  
Washington, DC.

Hon. NANCY PELOSI,  
Minority Leader of the United States House of Representatives,  
Washington, DC.

DEAR SENATORS MCCONNELL AND SCHUMER AND REPRESENTATIVES RYAN AND PELOSI: The National Association of Community Health Centers (NACHC) appreciates Congress' ongoing efforts and dedication to addressing the opioid crisis, and is pleased to offer our support for H.R. 6, SUPPORT for Patients and Communities Act, and urge all House and Senate members to pass this important legislation.

NACHC is the national membership organization for federally qualified health centers (also known as FQHCs or "health centers"). Health centers play a critical role in the health care system, serving as the health home for over 28 million people, the majority of whom live under the Federal Poverty Level. With over 11,000 sites nationwide, FQHCs provide affordable, high quality comprehensive primary care to medically underserved individuals, regardless of their insurance status or ability to pay.

Substance use disorder (SUD), including opioid use disorder (OUD), is a top public health concern in the United States, and health centers have firsthand knowledge of the consequences. As opioid use disorder has become more prevalent, health centers are on the frontlines working to address the comprehensive needs of people at risk of developing SUD, as well as assisting those who are in need of treatment for existing SUD/OUD. From 2010 to 2017, health centers experienced a five-fold increase in patients receiving treatment for opioids or other substance abuse disorders. Since 2010, health centers have more than doubled their behavioral health workforce because of the increased demand for services, with 3,000 health center providers now authorized to provide Medication-Assisted Treatment (MAT.) In fact, in 2017, nearly 65,000 health center patients received MAT from health center providers.

Health centers stand ready to serve their patients who are struggling with substance use disorder but there is a clear need for additional support and policy changes to enable them to do so more effectively.

We appreciate Congress' consideration of a multitude of critical policy issues in its response to the opioid epidemic, including several provisions included in H.R. 6 to:

bolster the SUD workforce, including through new loan repayment opportunities for SUD providers

create comprehensive opioid recovery centers (CORCs)

Improve access to telehealth services

Streamline Medicaid coverage for incarcerated youth and former foster youth

Ensure mental health parity for pregnant women and children within the CHIP program

Codify MAT prescribing regulations allowing Nurse Practitioners and Physician Assistants to prescribe buprenorphine as well as increased flexibility for patient caps, and allowing additional advanced practice nurses to prescribe for a period of 5 years

We particularly want to highlight our strong support for Section 6083 of the bill, which authorizes \$8 million to support expanded access to MAT at FQHCs and rural health clinics under the Medicare program. We believe this provision will be of great assistance to health centers who are initiating and expanding opioid use disorder treatment programs in underserved areas across the country.

Thank you again for all your hard work to bring this bill to fruition. We know there is more work we can do together to turn the tide on this public health crisis and look forward to continuing to work with you to address the needs of communities across the country.

Sincerely,

TOM VAN COVERDEN,  
President and CEO of NACHC.

Mr. WALDEN. Mr. Speaker, I include the following letters in the RECORD.

SEPTEMBER 26, 2018.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce strongly supports the bipartisan H.R. 6, the "Opioid Crisis Response Act of 2018." The Chamber will consider including votes related to this bill in our annual How They Voted scorecard.

The opioid epidemic is ravaging families and destroying the lives of thousands each year, and it is crippling communities' and employers' efforts to staff workforce needs, create new jobs, and expand commerce.

We applaud Congress for crafting comprehensive legislation to tackle the myriad of causes, such as the flood of illicit drugs into the United States, while removing a litany of barriers that inhibit prevention, recovery, and treatment options.

The Chamber is pleased that H.R. 6 does not include the end stage renal disease (ESRD) provision included in an earlier version of the bill. That policy would have burdened employers already struggling to provide robust health benefits with hundreds of millions of dollars in additional health care costs.

While H.R. 6 is important, more remains to be done. The Chamber urges Congress to address the 42 CFR Part 2 statute as hundreds of health care organizations have called for. Congress should align currently conflicting protections and allow providers access to a patient's entire medical record, including substance use disorder information, at a patient's request.

We urge you to support H.R. 6.

Sincerely,

SUZANNE P. CLARK,  
Senior Executive Vice President,  
U.S. Chamber of Commerce.

ADVOCATES FOR OPIOID RECOVERY (E-MAIL)

Medicare beneficiaries have the highest and fastest growing rate of opioid use disorder (OUD), with more than 300,000 Medicare beneficiaries having been diagnosed with OUD. However, Medicare does not cover the most cost effective, evidence-based treatment modality—opioid treatment programs (OTPs).

OTPs are highly-regulated, highly-effective, comprehensive treatment programs that provide Medication-Assisted Treatment (MAT)—the combination of medication with behavioral therapy and support, and the most effective solution to treat OUD. There are roughly 1,500 OTPs across the United States providing treatment to approximately 400,000 patients. These programs are certified by the Substance Abuse and Mental Health Services Administration (SAMHSA).

Studies have shown that people who receive MAT are 75 percent less likely to have an addiction-related death than those who do not receive MAT. Most patients in OTPs are currently treated with methadone, which can only be used for treatment of addiction through a licensed OTP.

America's seniors and people with disabilities deserve better. As your constituent, I encourage you to vote for H.R. 6, which would permanently expand Medicare coverage of OTPs.

For more information about why congressional action is necessary, visit Advocates for Opioid Recovery's website at [opioidrecovery.org](http://opioidrecovery.org).

CATHOLIC HEALTH ASSOCIATION  
OF THE UNITED STATES,  
Washington, DC, September 26, 2018.

U.S. HOUSE,  
Washington, DC.

U.S. SENATE,  
Washington, DC.

On behalf of the Catholic Health Association of the United States (CHA), the national leadership organization of more than 2,000 Catholic health care systems, hospitals, long-term care facilities, sponsors, and related organizations, I commend the members of the House and Senate for approving their versions of legislation to address the nation's opioid crisis and to urge your support for the final bill, the Support for Patients and Communities Act (HR 6).

Catholic health providers recognize that each human life is sacred and possesses inalienable worth, and that health care is essential to promoting and protecting the inherent dignity of every individual. We also recognize that supportive and readily available substance use disorder (SUD) treatments are essential facets of holistic, person-centered and effective health care. The first principle in our Vision for U.S. Health Care affirms our call to pay special attention to those most likely to lack access to health care, many of whom are in desperate need of SUD services. This commitment is why the Catholic health ministry strongly supports efforts to increase access to these services and ensure that they become fully integrated into our health care system.

CHA has supported many of the provisions included in HR 6, particularly those that would increase access to care under Medicaid and care for such vulnerable populations as children and pregnant women, as well as provisions to increase the use of telehealth services. We are particularly pleased that the final version of this legislation includes the IMD Care Act, to provide state Medicaid programs with the option to cover care during FY2019-23 in certain Institutions for Mental Diseases (IMD) that may be otherwise non-federally-reimbursable under the IMD exclusion. We are also pleased that the bill includes measures to ensure access to mental health and substance use disorder services for children and pregnant women under the Children's Health Insurance Program (CHIP).

However, we are disappointed that legislation introduced in the Senate (S. 1850, the Protecting Jessica Grubb's Legacy Act) and overwhelmingly approved in the House (HR 6082) to align current regulations for SUD treatment records with existing patient pro-

tections under HIPAA for treatment, payment and health care operations was not included in HR 6. For health providers, the alignment of SUD records with other medical records is essential to providing whole-person care. It enables the essential flow of patient information among providers that is critical to the timely and effective delivery of health care and critical to patient safety and quality. Given the broad and bipartisan support for HR 6082, we continue to urge the Senate to approve this bill as well before the end of the 115th Congress.

Thank you again for your attention to the urgent matter of opioid and other substance use disorders. We know that you share the goal of our Catholic health ministry in providing the best possible care and treatment for those who need it, and we hope approval of the Support for Patients and Communities Act will provide effective additional resources for doing so.

Sincerely,

SR. CAROL KEEHAN, DC,  
President and CEO.

Mr. WALDEN. Mr. Speaker, I include the following letters in the RECORD.

[From the American Society of Addiction Medicine]

ROCKVILLE, MD, SEPTEMBER 26, 2018.

AMERICAN SOCIETY OF ADDICTION MEDICINE  
APPLAUDS INCLUSION OF KEY PROVISIONS IN  
HISTORIC OPIOID LEGISLATIVE PACKAGE

KEY PROVISIONS TO TEACH, STANDARDIZE, AND  
COVER ADDICTION MEDICINE WILL HELP CLOSE  
TREATMENT GAP AND SAVE LIVES, ADDICTION  
MEDICINE EXPERTS SAY

The American Society of Addiction Medicine (ASAM) today applauds US House and Senate leaders for announcing a bipartisan agreement on an opioid legislative package that includes key provisions to bolster the country's addiction treatment workforce, help provide standardized evidence-based treatment for individuals with a substance use disorder (SUD), and help ensure coverage and payment models facilitate comprehensive, coordinated care for patients seeking treatment for a SUD.

"On behalf of America's addiction medicine physicians and other clinicians on the frontlines of this crisis, ASAM applauds our Congressional leaders for working together to include key provisions that will help close the current treatment gap, bolster the addiction medicine workforce, and save more lives," said Kelly J. Clark, MD, MBA, DFASAM, president of ASAM. "Reversing course on the deadly opioid overdose crisis requires bold policy solutions that help teach, standardize, and cover addiction medicine so more patients benefit from evidence-based treatment. The agreement reached last night is an important step toward realizing this critical goal."

Key provisions in the legislative package to teach, standardize, and cover evidence-based addiction medicine include:

Making permanent buprenorphine prescribing authority for physician assistants and nurse practitioners and allowing waived practitioners to treat immediately up to 100 patients at a time (in lieu of 30) if the practitioner is board certified in addiction medicine or addiction psychiatry; or if the practitioner provides medication assisted treatment (MAT) in a qualified practice setting. Certain qualified physicians would also be allowed to treat up to 275 patients at a time with buprenorphine, codifying an existing rule;

Allowing physicians who have recently graduated in good standing from an accredited school of allopathic or osteopathic medicine, and who meet the other training requirements during school to prescribe MAT, to obtain a waiver to prescribe MAT;



Providing loan repayment relief to addiction treatment professionals who practice in high-need areas;

Creating a Medicare demonstration program to increase access to evidence-based outpatient treatment for beneficiaries with opioid use disorder that includes medication as well as psychosocial supports, care management, and treatment planning;

Partially repealing the Institutions for Mental Diseases (IMD) exclusion and allowing state Medicaid programs to cover care in certain IMDs that can deliver services consistent with certain requirements, including evidence-based assessments and levels of care;

Directing the Departments of Justice and Health and Human Services to finalize special registration regulations concerning the prescribing of medications for addiction via telemedicine within one year of enactment;

Expanding Medicare coverage to include payment for Opioid Treatment Programs through bundled payments for holistic services;

Convening a stakeholder group to produce a report of best practices for states to consider in health care related transitions for inmates of public correctional facilities; and

Requiring the Substance Abuse and Mental Health Services Administration (SAMHSA) to provide information to SAMHSA grantees to encourage the implementation and replication of evidence-based practices.

"Substance use disorder is both treatable and preventable—but from where we stand today, delivering high-quality care to the millions of Americans who live with the disease of addiction will require significant investments in our workforce, coverage, and payment models that facilitate coordinated and comprehensive care, and structural changes that incentivize the use of evidence-based approaches," said Clark. "And while we celebrate this bipartisan announcement today, ASAM knows there is still much more work to be done to ensure all Americans living with a substance use disorder get the treatment they need. ASAM will continue to advocate for building an addiction treatment system that fully integrates mental health, substance use disorder, and primary care services in order to produce the best patient outcomes. This includes supporting final passage of legislation that would more closely align 42 CFR Part 2 with the Health Insurance Portability and Accountability Act."

For more information about the American Society of Addiction Medicine, please visit [www.ASAM.org](http://www.ASAM.org).

SEPTEMBER 27, 2018.

Hon. MITCH MCCONNELL,  
Majority Leader, U.S. Senate, Washington, DC.  
Hon. CHUCK SCHUMER,  
Minority Leader, U.S. Senate, Washington, DC.  
Hon. PAUL RYAN,  
Speaker of the House,  
House of Representatives, Washington, DC.  
Hon. NANCY PELOSI,  
Minority Leader,  
House of Representatives, Washington, DC.

DEAR MAJORITY LEADER MCCONNELL, MINORITY LEADER SCHUMER, SPEAKER RYAN AND MINORITY LEADER PELOSI: We the undersigned, representing the major groups across all disciplines working on a comprehensive response to address addiction, write in support of the final conference agreement of the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment (SUPPORT) for Patients and Communities Act (H.R. 6) and urge for quick passage of this package.

As you know, the Centers for Disease Control and Prevention recently reported that more than 72,000 Americans died of a drug overdose in 2017, a staggering increase from

63,600 in 2016. With nearly 200 Americans dying each day as a result of drug overdose, the opioid crisis is an urgent and serious public health and safety issue that needs to be addressed through a comprehensive response.

We are grateful to Congress for addressing this urgent need to improve policies and resources to curtail opioid misuse and to help the millions impacted by addiction nationwide. We thank Members on both sides of the aisle and the 13 congressional committees for their work to construct this thoughtful, evidence-based legislation. We strongly support the SUPPORT for Patients and Communities Act and its multifaceted, nuanced approach to addressing the opioid crisis and all substance use disorders.

Key provisions include:

#### HEALTHCARE INTEGRATION

Treatment, Education, and Community Help To Combat Addiction (Section 7101)—Expands medical education and training resources for healthcare providers to better address addiction, pain, and the opioid crisis;

Preventing Overdoses While in Emergency Rooms (Section 7081)—Improves emergency departments ability to effectively screen, treat, and connect substance use disorder patients with care;

Alternatives to Opioids in the Emergency Department (Section 7091)—Explores alternative pain management protocols in order to limit the use of opioid medications in emergency departments;

Inclusion of opioid addiction history in patient records (Section 7051)—Requires HHS to develop best practices for prominently displaying substance use disorder treatment information in electronic health records, when requested by the patient.

#### TREATMENT CAPACITY EXPANSION

IMD CARE Act (Section 5052)—Expands Medicaid coverage up to 30 days for individuals between 21 and 65 years old receiving care in a treatment facility for all substance use disorders, lifting the 16 bed restriction;

Expansion of Telehealth Services (Section 1009, 2001, 3232)—Expands access to substance use disorder treatment and other services through the use of telehealth;

Comprehensive Opioid Recovery Centers (Section 7121)—Establishes model comprehensive treatment and recovery centers to ensure individuals have access to quality treatment and recovery services;

Supporting family-focused residential treatment (Section 8081, 8083)—Enhanced family-focused residential treatment; \$20 million in funding for HHS to award to states to develop, enhance, or evaluate family-focused treatment programs to increase the number of evidence-based programs.

#### TREATMENT WORKFORCE EXPANSION

Substance Use Disorder Workforce Loan Repayment (Section 7071)—Enhances the substance use disorder treatment workforce by creating a student loan repayment program for healthcare professionals;

Addressing economic and workforce impacts of the opioid crisis (Section 8041)—Awards grants to states to support substance use disorder and mental health treatment workforce shortages.

#### MEDICATION ASSISTED TREATMENT

More Flexibility for Prescribing Medication Assisted Treatment (Section 3201, 3202)—Increases the number of waived health care providers that can prescribe or dispense treatment for substance use disorders, such as certified nurses and accredited physicians;

Grants to enhance access to substance use disorder treatment (Section 3203)—Authorizes grants to support the development of curriculum that will help health care practitioners obtain a waiver to prescribe MAT;

Delivery of a Controlled Substance by a Pharmacy to be Administered by Injection or Implantation (Section 3204)—Allows pharmacies to deliver implantable or injectable medications to treat substance use disorders directly to health care providers.

Expanding Access to Medication in In-Patient Facilities (Section 5052)—Expanded Medicaid coverage up to 30 days for in-patient facilities applies to providers who provide a minimum of two types of medicines to treat opioid use disorder.

#### ENDING ILLEGAL PATIENT BROKERING

Criminal penalties (Section 8122)—This provision makes it illegal to pay or receive kickbacks in return for referring a patient to recovery homes or clinical treatment facilities.

#### RECOVERY SUPPORTS

CAREER Act (Section 7183)—Improves resources and wrap-around support services for individuals in recovery from a substance use disorder who are transitioning from treatment programs to independent living and the workforce;

Ensuring Access to Quality Sober Living (Section 7031)—Develops and disseminates best practices for operating recovery housing to ensure individuals are living in a safe and supportive environment;

Building Communities of Recovery (Section 7151, 7152)—Awards grants to recovery community organizations to provide regional training and technical assistance in order to expand peer recovery support services nationwide;

Improving recovery and reunifying families (Section 8082)—Provides \$15 million to HHS to replicate a "recovery coach" program for parents with children in foster care due to parental substance use.

#### PREVENTION

Drug-Free Communities Reauthorization (Section 8203)—Reauthorizes the Drug-Free Communities Program to mobilize communities to prevent youth substance use and extends the National Community Anti-Drug Coalition Institute.

#### HELPING MOMS AND BABIES

Sobriety Treatment and Recovery Teams (START; Section 8214)—Establishes and expands the implementation of the START program, which pairs social workers and family mentors with a small number of families, providing peer support, intensive treatment and child welfare services;

Caring Recovery for Infants and Babies (Section 1007)—Expands Medicaid coverage for infants with neonatal abstinence syndrome who are receiving care in residential pediatric recovery centers;

Health Insurance for Former Foster Youth (Section 1002)—Allows former foster youth to keep their Medicaid coverage across state lines until age 26;

Modifies IMD Exclusion for Pregnant and Postpartum Women (Section 1012)—Allows for pregnant and postpartum women who are receiving care for substance use disorder in a treatment facility to receive other Medicaid-covered care, such as prenatal services;

Report on addressing maternal and infant health in the opioid crisis (Section 7061)—Studies best practices of pain management, prevention, identification, and reduction of opioid and other substance use disorders during pregnancy;

Early interventions for pregnant women and infants (Section 7063)—Develops and disseminates educational materials for clinicians to use with pregnant women for shared decision-making regarding pain management during pregnancy;

Prenatal and postnatal health (Section 7064)—Authorizes data collection and analysis of neonatal abstinence syndrome and

other outcomes related to prenatal substance abuse and misuse, including prenatal opioid abuse and misuse;

Plans of safe care (Section 7065)—Supports states in collaboration and improving plans of safe care for substance-exposed infants.

#### HELPING PATIENTS AND FAMILIES IN CRISIS

Communication with families during emergencies (Section 7052)—Reminds healthcare providers annually that they are allowed under current federal privacy laws to notify families, caregivers, and health care providers of overdose emergencies involving a loved one;

Families and Patients in Crisis (Section 8212)—Grants to expand services for patient and families impacted by substance use disorder and in crisis.

#### LAW ENFORCEMENT

Reauthorization of Key Law Enforcement Programs (Section 8205-8212)—Reauthorizes law enforcement programs through the Office of National Drug Control Policy, such as programs such as the High Intensity Drug Trafficking Area programs, drug courts, COPS Anti-Meth Program, and COPS anti-heroin task force program;

First Responder Training (Section 7002)—Expands first responder training, authorized through the Comprehensive Addiction and Recovery Act, to include training on safety around fentanyl and other synthetic and dangerous substances;

Public Health Laboratories Detecting Fentanyl and Other Synthetic Opioids (Section 7011)—Improves coordination between public health laboratories and laboratories operated by law enforcement to improve detection of fentanyl and other synthetic opioids;

Synthetics Trafficking and Overdose Prevention (Section 8006, 8007)—Improves Federal agencies ability to detect synthetic opioids and other substances from entering the United States through the mail;

Opioid Addiction Recovery Fraud Prevention (Sections 8021-8023)—Subjects those who engage in unfair or deceptive acts with respect to substance use disorder treatment services or substance use disorder treatment products to civil penalties for first time violations by the FTC; includes a savings clause for existing FTC and FDA authorities;

Reauthorization of the comprehensive opioid abuse grant program (Section 8092)—Reauthorize the comprehensive opioid abuse grant program at the Department of Justice.

#### PRESCRIPTION MEDICATION SAFETY AND DISPOSAL

Empowering Pharmacists in the Fight Against Opioid Abuse (Section 3212)—Develops and disseminates training resources to help pharmacists better detect fraudulent attempts to fill prescription medications;

Safe Disposal of Unused Medication (Section 3222)—Allows hospice workers to dispose of unused medications on site or in patients homes;

Access to Increased Drug Disposal (Section 3251-3260)—Awards grants to states to enhance access of prescription drug disposal programs;

Safety-enhancing Packaging and Disposal Features (Section 3032)—Requires certain opioids to be packaged into 3 or 7 day supplies and requires safe prescription drug disposal options to be given to patients upon receiving medications.

#### PRISONER REENTRY

Promoting State innovations to ease transitions integration to the community for certain individuals (Section 5032)—Requires the HHS Secretary to convene a stakeholder group to produce a report of best practices for states to consider in health care related transitions for inmates of public institutions.

We commend Congress for its leadership and the bipartisan, bicameral work it has undertaken to address the ever worsening opioid crisis. We are pleased that this package contains a truly comprehensive approach to addressing the opioid crisis, across the entire continuum of care prevention, treatment and recovery support. In addition, it fully recognizes addiction as the medical condition that it is and contains meaningful programs aimed at helping patients and families struggling with this disease. For all of these reasons, we urge the quick passage of the final agreement of the SUPPORT for Patients and Communities Act (H.R. 6).

Sincerely,

1. A New PATH, San Diego, California
2. Addiction Policy Forum
3. AIDS United
4. Alabama, Addiction Policy Forum
5. Alaska, Addiction Policy Forum
6. American Correctional Association
7. Arizona, Addiction Policy Forum
8. Association of Prosecuting Attorneys
9. Beyond Addiction Ministry, WI
10. Brave Health
11. CADA of Northwest Louisiana
12. California Consortium of Addiction Programs & Professionals (CCAPP)
13. California, Addiction Policy Forum
14. Campaign for Youth Justice
15. Caron Treatment Centers
16. CFC Loud N Clear Foundation, Farmingdale, New Jersey
17. Chicago Recovering Communities Coalition, Chicago, Illinois
18. Colorado, Addiction Policy Forum
19. Community Anti- Drug Coalitions of America (CADCA)
20. Connecticut Certification Board
21. Connecticut Community for Addiction Recovery (CCAR), Hartford, Connecticut
22. Connecticut, Addiction Policy Forum
23. COPEs
24. DarGreen Recovery Support Services & Café, Green Bay, Wisconsin
25. Delaware, Addiction Policy Forum
26. Delphi Behavioral Health Group
27. DisposeRx
28. El Paso Alliance, El Paso, Texas
29. Faces & Voices of Recovery
30. FAVOR Low Country, Charleston, South Carolina
31. FAVOR Tri-County, Rock Hill, South Carolina
32. FedCURE
33. Fellowship Foundation Recovery Community Organization, Margate, Florida
34. Floridians for Recovery, West Palm Beach, Florida
35. Foundation for Recovery, Las Vegas, Nevada
36. Friends of Emmett
37. H.O.P.E.S. Forever
38. Healthcare Leadership Council
39. IC & RC
40. Idaho, Addiction Policy Forum
41. Illinois Association of Behavioral Health
42. Illinois, Addiction Policy Forum
43. Indiana, Addiction Policy Forum
44. Institute for Behavior and Health (IBH)
45. Iowa, Addiction Policy Forum
46. Jackson Area Recovery Community, Jackson, Michigan
47. Kansas, Addiction Policy Forum
48. Kentucky, Addiction Policy Forum
49. Kingston NH Lions Foundation
50. Lifehouse Recovery Connection, San Diego, California
51. Maine Alliance for Addiction Recovery, Augusta, Maine
52. Maine, Addiction Policy Forum
53. Maryland House Detox
54. Maryland, Addiction Policy Forum
55. Massachusetts, Addiction Policy Forum
56. Michigan, Addiction Policy Forum
57. Minnesota Recovery Connection, Minneapolis, Minnesota

58. Minnesota, Addiction Policy Forum
59. Missouri Recovery Network, Jefferson City, Missouri
60. Missouri, Addiction Policy Forum
61. Montana, Addiction Policy Forum
62. National Association of Social Workers (NASW)
63. National Prevention Science Coalition
64. National Safety Council
65. Navigate Recovery Gwinnett, Gwinnett County, Georgia
66. Navigating Recovery of the Lakes Region, Laconia, New Hampshire
67. Nevada, Addiction Policy Forum
68. New Hampshire, Addiction Policy Forum
69. New Jersey, Addiction Policy Forum
70. New Mexico, Addiction Policy Forum
71. New York, Addiction Policy Forum
72. North Carolina, Addiction Policy Forum
73. North Dakota, Addiction Policy Forum
74. Ohio Citizen Advocates for Addiction Recovery, Columbus, Ohio
75. Ohio, Addiction Policy Forum
76. Oklahoma, Addiction Policy Forum
77. Oregon, Addiction Policy Forum
78. PEER Wellness Center
79. PEER360 Recovery Alliance, Bay City, Michigan
80. Pennsylvania Recovery Organization, Achieving Community Together (PRO-ACT), Philadelphia, Pennsylvania
81. Pennsylvania, Addiction Policy Forum
82. People Advocating Recovery, Louisville, Kentucky
83. Phoenix House Recovery Residences
84. PLR Athens, Athens, Georgia
85. Reality Check, Jaffrey, New Hampshire
86. Recover Wyoming, Cheyenne, Wyoming
87. Recovery Communities of North Carolina, Raleigh, North Carolina
88. Recovery Community Connection, Williamsport, Pennsylvania
89. Recovery Community of Durham, Durham, North Carolina
90. Recovery Data Solutions
91. Rhode Island, Addiction Policy Forum
92. ROCovery Fitness, Rochester, New York
93. Shatterproof
94. Smart Approaches to Marijuana Action (SAM Action)
95. SMART Recovery, Nationwide
96. Sobriety Matters
97. Solutions Recovery, Oshkosh, Wisconsin
98. South Dakota, Addiction Policy Forum
99. SpiritWorks Foundation, Williamsburg, Virginia
100. Springs Recovery Connection, Colorado Springs, Colorado
101. Strengthening the Mid-Atlantic Region for Tomorrow (SMART)
102. Tennessee, Addiction Policy Forum
103. Texas, Addiction Policy Forum
104. The DOOR—DeKalb Open Opportunity for Recovery, Decatur, Georgia
105. The McShin Foundation, Richmond, Virginia
106. The Moyer Foundation
107. The Phoenix, Nationwide
108. The RASE Project, Harrisburg, Pennsylvania
109. The Solano Project, Fairfield, California
110. Treatment Communities of America
111. Trilogy Recovery Community, Walla Walla, Washington
112. Trust for America's Health
113. Utah, Addiction Policy Forum
114. Vermont, Addiction Policy Forum
115. Virginia, Addiction Policy Forum
116. Voices of Hope Lexington, Lexington, Kentucky
117. Voices of Recovery San Mateo County, San Mateo, California
118. WAI-IAM, Inc. and RISE Recovery Community, Lansing, Michigan

119. Washington, Addiction Policy Forum  
120. Washtenaw Recovery Advocacy Project (WRAP), Ann Arbor, Michigan  
121. West Virginia, Addiction Policy Forum  
122. Wisconsin Voices for Recovery, Madison, Wisconsin  
123. Wisconsin, Addiction Policy Forum  
124. Wyoming, Addiction Policy Forum

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and agree to the resolution, H. Res. 1099.

The question was taken.

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

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

The yeas and nays were ordered.

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

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Lasky, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4254. An act to amend the National Science Foundation Authorization Act of 2002 to strengthen the aerospace workforce pipeline by the promotion of Robert Noyce Teacher Scholarship Program and National Aeronautics and Space Administration internship and fellowship opportunities to women, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1768. An act to reauthorize and amend the National Earthquake Hazards Reduction Program, and for other purposes.

S. 3170. An act 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. An act to amend the Missing Children's Assistance Act, and for other purposes.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

The motion to recommit on H.R. 6760; Passage of H.R. 6760; and

The motion to suspend the rules and adopt H. Res. 1099.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### PROTECTING FAMILY AND SMALL BUSINESS TAX CUTS ACT OF 2018

The SPEAKER pro tempore. The unfinished business is the vote on the mo-

tion to recommit on the bill (H.R. 6760) to amend the Internal Revenue Code of 1986 to make permanent certain provisions of the Tax Cuts and Jobs Act affecting individuals, families, and small businesses, offered by the gentleman from Connecticut (Mr. LARSON), on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to recommit.

The vote was taken by electronic device, and there were—yeas 184, nays 226, not voting 18, as follows:

[Roll No. 413]

YEAS—184

Adams	Gallego	Norcross
Aguilar	Garamendi	O'Halleran
Barragán	Gomez	O'Rourke
Bass	Gonzalez (TX)	Pallone
Beatty	Gottheimer	Panetta
Bera	Green, Al	Pascarell
Beyer	Green, Gene	Payne
Bishop (GA)	Grijalva	Pelosi
Blumenauer	Hanabusa	Perlmutter
Blunt Rochester	Hastings	Peters
Bonamici	Heck	Peterson
Boyle, Brendan F.	Higgins (NY)	Pingree
Brady (PA)	Himes	Pocan
Brown (MD)	Hoyer	Polis
Brownley (CA)	Huffman	Price (NC)
Bustos	Jackson Lee	Quigley
Butterfield	Jayapal	Raskin
Capuano	Jeffries	Rice (NY)
Carbajal	Johnson (GA)	Richmond
Cárdenas	Johnson, E. B.	Rosen
Carson (IN)	Kaptur	Roybal-Allard
Cartwright	Keating	Ruiz
Castor (FL)	Kelly (IL)	Ruppersberger
Castro (TX)	Kennedy	Ryan (OH)
Chu, Judy	Khanna	Sánchez
Ciçilline	Kihuen	Sarbanes
Clark (MA)	Kildee	Schakowsky
Clarke (NY)	Kilmer	Schiff
Clay	Kind	Schneider
Cleaver	Krishnamoorthi	Schrader
Clyburn	Kuster (NH)	Scott (VA)
Cohen	Lamb	Scott, David
Connolly	Langevin	Serrano
Cooper	Larsen (WA)	Sewell (AL)
Correa	Larson (CT)	Shea-Porter
Costa	Lawrence	Sherman
Courtney	Lawson (FL)	Sinema
Crist	Lee	Sires
Crowley	Levin	Smith (WA)
Cuellar	Lewis (GA)	Soto
Cummings	Lieu, Ted	Speier
Davis (CA)	Lipinski	Suozi
Davis, Danny	Loeb sack	Swalwell (CA)
DeFazio	Lofgren	Takano
DeGette	Lowenthal	Thompson (CA)
Delaney	Lowe y	Thompson (MS)
DeLauro	Luján, Ben Ray	Titus
DelBene	Lynch	Tonko
Demings	Maloney,	Torres
DeSaulnier	Carolyn B.	Tsongas
Deutch	Maloney, Sean	Vargas
Dingell	Matsui	Veasey
Doggett	McCollum	Vela
Doyle, Michael F.	McEachin	Velázquez
Engel	McGovern	Visclosky
Espallat	McNerney	Wasserman
Esty (CT)	Meeks	Schultz
Evans	Meng	Waters, Maxine
Foster	Moore	Watson Coleman
Frankel (FL)	Murphy (FL)	Welch
Fudge	Nadler	Wilson (FL)
	Napolitano	Yarmuth
	Neal	

NAYS—226

Abraham	Barletta	Bost
Aderholt	Barr	Brady (TX)
Allen	Barton	Brat
Amash	Bergman	Brooks (AL)
Amodel	Biggs	Brooks (IN)
Billirakis	Bishop (MI)	Bucanan
Babin	Bishop (UT)	Buck
Bacon	Black	Bucshon
Balderson	Blum	Budd
Banks (IN)		Burgess

Byrne	Hudson	Ratcliffe
Calvert	Huizenga	Reed
Carter (GA)	Hultgren	Reichert
Carter (TX)	Hurd	Renacci
Chabot	Issa	Rice (SC)
Cheney	Jenkins (KS)	Roby
Cloud	Jenkins (WV)	Roe (TN)
Coffman	Johnson (LA)	Rogers (AL)
Cole	Johnson (OH)	Rogers (KY)
Collins (GA)	Johnson, Sam	Rohrabacher
Collins (NY)	Jordan	Rooney, Francis
Comer	Joyce (OH)	Rooney, Thomas J.
Comstock	Katko	Ros-Lehtinen
Conaway	Kelly (MS)	Roskam
Cook	Kelly (PA)	Ross
Costello (PA)	King (IA)	Rothfus
Cramer	King (NY)	Rouzer
Crawford	Kinzing er	Royce (CA)
Culberson	Knight	Russell
Curbelo (FL)	Kustoff (TN)	Rutherford
Curtis	LaHood	Sanford
Davidson	LaMalfa	Scalise
Davis, Rodney	Lamborn	Schweikert
Denham	Lance	Scott, Austin
DesJarlais	Latta	Sensenbrenner
Diaz-Balart	Lesko	Sessions
Donovan	Lewis (MN)	Shimkus
Duffy	LoBiondo	Shuster
Duncan (SC)	Long	Simpson
Duncan (TN)	Loudermilk	Smith (MO)
Dunn	Love	Smith (NE)
Emmer	Lucas	Smith (NJ)
Estes (KS)	Luetkemeyer	Smith (TX)
Faso	MacArthur	Smucker
Ferguson	Marchant	Stefanik
Fitzpatrick	Marino	Stewart
Fleischmann	Marshall	Stivers
Flores	Massie	Taylor
Fortenberry	Mast	Tenney
Fox	McCarthy	Thompson (PA)
Frelinghuysen	McCaul	Thornberry
Gaetz	McClintock	Tipton
Gallagher	McHenry	Trott
Garrett	McKinley	Turner
Gianforte	McMorris	Upton
Gibbs	Rodgers	Valadao
Gohmert	McSally	Wagner
Goodlatte	Meadows	Walberg
Gosar	Messer	Walden
Gowdy	Mitchell	Walker
Granger	Moolenaar	Walorski
Graves (GA)	Mooney (WV)	Walters, Mimi
Graves (LA)	Mullin	Weber (TX)
Graves (MO)	Newhouse	Webster (FL)
Griffith	Noem	Wenstrup
Grothman	Norman	Westerman
Guthrie	Nunes	Wilson (SC)
Handel	Palazzo	Wittman
Harris	Palmer	Womack
Hartzler	Paulsen	Woodall
Hensarling	Pearce	Yoder
Herrera Beutler	Perry	Yoho
Hice, Jody B.	Pittenger	Young (AK)
Higgins (LA)	Poe (TX)	Young (IA)
Holding	Poliquin	Zeldin
Hollingsworth	Posey	

NOT VOTING—18

Blackburn	Hunter	Olson
Ellison	Jones	Rokita
Eshoo	Labrador	Rush
Gabbard	Lujan Grisham,	Walz
Gutiérrez	M.	Williams
Harper	Moulton	
Hill	Nolan	

□ 1157

Mr. TURNER, Ms. MCSALLY, Messrs. RICE of South Carolina, RUTHERFORD, RUSSELL, SANFORD, REICHERT, and HOLLINGSWORTH changed their vote from "yea" to "nay."

Ms. MCCOLLUM and Mr. HUFFMAN changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. HILL. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "nay" on rollcall No. 413.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to House Resolution 1084, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 220, nays 191, not voting 18, as follows:

[Roll No. 414]  
YEAS—220

Abraham	Gosar	Palazzo
Aderholt	Gowdy	Palmer
Allen	Granger	Paulsen
Amash	Graves (GA)	Pearce
Amodei	Graves (LA)	Perry
Arrington	Graves (MO)	Pittenger
Babin	Griffith	Poe (TX)
Bacon	Grothman	Poliquin
Balderson	Guthrie	Posey
Banks (IN)	Handel	Ratcliffe
Barletta	Harris	Reed
Barr	Hartzler	Reichert
Bergman	Hensarling	Renacci
Biggs	Herrera Beutler	Rice (SC)
Bilirakis	Hice, Jody B.	Roby
Bishop (MI)	Higgins (LA)	Roe (TN)
Bishop (UT)	Hill	Rogers (AL)
Black	Holding	Rogers (KY)
Blum	Hollingsworth	Rooney, Francis
Bost	Hudson	Rooney, Thomas J.
Brady (TX)	Huizenga	Ros-Lehtinen
Brat	Hultgren	Rosen
Brooks (AL)	Hurd	Roskam
Brooks (IN)	Issa	Ross
Buchanan	Jenkins (KS)	Rothfus
Buck	Jenkins (WV)	Rouzer
Bucshon	Johnson (LA)	Royce (CA)
Budd	Johnson (OH)	Russell
Burgess	Johnson, Sam	Rutherford
Byrne	Jordan	Ryan (WI)
Calvert	Joyce (OH)	Sanford
Carter (GA)	Katko	Schalwe
Carter (TX)	Kelly (MS)	Schalweikert
Chabot	Kelly (PA)	Scott, Austin
Cheney	King (IA)	Sensenbrenner
Cloud	Kinzinger	Sessions
Coffman	Knight	Shimkus
Cole	Kustoff (TN)	Shuster
Collins (GA)	LaHood	Simpson
Collins (NY)	LaMalfa	Sinema
Comer	Lamb	Smith (MO)
Comstock	Lamborn	Smith (NE)
Conaway	Latta	Smith (TX)
Cook	Lesko	Smucker
Costello (PA)	Lewis (MN)	Stewart
Cramer	Long	Stivers
Crawford	Loudermilk	Taylor
Culberson	Love	Tenney
Curbelo (FL)	Lucas	Thompson (PA)
Curtis	Luetkemeyer	Thornberry
Davidson	MacArthur	Tipton
Davis, Rodney	Marchant	Troott
Denham	Marino	Turner
DesJarlais	Marshall	Upton
Diaz-Balart	Massie	Valadao
Duffy	Mast	Wagner
Duncan (SC)	McCarthy	Walberg
Duncan (TN)	McCaull	Walden
Dunn	McClintock	Walker
Emmer	McHenry	Walorski
Estes (KS)	McKinley	Walters, Mimi
Ferguson	McMorris	Weber (TX)
Fitzpatrick	Rodgers	Webster (FL)
Fleischmann	McSally	Wenstrup
Flores	Meadows	Westerman
Fortenberry	Messer	Wilson (SC)
Fox	Mitchell	Wittman
Gaetz	Moolenaar	Womack
Gallagher	Mooney (WV)	Woodall
Garrett	Mullin	Yoder
Gianforte	Newhouse	Yoho
Gibbs	Noem	Young (AK)
Gohmert	Norman	Young (IA)
Goodlatte	Nunes	

NAYS—191

Adams	Bonamici	Cárdenas
Aguilar	Boyle, Brendan F.	Carson (IN)
Barragán		Cartwright
Bass	Brady (PA)	Castor (FL)
Beatty	Brown (MD)	Castro (TX)
Bera	Brownley (CA)	Chau, Judy
Beyer	Bustos	Cicilline
Bishop (GA)	Butterfield	Clark (MA)
Blumenauer	Capuano	Clarke (NY)
Blunt Rochester	Carbajal	Clay

Cleaver	Johnson, E. B.	Peters
Clyburn	Kaptur	Peterson
Cohen	Keating	Pingree
Connolly	Kelly (IL)	Pocan
Cooper	Kennedy	Polis
Correa	Khanna	Price (NC)
Costa	Kihuen	Quigley
Courtney	Kildee	Raskin
Crist	Kilmer	Rice (NY)
Crowley	Kind	Richmond
Cuellar	King (NY)	Rohrabacher
Cummings	Krishnamoorthi	Roybal-Allard
Davis (CA)	Kuster (NH)	Ruiz
Davis, Danny	Lance	Ruppersberger
DeFazio	Langevin	Ryan (OH)
DeGette	Larsen (WA)	Sánchez
DeLaney	Larson (CT)	Sarbanes
DeLauro	Lawrence	Schakowsky
DelBene	Lawson (FL)	Schiff
Demings	Lee	Schneider
DeSaulnier	Levin	Schrader
Deutch	Lewis (GA)	Scott (VA)
Dingell	Lieu, Ted	Scott, David
Doggett	Lipinski	Serrano
Donovan	LoBiondo	Sewell (AL)
Doyle, Michael F.	Loeback	Shea-Porter
Engel	Lofgren	Sherman
Espallat	Lowenthal	Sires
Esty (CT)	Lowe	Smith (NJ)
Evans	Lujan, Ben Ray	Smith (WA)
Faso	Lynch	Soto
Foster	Maloney,	Speier
Frankel (FL)	Carolyn B.	Stefanik
Frelinghuysen	Maloney, Sean	Suozi
Fudge	Matsui	Swalwell (CA)
Gallego	McCollum	Takano
Garamendi	McEachin	Thompson (CA)
Gomez	McGovern	Thompson (MS)
Gonzalez (TX)	McNerney	Titus
Gottheimer	Meeks	Tonko
Green, Al	Meng	Torres
Green, Gene	Moore	Tsongas
Grijalva	Murphy (FL)	Vargas
Hanabusa	Nadler	Veasey
Hastings	Napolitano	Vela
Heck	Neal	Velázquez
Higgins (NY)	Norcross	Visclosky
Himes	O'Halleran	Wasserman
Hoyer	O'Rourke	Schultz
Huffman	Pallone	Waters, Maxine
Jackson Lee	Panetta	Watson Coleman
Jayapal	Pascrell	Welch
Jeffries	Payne	Wilson (FL)
Johnson (GA)	Pelosi	Yarmuth
	Perlmutter	Zeldin

NOT VOTING—18

Barton	Hunter	Olson
Blackburn	Jones	Rokita
Ellison	Labrador	Rush
Eshoo	Lujan Grisham,	Walz
Gabbard	M.	Williams
Giállez	Moulton	
Harper	Nolan	

□ 1206

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### LEGISLATIVE PROGRAM

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

Mr. MCCARTHY. Mr. Speaker, I rise for the purpose of making a scheduling announcement.

Members are advised that votes are no longer expected in the House during the weeks of October 1 and October 8, 2018.

Now, I would also like to make another announcement. I would also like to note that today is the 1-year anniversary of our friend, the Majority Whip STEVE SCALISE, returning to Congress after the attempt on his life.

I will not forget the day of that shooting. Many of you may know—

STEVE did not know at that moment—but KEVIN BRADY, Patrick, and I were sitting with the doctor waiting for Jennifer to arrive. We celebrate him coming back, but we didn't know that he was even going to make it.

STEVE and I have been friends for more than 20 years, long before we ever entered this floor. STEVE had always had the strength and the courage, and he is an example for a public servant and for all of us to impart. I am just so glad that Steve is back with us.

Mr. HOYER. Will the gentleman yield?

Mr. MCCARTHY. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I will ask the majority leader a question, just to make sure we all understand the schedule. But before I do that, I want to join the majority leader in saying how pleased we are that STEVE SCALISE not only came back, but is making such a positive contribution to the Congress of the United States.

I say to STEVE that, when he came back, he gave one of those talks that I will always remember: his gratitude for the care of so many people around the world for a Member of our body.

I thank him for his friendship and working together. Hopefully we will continue to do so, hopefully in a very constructive way for the American people.

Welcome back, and God bless him, and we wish him a full, full recovery. We don't want him to be too strong on this side, but we want him strong.

And with that, we were talking on this side, and it appeared that the majority leader said we weren't going to be here next week.

Mr. MCCARTHY. Or the week after.

Mr. HOYER. Or the week after.

Is there a possibility, from that, that we may be here during the month of October?

Mr. MCCARTHY. No.

I thank the gentleman for his question.

November 13, if I am correct, is the first time we will come back, and hopefully we will come back in the same order we leave.

Mr. HOYER. Thank you.

We look forward to being back on November 13.

I thank the majority leader.

#### SUBSTANCE USE-DISORDER PREVENTION THAT PROMOTES OPIOID RECOVERY AND TREATMENT FOR PATIENTS AND COMMUNITIES ACT

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1099) providing for the concurrence by the House in the Senate amendment to H.R. 6, with an amendment, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and agree to the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 393, nays 8, not voting 27, as follows:

[Roll No. 415]

YEAS—393

Abraham	Costello (PA)	Herrera Beutler
Adams	Courtney	Hice, Jody B.
Aderholt	Cramer	Higgins (LA)
Aguilar	Crawford	Higgins (NY)
Allen	Crist	Hill
Amodei	Crowley	Himes
Arrington	Cuellar	Holding
Babin	Culberson	Hollingsworth
Bacon	Cummings	Hoyer
Balderson	Curbelo (FL)	Hudson
Banks (IN)	Curtis	Huffman
Barletta	Davidson	Huizenga
Barr	Davis (CA)	Hultgren
Barragán	Davis, Danny	Hurd
Bass	Davis, Rodney	Issa
Beatty	DeFazio	Jackson Lee
Bera	DeGette	Jayapal
Bergman	Delaney	Jeffries
Beyer	DeLauro	Jenkins (KS)
Bilirakis	DelBene	Jenkins (WV)
Bishop (GA)	Denham	Johnson (GA)
Bishop (MI)	DeSaulnier	Johnson (LA)
Bishop (UT)	DesJarlais	Johnson (OH)
Black	Deutch	Johnson, E. B.
Blum	Diaz-Balart	Johnson, Sam
Blumenauer	Dingell	Jordan
Blunt Rochester	Doggett	Joyce (OH)
Bonamici	Donovan	Kaptur
Bost	Doyle, Michael	Katko
Boyle, Brendan	F.	Keating
F.	Duffy	Kelly (IL)
Brady (PA)	Duncan (SC)	Kelly (MS)
Brady (TX)	Duncan (TN)	Kelly (PA)
Brat	Dunn	Kennedy
Brooks (AL)	Emmer	Khanna
Brooks (IN)	Engel	Kihuen
Brown (MD)	Espallat	Kildee
Brownley (CA)	Estes (KS)	Kilmer
Buchanan	Esty (CT)	Kind
Buck	Evans	King (IA)
Bucshon	Faso	King (NY)
Budd	Ferguson	Kinzinger
Burgess	Fitzpatrick	Knight
Bustos	Fleischmann	Krishnamoorthi
Butterfield	Flores	Kuster (NH)
Byrne	Fortenberry	Kustoff (TN)
Calvert	Foster	LaHood
Capuano	Fox	LaMalfa
Carbajal	Frankel (FL)	Lamb
Cárdenas	Frelinghuysen	Lamborn
Carson (IN)	Fudge	Lance
Carter (GA)	Gallagher	Langevin
Carter (TX)	Galligo	Larsen (WA)
Cartwright	Garamendi	Larson (CT)
Castor (FL)	Gianforte	Latta
Chabot	Gibbs	Lawrence
Chu, Judy	Gonzalez (TX)	Lawson (FL)
Cicilline	Goodlatte	Lee
Clark (MA)	Gottheimer	Lesko
Clarke (NY)	Gowdy	Levin
Clay	Graves (GA)	Lewis (GA)
Cleaver	Graves (LA)	Lewis (MN)
Cloud	Graves (MO)	Lieu, Ted
Coffman	Green, Al	Lipinski
Cohen	Green, Gene	LoBiondo
Cole	Griffith	Loeb
Collins (GA)	Grijalva	Lofgren
Collins (NY)	Grothman	Long
Comer	Guthrie	Loudermilk
Comstock	Hanabusa	Love
Conaway	Handel	Lowenthal
Connolly	Harris	Lowe
Cook	Hartzler	Lucas
Cooper	Hastings	Luetkemeyer
Correa	Heck	Luján, Ben Ray
Costa	Hensarling	Lynch

MacArthur	Polis	Smith (NJ)
Maloney	Posey	Smith (TX)
Carolyn B.	Price (NC)	Smith (WA)
Maloney, Sean	Quigley	Smucker
Marchant	Raskin	Soto
Marino	Ratcliffe	Speier
Marshall	Reed	Stefanik
Mast	Reichert	Stewart
Matsui	Renacci	Stivers
McCarthy	Rice (NY)	Suozzi
McCaul	Rice (SC)	Swalwell (CA)
McCollum	Richmond	Takano
McEachin	Roby	Taylor
McGovern	Roe (TN)	Tenney
McHenry	Rogers (AL)	Thompson (CA)
McKinley	Rogers (KY)	Thompson (MS)
McMorris	Rohrabacher	Thompson (PA)
Rodgers	Rooney, Francis	Thornberry
McNeerney	Rooney, Thomas	Tipton
McSally	J.	Titus
Meadows	Ros-Lehtinen	Tonko
Meeks	Rosen	Torres
Meng	Roskam	Trott
Messer	Ross	Tsongas
Mitchell	Rothfus	Turner
Moolenaar	Rouzer	Upton
Mooney (WV)	Roybal-Allard	Valadao
Moore	Royce (CA)	Vargas
Mullin	Ruiz	Veasey
Murphy (FL)	Ruppersberger	Vela
Nadler	Russell	Velázquez
Napolitano	Rutherford	Visclosky
Neal	Ryan (OH)	Wagner
Newhouse	Sánchez	Walberg
Noem	Sarbanes	Walden
Norcross	Scalise	Walker
Norman	Schakowsky	Walorski
Nunes	Schiff	Walters, Mimi
O'Halleran	Schneider	Wasserman
O'Rourke	Schrader	Schultz
Palazzo	Schweikert	Waters, Maxine
Pallone	Scott (VA)	Watson Coleman
Palmer	Scott, Austin	Weber (TX)
Panetta	Scott, David	Webster (FL)
Pascarella	Sensenbrenner	Welch
Paulsen	Serrano	Wenstrup
Payne	Sessions	Westerman
Pearce	Sewell (AL)	Wilson (SC)
Perlmutter	Shea-Porter	Wittman
Perry	Sherman	Womack
Peters	Shimkus	Woodall
Peterson	Shuster	Yarmuth
Pingree	Simpson	Yoder
Pittenger	Sinema	Yoho
Poe (TX)	Sires	Young (AK)
Poliquin	Smith (MO)	Young (IA)
	Smith (NE)	Zeldin

NAYS—8

NOT VOTING—27

Amash	Garrett	McClintock
Biggs	Gosar	Sanford
Gaetz	Massie	
Barton	Gomez	Nolan
Blackburn	Granger	Olson
Castro (TX)	Gutiérrez	Pelosi
Cheney	Harper	Rokita
Clyburn	Hunter	Rush
Demings	Jones	Walz
Ellison	Labrador	Williams
Eshoo	Lujan Grisham,	Wilson (FL)
Gabbard	M.	
Gohmert	Moulton	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HULTGREN) (during the vote). There are 2 minutes remaining.

□ 1222

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OLSON. Mr. Speaker, I was unable to vote on September 28, 2018 due a family

emergency that required me to return to Texas. Had I been present, I would have voted "nay" on rollcall No. 413, "yea" on rollcall No. 414, and "yea" on rollcall No. 415.

## COMMUNICATION FROM CHAIR OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the Chair of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,

Washington, DC, September 27, 2018.

Hon. PAUL RYAN,  
*Speaker of the House, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: On September 27, 2018, pursuant to section 3307 of title 40, United States Code, the Committee on Transportation and Infrastructure met in open session to consider 19 resolutions included in the General Services Administration's Capital Investment and Leasing Programs.

The Committee continues to work to reduce the cost of federal property and leases. The 19 resolutions considered include 11 alteration prospectuses, five lease prospectuses, and two construction prospectuses and represent \$700 million in savings from avoided lease costs and space reductions.

I have enclosed copies of the resolutions adopted by the Committee on Transportation and Infrastructure on September 27, 2018.

Sincerely,

BILL SHUSTER,  
*Chairman.*

Enclosures.

COMMITTEE RESOLUTION

ALTERATION—CONSOLIDATION ACTIVITIES PROGRAM, VARIOUS BUILDINGS

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. 3307, appropriations are authorized for the reconfiguration and renovation of space within government-owned and leased buildings during Fiscal Year 2019 to improve space utilization, optimize inventory, and decrease reliance on leased space at a total cost of \$70,000,000, a prospectus for which is attached to and included in this resolution.*

*Provided, that an Expenditure Plan be submitted to the Committee prior to the expenditure of any funds.*

*Provided, that consolidation projects result in reduced annual rent paid by the tenant agency.*

*Provided, that no consolidation project exceeds \$20,000,000 in costs.*

*Provided further, that preference is given to consolidation projects that achieve an office utilization rate of 130 usable square feet or less per person.*

*Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.*

GSA

PBS

**PROSPECTUS - ALTERATION  
CONSOLIDATION ACTIVITIES PROGRAM  
VARIOUS BUILDINGS**

Prospectus Number: PCA-0001-MU19

**FY 2019 Project Summary**

The General Services Administration (GSA) proposes the reconfiguration and renovation of space within Government-owned and leased buildings during fiscal year (FY) 2019 to support GSA’s ongoing consolidation efforts to improve space utilization, optimize inventory, decrease reliance on leased space, and reduce the Government’s environmental footprint.

Since inception of the Consolidation Activities Program in FY 2014, GSA has received \$263 million in support of the program. Through FY 2017, the Consolidation Activities Program has funded 78 projects. When complete, the 78 projects will result in more than a 1.67 million usable square foot (USF) reduction, reduce agency rental payments to GSA by \$66 million annually, and generate \$132 million in annual Government lease cost avoidance.

**FY 2019 Committee Approval and Appropriation Requested .....**\$70,000,000

**Program Summary**

As part of its ongoing effort to improve space utilization, optimize inventory, decrease reliance on leased space, and reduce the Government’s environmental footprint, GSA is identifying consolidation opportunities within its inventory of real property assets. These opportunities are presented through surveys and studies, partnering with customer agencies, and through agency initiatives. Projects will vary in size by location and agency mission and operations; however, no single project will exceed \$20 million in GSA costs. Funds will support consolidation of customer agencies and will not be available for GSA internal consolidations. Preference will be given to projects that result in an office utilization rate of 130 USF per person or less and a total project payback period of 10 years or less.

Typical projects include the following:

- Reconfiguration and alteration of existing Federal space to accommodate incoming agency relocation/consolidation. (Note: may include reconfigurations of existing occupied Federal tenant space); and
- Incidental alterations and system upgrades, such as fire sprinklers or heating, ventilation, and air conditioning, needed as part of relocation and consolidation.

Projects will be evaluated using the following criteria:

- Preference will be given to projects that are identified as a reduction opportunity by both GSA and the subject agency, and that meet the other criteria.
- Proposed consolidation projects will result in a reduction in annual rent paid by the impacted customer agency.



GSA

PBS

**PROSPECTUS - ALTERATION  
CONSOLIDATION ACTIVITIES PROGRAM  
VARIOUS BUILDINGS**

Prospectus Number: PCA-0001-MU19

- 
- Preference is given to consolidations within or into owned buildings over consolidations within or into leased space.
  - Consolidation of expiring leases into owned buildings will be given preference over those business cases for lease cancellations that include a cancellation cost.
  - Co-location with other agencies with shared resources and special space will be given preference.
  - Links to other consolidation projects will be given preference.

**Justification**

GSA continually analyzes opportunities to improve space utilization and realize long-term cost savings for the Government. Funding for space consolidations is essential so that GSA can execute those opportunities.

Projects funded under this authorization will enable agencies to consolidate within Government-controlled leased space or relocate from either Government-controlled leased or federally owned space to federally owned space that more efficiently meets mission needs. These consolidations will result in improved space utilization, cost savings for the American taxpayers, and a reduced environmental impact.

GSA

PBS

**PROSPECTUS - ALTERATION  
CONSOLIDATION ACTIVITIES PROGRAM  
VARIOUS BUILDINGS**

Prospectus Number: PCA-0001-MU19

**Certification of Need**

Current administration and congressional initiatives call for improved space utilization, lower costs for the Government, and a reduced environmental footprint. GSA has determined that the proposed consolidation program is the most practical solution to meeting those goals.


Submitted at Washington, DC, on February 12, 2018

Recommended: \_\_\_\_\_



Commissioner, Public Buildings Service

Approved: \_\_\_\_\_



Administrator, General Services Administration

COMMITTEE RESOLUTION

ALTERATION—FIRE PROTECTION AND LIFE  
SAFETY PROGRAM, VARIOUS BUILDINGS

*Resolved by the Committee on Transportation  
and Infrastructure of the U.S. House of Rep-*

*resentatives*, that pursuant to 40 U.S.C. 3307,  
appropriations are authorized for repairs and  
alterations to upgrade, replace, and improve  
fire protection systems and life safety fea-  
tures in government-owned buildings during

Fiscal Year 2019 at a total cost of \$30,000,000,  
a prospectus for which is attached to and in-  
cluded in this resolution.

GSA

PBS

**PROSPECTUS - ALTERATION  
FIRE PROTECTION AND LIFE SAFETY PROGRAM  
VARIOUS BUILDINGS**

Prospectus Number: PFP-0001-MU19

**FY 2019 Project Summary**

This prospectus proposes alterations to upgrade, replace, and improve fire protection systems and life safety features in Government-owned buildings during fiscal year (FY) 2019.

Since FY 2010, the General Services Administration (GSA) has received \$94,000,000 in support of this program. These funds supported 87 projects in over 72 Government-owned buildings.

**FY 2019 Committee Approval and Appropriation Requested.....\$30,000,000**

**Program Summary**

As part of its fire protection and life safety efforts, GSA currently is identifying projects in Federal buildings throughout the country through surveys and studies. These projects will vary in size, location, and delivery method. The approval and appropriation requested in this prospectus is for a diverse set of retrofit projects with engineering solutions to reduce fire and life safety hazards. Typical projects include:

- Replacing antiquated fire alarm and detection systems that are in need of repair or for which parts are no longer available.
- Installing emergency voice communication systems to facilitate occupant notification and evacuation in Federal buildings during an emergency.
- Installing or expanding, as necessary, fire sprinkler systems to provide a reasonable degree of protection for life and property from fire in Federal buildings.
- Constructing additional exit stairs or enclosing existing exit stairs to facilitate the safe and timely evacuation of building occupants in the event of an emergency.

**Justification**

GSA periodically assesses all facilities using technical professionals to identify hazards and initiate correction or risk-reduction protection strategies so that its buildings do not present an unreasonable risk to GSA personnel, occupant agencies, or the general public. Completion of these proposed projects will improve the overall level of safety from fire and similar risks in federally owned buildings in GSA’s portfolio nationwide.

GSA

PBS

**PROSPECTUS - ALTERATION  
FIRE PROTECTION AND LIFE SAFETY PROGRAM  
VARIOUS BUILDINGS**

Prospectus Number: PFP-0001-MU19

**Certification of Need**

Over the years, a number of fire protection and life safety issues have been identified that need to be addressed to reduce fire risk. The proposed program is the best solution to meet a validated Government need.

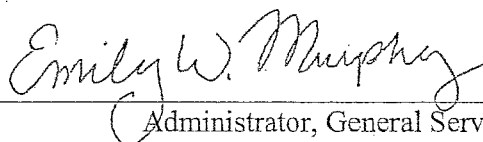
Submitted at Washington, DC, on February 12, 2018

Recommended:



Commissioner, Public Buildings Service

Approved:



Administrator, General Services Administration

## COMMITTEE RESOLUTION

ALTERATION—JUDICIARY CAPITAL SECURITY  
PROGRAM, VARIOUS BUILDINGS

*Resolved by the Committee on Transportation  
and Infrastructure of the U.S. House of Rep-*

*resentatives*, that pursuant to 40 U.S.C. 3307,  
appropriations are authorized for alterations  
to improve physical security in government-  
owned buildings occupied by the Judiciary  
and U.S. Marshals Service during Fiscal

Year 2019 in lieu of future construction of  
new facilities at a total cost of \$11,500,000, a  
prospectus for which is attached to and in-  
cluded in this resolution.



GSA

PBS

**PROSPECTUS - ALTERATION  
JUDICIARY CAPITAL SECURITY PROGRAM  
VARIOUS BUILDINGS**

Prospectus Number: PJCS-0001-MU19

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**FY 2019 Project Summary**

This prospectus proposes alterations to improve physical security in Government-owned buildings occupied by the Judiciary and the Department of Justice–U.S. Marshals Service (USMS) during fiscal year (FY) 2019.

Since FY 2012, GSA has received \$106,700,000 in support of this program. These funds supported 11 projects.

**FY 2019 Committee Approval and Appropriation Requested..... \$11,500,000**

**Program Summary**

The Judiciary Capital Security Program is dedicated to improving physical security in buildings occupied by the Judiciary and USMS. In most cases, these projects are in lieu of constructing new facilities, thereby providing cost savings and expedited delivery. These projects will vary in size, location, and delivery method and are designed to improve the separation of circulation for the public, judges, and prisoners. Funding provided for the security improvement projects will address elements such as adding doors, reconfiguring or adding corridors, reconfiguring or adding elevators and sallyports, and constructing physical or visual barriers.

**Justification**

This program provides a vehicle for addressing security deficiencies in a timely and less costly manner when constructing a new courthouse is unlikely in the foreseeable future. The projects in this program are based on studies undertaken by the Judiciary. This prospectus requests separate funding to address security conditions at existing Federal courthouses. The Judiciary's asset management planning process helps in the compilation of a preliminary assessment of potential projects that involve courthouses with poor security ratings nationwide.

GSA

PBS

PROSPECTUS - ALTERATION  
JUDICIARY CAPITAL SECURITY PROGRAM  
VARIOUS BUILDINGS

Prospectus Number: PJCS-0001-MU19

Certification of Need

Over the years, a number of security issues have been identified that need to be addressed to reduce risk to physical security. The proposed program is the best solution to meet a validated Government need.

Submitted at Washington, DC, on February 12, 2018

Recommended:



Commissioner, Public Buildings Service

Approved:



Administrator, General Services Administration

## COMMITTEE RESOLUTION

ALTERATION—DENVER FEDERAL CENTER  
BUILDING 48, LAKEWOOD, CO

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that pursuant to 40 U.S.C. 3307, appropriations are authorized for repairs and alterations for the full modernization of and to convert Building 48 from a vacant warehouse building into a fully occupied office building, including upgrading building systems and the fire suppression system, repairing structural and architectural deficiencies,

installing an elevator, abating hazardous materials, and improving landscaping and underground utilities at the Denver Federal Center located at West 6th Avenue and Kipling Street in Lakewood, Colorado at a design cost of \$3,821,000, an estimated construction cost of \$40,516,000 and a management and inspection cost of \$2,698,000 for a total estimated project cost of \$47,035,000, a prospectus for which is attached to and included in this resolution.

*Provided*, that the General Services Administration shall not delegate to any other

agency the authority granted by this resolution.

*Provided further*, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

GSA

PBS

**PROSPECTUS – ALTERATION  
DENVER FEDERAL CENTER BUILDING 48  
LAKEWOOD, CO**

Prospectus Number: PCO-0522-LA19  
Congressional District: 7

**FY 2019 Project Summary**

The General Services Administration (GSA) proposes a repair and alteration project for a full modernization of Building 48 at the Denver Federal Center (DFC), located at West 6<sup>th</sup> Avenue and Kipling Street in Lakewood, CO. The project will convert Building 48 from a vacant warehouse building into a fully occupied Class A office building. The proposed project will upgrade building systems and the fire suppression system, repair structural and architectural deficiencies, install an elevator, abate hazardous materials, and improve landscaping and underground utilities. This project will provide an efficient office layout that both reduces agency utilization rates and allows for the backfill of approximately 149,000 rentable square feet (RSF) of vacant federally owned space. The renovated space will be occupied by the Department of the Interior (DOI) – Interior Business Center (IBC), which is currently housed in leased space. Relocation of IBC to Building 48 provides an annual lease cost avoidance of approximately \$4,600,000 and an annual agency rent savings of approximately \$1,200,000.

**FY 2019 Committee Approval and Appropriation Requested**

(Design, Construction, Management & Inspection) .....\$47,035,000

**Major Work Items**

Electrical, heating, ventilation and air conditioning (HVAC), plumbing, and fire protection systems replacement; roof replacement; exterior closure repairs and replacement; interior construction; paving and landscaping; interior finishes; structural upgrades; demolition; utilities relocation; and elevator installation

**Estimated Project Budget**

Design .....	\$ 3,821,000
Estimated Construction Cost (ECC) .....	40,516,000
Management & Inspection (M&I) .....	2,698,000
<b>Estimated Total Project Cost (ETPC)* .....</b>	<b>\$47,035,000</b>

\*Tenant agency may fund an additional amount for tenant improvements above the standard normally provided by GSA.

**Schedule**

	<b>Start</b>	<b>End</b>
Design and Construction	FY 2019	FY 2022

GSA

PBS

**PROSPECTUS – ALTERATION  
DENVER FEDERAL CENTER BUILDING 48  
LAKEWOOD, CO**

Prospectus Number: PCO-0522-LA19  
Congressional District: 7

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**Building**

Building 48 is part of the DFC's main campus and contains 154,422 gross square feet. The first section of the building was originally constructed in 1941 as part of the Denver Ordinance Plant, with additions made in the 1950s, 1960s, and in 1971. The building is predominantly warehouse space that was formerly occupied by the National Archives and Records Administration (NARA), which moved to a new location in 2013.

**Tenant Agencies**

Department of the Interior – Interior Business Center

**Proposed Project**

The project proposes a full modernization of Building 48 to renovate approximately 149,000 RSF of space, including the addition of a main entrance with an atrium to provide for daylighting. A below-grade courtyard will provide access and natural light for the basement-level office space with new windows and landscaping. This project will allow for a higher density open office environment and the relocation of the IBC from leased space.

Exterior walls will be insulated, repaired, and re-caulked, and the masonry will be repointed. All exterior windows will be replaced with efficient insulated glazing. Additional windows will be added to increase natural light. The entire roof and roof drain system will be replaced with skylights and solar tubes to provide top lighting, thereby increasing daylight penetration into the building's interior spaces. The project also will replace exterior stairs, railings, ramps, and sidewalks. A parking lot to accommodate approximately 500 parking spaces will be constructed. Site utilities will be replaced and relocated.

The basement will be built out and used for office space. To accommodate the use of the basement, a passenger elevator will be installed. Walls that do not provide structural support will be removed to create an open office area. Some loading docks will be removed, and the remaining docks will have new levelers, seal enclosures on doors, and electric vehicle charging stations installed. There also will be structural repairs and upgrades to provide sufficient support to the existing structure and additions.

The plumbing systems for hot water, chilled water, and sanitary sewer piping will be replaced, along with two domestic hot water heaters and gas piping. The project also includes an energy-efficient cooling and heating system with appropriate air distribution and building automation system, new electrical system, emergency power, a lighting

GSA

PBS

**PROSPECTUS – ALTERATION  
DENVER FEDERAL CENTER BUILDING 48  
LAKEWOOD, CO**

Prospectus Number: PCO-0522-LA19  
Congressional District: 7

system, a telecom room and equipment, security access control equipment, and a lightning protection system. Fire protection upgrades, including fire sprinklers and new fire alarm, will be installed. Architectural Barriers Act Accessibility Standards requirements will be addressed by automatic entrances, audible and visual notification systems, egress doors, larger stairwells, and accessible restrooms and parking spaces. The project also will abate hazardous materials encountered during construction.

**Major Work Items**

Electrical Replacement	\$7,979,000
HVAC Replacement	8,486,000
Interior Finishes	5,453,000
Plumbing Replacement	4,171,000
Interior Construction	2,378,000
Paving and Landscaping	2,975,000
Exterior Closures Repairs and Replacement	2,305,000
Structural Upgrades	1,453,000
Fire Protection Replacement	607,000
Demolition	3,962,000
Roof Replacement	455,000
Utilities Relocation	<u>292,000</u>
<b>Total ECC</b>	<b>\$40,516,000</b>

**Justification**

Building 48 was occupied by NARA for approximately 50 years and has been vacant for approximately 3 years. The building is predominantly warehouse space and is essentially a building shell that requires a complete modernization to facilitate the backfill.

Completion of this project reduces vacant space by approximately 149,000 RSF and eliminates approximately \$5 million in future annual lease payments to the private sector. IBC is currently housed in three leased locations and experiencing growth. GSA has been working closely with IBC since 2009 to create a solution that will allow it to consolidate its leases, provide more efficient work space, and upgrade its space to meet the modern day demands of running its business.

This project will provide IBC with a higher quality, more efficient work environment, progressive alternative workplace arrangements with shared resources, open office space, flexible conference rooms, and collaboration areas, in addition to telework and office



GSA

PBS

**PROSPECTUS – ALTERATION  
DENVER FEDERAL CENTER BUILDING 48  
LAKEWOOD, CO**

Prospectus Number: PCO-0522-LA19

Congressional District: 7

sharing. IBC will be closer to the other DOI bureaus and offices at the DFC, thereby providing easier access to its services.

The proposed full modernization of Building 48 will transform a deteriorating core asset at the heart of one of the country's largest Federal Government campuses into a high-performing LEED Gold facility capable of housing Class A office space for at least the next 30 years.

**Summary of Energy Compliance**

This project will be designed to conform to requirements of the *Facilities Standards for the Public Buildings Service*. GSA encourages design opportunities to increase energy and water efficiency above the minimum performance criteria.

**Prior Appropriations**

None

**Prior Committee Approvals**

None

**Prior Prospectus-Level Projects in Building (past 10 years):**

None

**Alternatives Considered (30-year, present value cost analysis)**

Alteration: .....	\$76,036,000
Lease .....	\$179,994,000
New Construction: .....	\$109,031,000

The 30-year, present value cost of alteration is \$103,958,000 less than the cost of leasing, with an equivalent annual cost advantage of \$3,465,000.

**Recommendation**

ALTERATION

GSAPBS

**PROSPECTUS – ALTERATION  
DENVER FEDERAL CENTER BUILDING 48  
LAKEWOOD, CO**

Prospectus Number: PCO-0522-LA19  
Congressional District: 7


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**Certification of Need**

The proposed project is the best solution to meet a validated Government need.

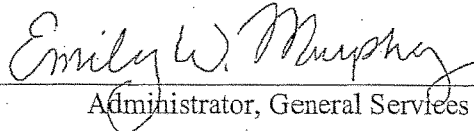
Submitted at Washington, DC, on February 12, 2018

Recommended: \_\_\_\_\_



Commissioner, Public Buildings Service

Approved: \_\_\_\_\_



Administrator, General Services Administration

## COMMITTEE RESOLUTION

ALTERATION—DENVER FEDERAL CENTER  
BUILDING 53, LAKEWOOD, CO

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that pursuant to 40 U.S.C. § 3307, appropriations are authorized for repairs and alterations for the partial modernization of Building 53, including upgrading building systems and backfilling vacant space at the Denver Federal Center located at West 6th

Avenue and Kipling Street in Lakewood, Colorado at a design cost of \$3,464,000, an estimated construction cost of \$38,306,000 and a management and inspection cost of \$2,757,000 for a total estimated project cost of \$44,527,000, a prospectus for which is attached to and included in this resolution.

*Provided*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

*Provided further*, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

GSA

PBS

**PROSPECTUS – ALTERATION  
DENVER FEDERAL CENTER BUILDING 53  
LAKEWOOD, CO**

Prospectus Number: PCO-0530-LA19  
Congressional District: 7

**FY 2019 Project Summary**

The General Services Administration (GSA) proposes a repair and alteration project for a partial modernization and backfill of Building 53 at the Denver Federal Center (DFC) located at West 6<sup>th</sup> Avenue and Kipling Street in Lakewood, CO. The proposed project will upgrade building systems and backfill vacant space. This project will provide a more efficient layout that both reduces agency utilization rates and allows for the recapture of and backfill of approximately 164,000 rentable square feet of vacant federally owned space. The vacant space will be occupied by the Department of the Interior (DOI) – Business Integration Office (BIO), DOI – Fish & Wildlife Service (FWS), and DOI – Office of Chief Information Officer (OCIO). Relocation of FWS and OCIO to Building 53 provides an annual lease cost avoidance of approximately \$3,000,000 and an annual agency rent savings of approximately \$600,000.

**FY 2019 Committee Approval and Appropriation Requested**

**(Design, Construction, Management & Inspection) .....\$44,527,000**

**Major Work Items**

Electrical, heating, ventilation and air conditioning (HVAC), roof, fire protection, and plumbing systems replacements; exterior closure repairs; interior finishes; paving, landscaping and site utilities; structural upgrades; and elevator repair and installation

**Estimated Project Budget**

Design .....	\$ 3,464,000
Estimated Construction Cost (ECC) .....	38,306,000
Management & Inspection (M&I) .....	2,757,000
<b>Estimated Total Project Cost (ETPC)* .....</b>	<b>\$44,527,000</b>

\*Tenant agencies may fund an additional amount for tenant improvements above the standard normally provided by GSA.

**Schedule**

	<b>Start</b>	<b>End</b>
Design and Construction	FY 2019	FY 2022

GSA

PBS

**PROSPECTUS – ALTERATION  
DENVER FEDERAL CENTER BUILDING 53  
LAKEWOOD, CO**

Prospectus Number: PCO-0530-LA19  
Congressional District: 7

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**Building**

Building 53 is part of the DFC's main campus and contains 387,826 gross square feet. The building was originally constructed in 1941 as part of the Denver Ordinance Plant. The building is a two-story brick structure with predominantly office space and some lab and warehouse space.

**Tenant Agencies**

Department of Agriculture – Forest Service, Natural Resources Conservation Service; Department of Health and Human Services – Office of the Secretary, Centers for Disease Control and Prevention; Department of Labor – Office of Inspector General, Employee Standards Administration, Office of Workers Compensation Program; Department of the Interior – Geological Survey, Bureau of Land Management, National Park Service, Bureau of Reclamation, Office of the Secretary, Office of Natural Resources and Revenue, BIO, FWS, OCIO; Department of Transportation – Pipeline and Hazardous Materials Safety Administration; Department of Veterans Affairs – Office of Information and Technology, Veteran Benefits Administration; Department of Homeland Security – Federal Protective Service; Environmental Protection Agency; Department of Defense – Defense Civilian Personnel Advisory Service; Small Business Administration; GSA – Public Buildings Service Field Office, Retail Service.

**Proposed Project**

This project will allow for a higher density open office environment and the relocation of FWS and OCIO from leased space. BIO also will be relocating from other Government-owned space at the DFC.

In addition to vacant space recapture, the following work will take place in the vacant space to be backfilled, as well as the common spaces: replace electrical power devices, cables, and telephone and data systems; replace light fixtures, lighting controls and related cable; upgrade the cooling and heating system equipment, controls and air distribution; and fire protection upgrades, including fire sprinklers and alarms. The plumbing systems for hot water and chilled water and plumbing fixtures will be replaced.

The project includes paving and landscaping for a parking lot to accommodate approximately 65 vehicles and relocation of utilities to provide lighting for the parking lot.

The foundation and floor slab will be repaired throughout the building, as required. The project includes replacement of the sanitary sewer system for the entire building, the roof,

GSA

PBS

**PROSPECTUS – ALTERATION  
DENVER FEDERAL CENTER BUILDING 53  
LAKEWOOD, CO**

Prospectus Number: PCO-0530-LA19  
Congressional District: 7

and the exterior windows, which replacement will include efficient insulated glazing. Exterior walls will be insulated and repaired, the masonry will be re-caulked and repointed, and some exterior doors will be replaced. All restrooms will be upgraded with new finishes. The existing elevators will be upgraded and one new elevator will be installed at the main entrance.

**Major Work Items**

Electrical Replacement	\$10,385,000
Interior Finishes	7,655,000
HVAC Replacement	3,266,000
Exterior Closures Repairs and Replacement	5,312,000
Roof Replacement	5,043,000
Fire Protection Replacement	2,272,000
Plumbing Replacement	1,605,000
Paving, Landscaping and Site Utilities	1,268,000
Structural Upgrades	945,000
Elevator Repair and Installation	<u>555,000</u>
<b>Total ECC</b>	<b>\$38,306,000</b>

**Justification**

The building has not undergone significant reinvestment since originally constructed in 1941. Many of its systems no longer meet the current code requirements or have exceeded their useful life, and replacement parts are expensive and difficult to find. DOI is the largest tenant on the DFC and is actively working with GSA to reduce its footprint and eliminate multiple private sector leases. This project will provide a high-quality, more efficient work environment, the ability to embrace new technologies, and better space layout. This allows increased collaboration and coordination among DOI's bureaus to better fulfill their missions and goals. These moves are part of the GSA and DOI long-term strategic plan for the DFC and will transform a deteriorating core asset into a high-performing facility that will continue operating for at least another 30 years.

The lighting, electrical system, and various components of the HVAC system are beyond their useful lives and need to be brought up to current design standards. Currently, there is no emergency generator to support the building. The windows are outdated and do not meet required thermal and infiltration performance levels. The roof is in poor condition and beyond its useful life, and the building envelope needs to be sealed to prevent water infiltration into customer space and avoid further work outages. The fire protection system is outdated and will be upgraded in renovated space and common areas. The

GSA

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**PROSPECTUS – ALTERATION  
DENVER FEDERAL CENTER BUILDING 53  
LAKEWOOD, CO**

Prospectus Number: PCO-0530-LA19  
Congressional District: 7

sewer piping is at the end of its useful life and needs to be replaced. New domestic water supply and fixtures will be required for newly renovated areas, as well as common areas. An additional parking area is needed to accommodate the increased number of tenants. The floor is uneven in some areas and the floor slab is cracking and heaving. The existing elevators are in need of upgrades, in addition to a new passenger elevator to better distribute upper level access across the building.

Undertaking the necessary infrastructure improvements will reduce greenhouse gas emissions, improve energy efficiency, reduce maintenance costs, help facilitate long-term tenancy, and meet customer agency needs.

**Summary of Energy Compliance**

This project will be designed to conform to requirements of the *Facilities Standards for the Public Buildings Service*. GSA encourages design opportunities to increase energy and water efficiency above the minimum performance criteria.

**Prior Appropriations**

None

**Prior Committee Approvals**

None

**Prior Prospectus-Level Projects in Building (past 10 years):**

None

**Alternatives Considered (30-year, present value cost analysis)**

Alteration .....	\$ 65,113,000
Lease .....	\$308,688,000
New Construction .....	\$199,403,000

The 30-year, present value cost of alteration is \$243,575,000 less than the cost of leasing, with an equivalent annual cost advantage of \$8,119,000.

**Recommendation**

ALTERATION



GSA

PBS

PROSPECTUS – ALTERATION  
DENVER FEDERAL CENTER BUILDING 53  
LAKEWOOD, CO

Prospectus Number: PCO-0530-LA19  
Congressional District: 7

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**Certification of Need**

The proposed project is the best solution to meet a validated Government need.

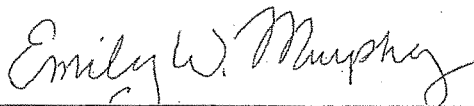
Submitted at Washington, DC, on February 12, 2018

Recommended:



Commissioner, Public Buildings Service

Approved:



Administrator, General Services Administration

## COMMITTEE RESOLUTION

ALTERATION—LYNDON BAINES JOHNSON  
FEDERAL BUILDING, WASHINGTON, DC

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that pursuant to 40 U.S.C. § 3307, appropriations are authorized for repairs and alterations for realigning and reconfiguring approximately 286,000 usable square feet of Department of Education-occupied space and upgrading or replacing multiple building sys-

tems at the Lyndon Baines Johnson Federal Building located at 400 Maryland Avenue, SW in Washington, D.C. at an additional design cost of \$1,266,000, an estimated construction cost of \$30,431,000, a management and inspection cost of \$825,000 for a total additional project cost of \$32,522,000 and a total estimated project cost of \$36,722,000, a prospectus for which is attached to and included in this resolution.

*Provided*, that the General Services Administration shall not delegate to any other

agency the authority granted by this resolution.

*Provided further*, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

GSA

PBS

**PROSPECTUS – ALTERATION  
LYNDON BAINES JOHNSON FEDERAL BUILDING  
WASHINGTON, DC**

Prospectus Number: PDC-0010-WA19

**FY 2019 Project Summary**

The General Services Administration (GSA) proposes a repair and alteration project for the Lyndon Baines Johnson (LBJ) Federal Building located at 400 Maryland Avenue, SW, Washington, DC. The proposed project will realign and reconfigure approximately 286,000 usable square feet (USF) of Department of Education (Education)-occupied space and upgrade or replace multiple building systems. The proposed renovation will support GSA and Education's ongoing efforts to improve Education's utilization of space and generate an annual lease cost avoidance of approximately \$6,500,000 and an annual agency rent savings of approximately \$3,000,000.

**FY 2019 Committee Approval and Appropriation Requested**

(Additional Design, Construction, Management & Inspection).....\$32,522,000

**Major Work Items**

Electrical, heating, ventilation and air conditioning (HVAC), fire and life safety, and plumbing systems upgrades/replacements; demolition; interior construction

**Project Budget**

Design (FY 2018) .....	\$ 4,200,000
Design .....	1,266,000
Estimated Construction Cost (ECC) .....	30,431,000
Management and Inspection (M&I) .....	825,000
<b>Estimated Total Project Cost (ETPC)* .....</b>	<b>\$36,722,000</b>

\*The tenant agency may fund an additional amount for tenant improvements above the standard normally provided by GSA.

**Schedule**

	<b>Start</b>	<b>End</b>
Design	FY 2018	FY 2019
Construction	FY 2019	FY 2023

**Building**

Constructed in 1959, the LBJ Federal Building consists of 640,332 gross square feet and 386,635 USF. The building has seven floors occupied above grade, plus a mechanical penthouse, and two levels below grade, including the basement parking area. The property is across the street from the Smithsonian's Air and Space Museum, as well as the National Museum of the American Indian. A planned memorial to President Dwight D.

GSA

PBS

**PROSPECTUS – ALTERATION  
LYNDON BAINES JOHNSON FEDERAL BUILDING  
WASHINGTON, DC**

Prospectus Number: PDC-0010-WA19

Eisenhower is expected to be constructed in the next few years on the north side of the LBJ Federal Building.

**Tenant Agencies**

Department of Education

**Proposed Project**

The project proposes to renovate and reconfigure floors 3, 4, 6, and 7 of the existing building, resulting in an open office environment with sufficient work and meeting space to meet Education's programmatic requirements in a much more efficient manner while consolidating personnel from leased space.

The majority of the building system capacities will meet the forecast demand after consolidation, but a few system upgrades are needed. These upgrades include the HVAC controls, new power distribution circuits and breaker ties, open mobile workspace construction, and a new generator.

The proposed project also includes life safety items, such as new fire alarm annunciators and replacement of equipment in fire control rooms, and items to improve energy efficiency. Additionally, the switchgear replacement project will replace the medium and low voltage switchgear and network transformers and protectors, and upgrade the monitoring devices within the switchgears to be compatible with GSA requirements for the advanced metering systems.

**Major Work Items**

Electrical Upgrades	\$ 21,603,000
Interior Alterations	6,892,000
Life Safety Upgrades	974,000
Plumbing Upgrades	<u>962,000</u>
<b>TOTAL ECC</b>	<b>\$30,431,000</b>

**Justification**

The proposed project will increase the utilization of the LBJ Federal Building, thereby allowing Education to use the space more efficiently and cost effectively and reduce its reliance on privately owned leased space. This reduction will further reduce the Government's real estate footprint and save the taxpayer's money.

GSA

PBS

PROSPECTUS – ALTERATION  
LYNDON BAINES JOHNSON FEDERAL BUILDING  
WASHINGTON, DC

Prospectus Number: PDC-0010-WA19

The existing medium- and low-voltage switchgear is obsolete and lacks the safety features and equipment required. Upgrading the current equipment will achieve at least another 20 years of reliable service.

Summary of Energy Compliance

This project will be designed to conform to requirements of the *Facilities Standards for the Public Buildings Service*. GSA encourages design opportunities to increase energy and water efficiency above the minimum performance criteria.

Prior Appropriations

None

Prior Committee Approvals

None

Prior Prospectus-Level Projects in Building (past 10 years):

None

Alternatives Considered (30-year, present value cost analysis)

Alteration: .....	\$314,697,947
Lease .....	\$580,101,162
New Construction: .....	\$325,073,546

The 30-year, present value cost of alteration is \$265,403,215 less than the cost of leasing, with an equivalent annual cost advantage of \$13,192,970.

Recommendation

ALTERATION

GSA

PBS

PROSPECTUS – ALTERATION  
LYNDON BAINES JOHNSON FEDERAL BUILDING  
WASHINGTON, DC

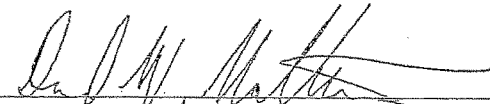
Prospectus Number: PDC-0010-WA19

Certification of Need


The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on February 12, 2018

Recommended:

  
Commissioner, Public Buildings Service

Approved:

  
Administrator, General Services Administration

## AMENDED COMMITTEE RESOLUTION

ALTERATION—MINTON-CAPEHART FEDERAL  
BUILDING, INDIANAPOLIS, IN

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that pursuant to 40 U.S.C. § 3307, appropriations are authorized for repairs and alterations for structural and related system upgrades of the parking garage at the Minton-Capehart Federal Building located at 575 North Pennsylvania Street in Indianap-

olis, Indiana of a reduction in design cost of \$195,000, an additional estimated construction cost of \$3,358,000 and a reduction in management and inspection cost of \$6,000 for a total additional cost of \$3,157,000 and total estimated project cost of \$13,941,000, a prospectus for which is attached to and included in this resolution. This resolution amends the authorization of the Committee on May 25, 2016 of Prospectus No. PIN-0133-1N17.

*Provided*, that the General Services Administration shall not delegate to any other

agency the authority granted by this resolution.

*Provided further*, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.



GSA

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AMENDED PROSPECTUS – ALTERATION  
MINTON-CAPEHART FEDERAL BUILDING  
INDIANAPOLIS, IN

Prospectus Number: PIN-0133-IN19  
Congressional District: 7

**FY 2019 Project Summary**

The General Services Administration (GSA) proposes a repair and alteration project to undertake structural and related system upgrades of the parking garage at the Minton-Capehart Federal Building located at 575 North Pennsylvania Street in Indianapolis, IN. The proposed project will address safety and operability issues of the rapidly deteriorating garage.

This prospectus amends Prospectus No. PIN-0133-IN17. GSA is requesting approval of an additional \$3,157,000 to account for cost escalations and refined project scope and budget.

**FY 2019 Committee Approval Requested**

(Construction) ..... \$3,157,000<sup>1</sup>

**FY 2019 Committee Appropriation Requested**

(Design, Construction, Management & Inspection) ..... \$13,941,000

**Major Work Items**

Superstructure repairs and demolition; electrical and fire protection replacement/upgrades

**Project Budget**

Design ..... \$904,000  
Estimated Construction Cost (ECC) ..... 12,165,000  
Management and Inspection (M&I) ..... 872,000  
Estimated Total Project Cost (ETPC)\* ..... \$13,941,000

\*Tenant agencies may fund an additional amount for alterations above the standard normally provided by GSA.

<sup>1</sup> The amount approved for Design and Management and Inspection in Prospectus No. PIN-0133-IN17 by the House and Senate Committees includes \$201,000 (\$195,000 Design and \$6,000 Management and Inspection) more than the current estimate. The approval requested in this FY 2019 amended prospectus reflects the balance needed for the project, assuming reallocation of the previously approved \$195,000 from Design and \$6,000 from Management and Inspection to Construction.

GSA

PBS

**AMENDED PROSPECTUS – ALTERATION  
MINTON-CAPEHART FEDERAL BUILDING  
INDIANAPOLIS, IN**

Prospectus Number: PIN-0133-IN19  
Congressional District: 7

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<u>Schedule</u>	<u>Start</u>	<u>End</u>
Design and Construction	FY 2019	FY 2022

**Building**

The Minton-Capehart Federal Building, built in 1974, is six stories above grade and includes a mezzanine and basement. The attached parking garage, which is original to the building, is two stories, with the first story partially below grade and partially exposed to the elements. The garage provides 464 parking spaces, which accommodates Government-owned, including law enforcement, vehicles, and 75 vehicles associated with the nearby Birch Bayh Federal Building and U.S. Courthouse tenants. The upper deck serves as a partial cover for the lower deck. The garage is elevated and entirely open to the atmosphere and elements. The garage's upper deck is joined to the Federal Building's first floor entry and plaza. The lower level has a dock area that is also attached to the Federal Building.

**Tenant Agencies**

Department of Housing and Urban Development, Department of Justice, Department of the Treasury, Department of Veterans Affairs, Department of Homeland Security, GSA, Department of Transportation, National Labor Relations Board, Social Security Administration, Department of Labor (parking only), and Judiciary (parking only)

**Proposed Project**

The proposed project scope includes concrete repairs and upgrades to lateral load resistance, which will extend the life of the parking structure for several decades. The upper level slab will be replaced, and a new membrane for vehicle bearing surfaces will be installed over the top of the new slab. Existing beams will be repaired or replaced at locations where concrete has spalled. New concrete shear walls will be constructed. The project also includes improvements to the supporting columns, shear walls, and exterior stairwells, as well as improvements to the lighting and fire protection and installation of bollards at the garage entrance and exits.

**Major Work Items**

Superstructure Repairs and Demolition	\$10,875,000
Electrical Replacement/Upgrades	771,000
Fire Protection Replacement/Upgrades	<u>519,000</u>
<b>Total ECC</b>	<b>\$12,165,000</b>

GSA

PBS

**AMENDED PROSPECTUS – ALTERATION  
MINTON-CAPEHART FEDERAL BUILDING  
INDIANAPOLIS, IN**

Prospectus Number: PIN-0133-IN19  
Congressional District: 7

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**Justification**

The garage is over 40 years old and is in urgent need of a major renovation. The garage is suffering from multiple concrete-related failures including: delamination on the floor slabs and beams, and slab reinforcement with extensive section loss; concrete spalling and delamination at some column facades; water leakage on the underside of the supported level; and deteriorated expansion joints. The current electrical infrastructure will be upgraded/replaced to meet current codes. The installation of bollards on both the entrance and exit ramps of the garage will enhance security.

Interim short-term repairs have been undertaken with minor repair and alteration program funds over the past decade in an attempt to address immediate safety measures. The corrosion, spalling, and delamination of the structure are threatening tenant and property safety. Sections of the garage have been closed due to the risk. Currently, two parking spaces in the lower level are closed due to falling concrete. Ten additional parking spaces in the lower level are closed due to water leaks from the upper deck that have damaged several vehicles. Until a major repair is completed, tenant safety will continue to be threatened, closures of sections of the garage will need to be continued and expanded, and degradation of the garage deck will continue.

**Summary of Energy Compliance**

This project will be designed to conform to requirements of the *Facilities Standards for the Public Buildings Service*. GSA encourages design opportunities to increase energy and water efficiency above the minimum performance criteria.

GSA

PBS

**AMENDED PROSPECTUS – ALTERATION  
MINTON-CAPEHART FEDERAL BUILDING  
INDIANAPOLIS, IN**

Prospectus Number: PIN-0133-IN19  
Congressional District: 7

**Prior Appropriations**

None

**Prior Committee Approvals**

Prior Committee Approvals			
Committee	Date	Amount	Purpose
House T&I	5/25/2016	\$10,784,000	Design = \$1,099,000 ECC = \$8,807,000 M&I = \$878,000
Senate EPW	5/18/2016	\$10,784,000	Design = \$1,099,000 ECC = \$8,807,000 M&I = \$878,000

**Prior Prospectus-Level Projects in Building (past 10 years)**

Prospectus	Description	FY	Amount
P.L. 111-5 (ARRA)	Modernization	2009	\$48,086,000

**Alternatives Considered (30-year, present value cost analysis)**

There are no feasible alternatives to this project. This is a limited scope renovation, and the cost of the proposed project is far less than the cost of leasing or constructing a new building.

**Recommendation**

ALTERATION

GSAPBS

AMENDED PROSPECTUS — ALTERATION  
MINTON-CAPEHART FEDERAL BUILDING  
INDIANAPOLIS, IN

Prospectus Number: PIN-0133-IN19  
Congressional District: 7


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**Certification of Need**

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on February 12, 2018

Recommended: \_\_\_\_\_



Commissioner, Public Buildings Service

Approved: \_\_\_\_\_



Administrator, General Services Administration

## COMMITTEE RESOLUTION

ALTERATION—POTTER STEWART U.S.  
COURTHOUSE, CINCINNATI, OH

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that pursuant to 40 U.S.C. § 3307, appropriations are authorized for repairs and alterations for a consolidation project that will relocate the U.S. Bankruptcy Court from leased space to owned space at the Pot-

ter Stewart U.S. Courthouse located in Cincinnati, Ohio at a design cost of \$3,086,000, an estimated construction cost of \$27,229,000, a management and inspection cost of \$2,570,000 for a total estimated project cost of \$32,885,000, a prospectus for which is attached to and included in this resolution.

*Provided*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

*Provided further*, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

GSA

PBS

**PROSPECTUS – ALTERATION  
POTTER STEWART U.S. COURTHOUSE  
CINCINNATI, OH**

Prospectus Number: POH-0028-CN19  
Congressional District: 1

**FY 2019 Project Summary**

The General Services Administration (GSA) proposes a consolidation project that will relocate the U.S. Bankruptcy Court (USBC) from over 38,000 usable square feet (USF) of leased space to approximately 21,000 USF in the Potter Stewart U.S. Courthouse (Potter Stewart Courthouse). The project will meet the long-term housing needs of USBC, decrease the Federal Government’s reliance on leased space, reduce federally owned vacant space, and improve space utilization in the Potter Stewart Courthouse. Approximately \$1.6 million in annual lease costs will be avoided, with savings of approximately \$160,000 in annual agency rent payments.

**FY 2019 Committee Approval and Appropriation Requested**

(Design, Construction, Management & Inspection).....\$32,885,000

**Major Work Items**

Interior construction; demolition and hazardous materials abatement; heating, ventilation, and air conditioning (HVAC); electrical, plumbing and life safety upgrades

**Project Budget**

Design.....\$3,086,000  
Estimated Construction Cost (ECC) .....27,229,000  
Management & Inspection (M&I) .....2,570,000  
Estimated Total Project Cost (ETPC)\* .....\$32,885,000

\*Tenant agencies may fund an additional amount for tenant improvements above the standard normally provided by GSA.

**Schedule**

	<b>Start</b>	<b>End</b>
Design and Construction	FY 2019	FY 2024

**Building**

The Potter Stewart Courthouse, built in 1938, is a nine-story structure designed in the Art Modern style. The primary elevations are clad in limestone atop a granite base. The courthouse is approximately 529,000 gross square feet, with 11 outside parking spaces. It is located within Cincinnati’s Central Business District and is listed in the National Register of Historic Places. It serves as the main office for the Sixth Circuit Court Executive. A service and pedestrian tunnel connects the building to the John Weld Peck Federal Building.



GSA

PBS

**PROSPECTUS – ALTERATION  
POTTER STEWART U.S. COURTHOUSE  
CINCINNATI, OH**

Prospectus Number: POH-0028-CN19  
Congressional District: 1

**Tenant Agencies**

Judiciary, Department of Justice, GSA

**Proposed Project**

The proposed project involves alterations to consolidate USBC's space into the Potter Stewart Courthouse from leased space. The construction will create two USBC courtrooms and chambers, clerk space, and shared support spaces. HVAC, electrical, plumbing, and life safety system upgrades required to house USBC in the courthouse also will be completed. To provide contiguous space for USBC, some of the existing customer agency space may be relocated within the courthouse.

**Major Work Items**

Interior Construction	\$21,411,000
Demolition /Hazardous Materials Abatement	1,825,000
HVAC Upgrades	2,630,000
Electrical Upgrades	1,128,000
Plumbing Upgrades	133,000
Life Safety Upgrades	<u>102,000</u>
<b>Total ECC</b>	<b>\$27,229,000</b>

**Justification**

The Potter Stewart Courthouse has approximately 30,000 USF of vacant space. USBC, which currently is in 38,000 USF of leased space, will backfill approximately 21,000 USF in the building once the project is completed. The majority of the remaining vacant space will be in the basement and sub-basement of the building. Bringing USBC into the Potter Stewart Courthouse will co-locate all of the judiciary's space in Cincinnati into one location and will avoid approximately \$1.6 million in annual lease costs.

**Summary of Energy Compliance**

This project will be designed to conform to requirements of the *Facilities Standards for the Public Buildings Service*. GSA encourages design opportunities to increase energy and water efficiency above the minimum performance criteria.

**Prior Appropriations**

None

GSA

PBS

**PROSPECTUS — ALTERATION  
POTTER STEWART U.S. COURTHOUSE  
CINCINNATI, OH**

Prospectus Number: POH-0028-CN19  
Congressional District: 1

**Prior Committee Approvals**

None

**Prior Prospectus-Level Projects in Building (past 10 years)**

None

**Alternatives Considered (30-year, present value cost analysis)**

Alteration .....	\$40,715,000
Lease .....	\$66,844,000
New Construction .....	\$45,072,000

The 30-year, present value cost of alteration is \$26,129,000 less than the cost of leasing, with an equivalent annual cost advantage of \$1,299,000.

**Recommendation**

ALTERATION

GSA

PBS

PROSPECTUS – ALTERATION  
POTTER STEWART U.S. COURTHOUSE  
CINCINNATI, OH

Prospectus Number: POH-0028-CN19  
Congressional District: 1

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**Certification of Need**

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on February 12, 2018

Recommended: \_\_\_\_\_



Commissioner, Public Buildings Service

Approved: \_\_\_\_\_



Administrator, General Services Administration

**Housing Plan**  
**Potter Stewart U.S. Courthouse**

POH-0028-CN19  
Cincinnati, OH

September 28, 2018

## CONGRESSIONAL RECORD — HOUSE

H9295

	CURRENT						PROPOSED					
	Personnel		Usable Square Feet (USF) <sup>1</sup>				Personnel		Usable Square Feet (USF) <sup>1</sup>			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
Leased Location												
221 E. 4th St.												
Judiciary-U.S. Bankruptcy Court	25	25	38,305	-	-	38,305	-	-	-	-	-	-
Subtotal	25	25	38,305	-	-	38,305	-	-	-	-	-	-
Federally-owned Locations												
Potter Stewart U.S. Courthouse												
DOJ - U.S. Marshals Service	32	32	11,877	4,306	3,908	20,091	32	32	11,877	4,306	3,908	20,091
DOJ - Office of U.S. Attorneys	-	-	1,697	403	95	2,195	-	-	1,697	403	95	2,195
DHS - Federal Protective Service	-	-	-	225	-	225	-	-	-	225	-	225
GSA	8	8	4,917	88	90	5,095	3	3	1,596	-	-	1,596
Judiciary-U.S. District Court	53	53	23,843	2,346	53,603	79,792	53	53	25,148	2,346	53,603	81,097
Judiciary-U.S. Court of Appeals	144	144	38,785	2,992	54,437	96,214	144	144	37,165	3,366	55,483	96,014
Judiciary - Circuit Executive	21	21	10,361	5,591	3,892	19,844	21	21	10,361	5,591	3,892	19,844
Judiciary-Probation	22	22	10,705	1,303	900	12,908	22	22	4,904	757	2,078	7,739
Judiciary- Pretrial Services	4	4	1,693	-	84	1,777	4	4	1,693	-	84	1,777
U.S. Tax Court	-	-	42	-	2,299	2,341	-	-	42	-	2,299	2,341
Judiciary-U.S. Bankruptcy Court	-	-	-	-	-	-	25	25	9,108	3,834	8,459	21,401
Joint Use	-	-	2,928	316	4,315	7,559	-	-	2,928	316	4,315	7,559
Vacant	-	-	19,637	7,379	4,044	31,060	-	-	7,352	7,100	2,769	17,222
Subtotal	284	284	126,485	24,949	127,667	279,101	304	304	113,871	28,244	136,986	279,101
Total	309	309	164,790	24,949	127,667	317,406	304	304	113,871	28,244	136,986	279,101

Office Utilization Rate <sup>2</sup>		Current	Proposed
Building Office Tenants (excluding Judiciary, Congress, and agencies with less than 10 employees)		290	290
All Building Office Tenants (including Judiciary, Congress, and agencies with less than 10 employees)		347	292
Total Building USF Rate <sup>3</sup>		Current	Proposed
Building Tenants (excluding Judiciary, Congress, and agencies with less than 10 employees)		628	628
Building Tenants (including Judiciary, Congress, and agencies with less than 10 employees)		983	918

Special Space		USF
ADP		1,750
Conference/ Training		12,604
Courtrooms/ Judiciary		27,791
Food Service		3,969
Fitness Center		2,754
Judge's Chambers		58,328
Judicial Hearing Room		2,713
Private Toilet		8,070
Structurally Changed		2,341
Tenant Floor Ctr		16,668
<b>Total</b>		<b>136,986</b>

Current Office UR excludes: 2,613 usf of office support space  
Proposed Office UR excludes: 2,613 usf of office support space

Current Office UR excludes: 27,827 usf of office support space  
Proposed Office UR excludes: 23,052 usf of office support space

## NOTES:

<sup>1</sup> USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

<sup>2</sup> Office Utilization Rate = total office space available for office personnel. UR calculation excludes office support space USF.

<sup>3</sup> Total Building USF Rate = total building USF (office, storage, special) available for all building occupants (office, and non-office personnel).

## AMENDED COMMITTEE RESOLUTION

ALTERATION—CARL B. STOKES U.S.  
COURTHOUSE, CLEVELAND, OH

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that pursuant to 40 U.S.C. § 3307, appropriations are authorized for repairs and alterations to complete, repair, and expand the plaza system at the Carl B. Stokes U.S. Courthouse located at the intersection of Superior Avenue and Huron Road in Cleveland,

Ohio of an additional design cost of \$342,000, an additional estimated construction cost of \$3,788,000 and an additional management and inspection cost of \$310,000 for a total additional cost of \$4,400,000 and total estimated project cost of \$19,964,000, a prospectus for which is attached to and included in this resolution. This resolution amends the authorization of the Committee on May 25, 2016 of Prospectus No. POH-0301-CL17.

*Provided*, that the General Services Administration shall not delegate to any other

agency the authority granted by this resolution.

*Provided further*, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

GSA

PBS

**AMENDED PROSPECTUS – ALTERATION  
CARL B. STOKES U.S. COURTHOUSE  
CLEVELAND, OH**

Prospectus Number: POH-0301-CL19  
Congressional District: 11

**FY 2019 Project Summary**

The General Services Administration (GSA) proposes a repair and alteration project to complete, repair, and expand the plaza system at the Carl B. Stokes U.S. Courthouse (Stokes Courthouse) located at 801 W. Superior Avenue in Cleveland, OH. The completion of the proposed repairs will correct the ongoing deterioration of the plaza system, eliminate water infiltration into the building, and allow for the completion of the plaza toward Superior Avenue, which has remained unfinished since construction of the courthouse in 2002.

This prospectus amends Prospectus No. POH-0301-CL17. GSA is requesting approval of an additional \$4,440,000 to account for cost escalations and refined project scope.

**FY 2019 Committee Approval Requested**

(Design, Construction, and Management & Inspection).....\$4,440,000

**FY 2019 Appropriation Requested**

(Design, Construction, and Management & Inspection).....\$19,964,000

**Major Work Items**

Sitework

**Project Budget**

Design .....	\$1,855,000
Estimated Construction Cost (ECC) .....	16,515,000
Management and Inspection (M&I) .....	1,594,000
<b>Estimated Total Project Cost (ETPC) .....</b>	<b>\$19,964,000</b>

\*Tenant agencies may fund an additional amount for alterations above the standard normally provided by GSA.

**Schedule**

	<b>Start</b>	<b>End</b>
Design and Construction	FY 2019	FY 2023

**Building**

The Stokes Courthouse is a 766,000 gross square foot building with 21 stories above grade and 3 below grade. Construction of the building was completed in 2002, and its

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**AMENDED PROSPECTUS – ALTERATION  
CARL B. STOKES U.S. COURTHOUSE  
CLEVELAND, OH**

Prospectus Number: POH-0301-CL19  
Congressional District: 11

primary function is to serve as a Federal courthouse. The Stokes Courthouse is located at the intersection of Superior Avenue and Huron Road. The existing plaza spans the front of the property along Huron Road and was originally designed to extend to the corner of Superior Avenue. The building acts as an anchor to the downtown area of Cleveland and is prominent in the city's skyline.

**Tenant Agencies**

Judiciary, Department of Justice, Senate, GSA

**Proposed Project**

The project proposes to repair the plaza at the Stokes Courthouse to eliminate water leaks and infiltration into the lower levels of the building. The scope includes refinishing and reinforcing the structural steel that supports the plaza, along with repairs to fireproofing and upgrading the surface parking lot.

The project also proposes to extend the currently incomplete plaza toward Superior Avenue as was envisioned in the original design. Due to a funding shortage when the building was originally constructed, a portion of the plaza was left unfinished.

**Major Work Items**

Sitework	\$16,515,000
<b>Total ECC</b>	<b>\$16,515,000</b>

**Justification**

The structural steel that supports the plaza is exposed to the elements and has been since the original construction. The steel has considerable rust damage, and the structural beams that support the plaza and connect into the parking garage are heavily corroded. Part of the unfinished plaza includes the base of the structural steel columns that are at grade with the Cleveland Regional Transit Authority train tracks and support beams that run above and across the train tracks. If the steel continues to be left unattended, it will become difficult to repair and will result in structural issues. The corroded steel is also very unsightly and detracts from the appearance of the courthouse.

The plaza has experienced excessive water infiltration in many areas that will worsen until repairs are completed. The leaks have been causing damage to the structure, interior finishes, and the fireproofing in the lower levels of the building.



GSA

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**AMENDED PROSPECTUS – ALTERATION  
CARL B. STOKES U.S. COURTHOUSE  
CLEVELAND, OH**

Prospectus Number: POH-0301-CL19  
Congressional District: 11

The plaza surrounding the Stokes Courthouse remains incomplete from the time of the original construction in 2002. The sidewalk on the northwest side of the site is built on a portion of the city-owned and controlled Huron Road. This sidewalk is the only way to access the building from the southeast intersection of Huron Road and Superior Avenue. Once the plaza is completed, the sidewalk will be returned to the city, and this will restore a lane of traffic on Huron Road. Completion of the plaza will protect the structural steel from future damage, improve pedestrian access to the building, incorporate the building into the surrounding urban environment, and significantly improve the appearance of the Stokes Courthouse. The building's location within the city acts as a prominent gateway for those entering into the city from the west. Unfortunately, this impression is lost when visitors reach the intersection of Huron Road and Superior Avenue, where the steel installed for the completion of the plaza is rusting and the appearance of the facility at street level is that of a public building that is difficult to approach.

**Summary of Energy Compliance**

This project will be designed to conform to requirements of the *Facilities Standards for the Public Buildings Service*. GSA encourages design opportunities to increase energy and water efficiency above the minimum performance criteria.

**Prior Appropriations**

None

**Prior Committee Approvals**

Prior Committee Approvals			
Committee	Date	Amount	Purpose
House T&I	5/25/2016	\$15,524,000	Design = \$1,513,000 ECC = \$12,727,000 M&I = \$1,284,000
Senate EPW	5/18/2016	\$15,524,000	Design = \$1,513,000 ECC = \$12,727,000 M&I = \$1,284,000

**Prior Prospectus-Level Projects in Building (past 10 years)**

None

GSA

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AMENDED PROSPECTUS – ALTERATION  
CARL B. STOKES U.S. COURTHOUSE  
CLEVELAND, OH

Prospectus Number: POH-0301-CL19  
Congressional District: 11

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Alternatives Considered (30-year, present value cost analysis)

There are no feasible alternatives to this project. This project is a limited scope renovation and the cost of the proposed project is far less than the cost of leasing or constructing a new building.

Recommendation

ALTERATION

GSA

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AMENDED PROSPECTUS — ALTERATION  
CARL B. STOKES U.S. COURTHOUSE  
CLEVELAND, OH

Prospectus Number: POH-0301-CL19  
Congressional District: 11

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**Certification of Need**

The proposed project is the best solution to meet a validated Government need.

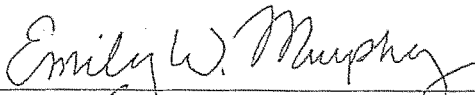
Submitted at Washington, DC, on February 12, 2018

Recommended:



Commissioner, Public Buildings Service

Approved:



Administrator, General Services Administration

## COMMITTEE RESOLUTION

ALTERATION—U.S. CUSTOM HOUSE,  
PHILADELPHIA, PA

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that pursuant to 40 U.S.C. § 3307, appropriations are authorized for repairs and alterations for repairing and replacing domestic and storm water systems and upgrading and replacing the heating, ventilation, and air conditioning system at the U.S. Custom

House located at 200 Chestnut Street in Philadelphia, Pennsylvania at a design cost of \$7,440,000, an estimated construction cost of \$78,025,000, a management and inspection cost of \$10,005,000 for a total estimated project cost of \$95,470,000, a prospectus for which is attached to and included in this resolution.

*Provided*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

*Provided further*, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

GSA

PBS

**PROSPECTUS – ALTERATION  
U.S. CUSTOM HOUSE  
PHILADELPHIA, PA**

Prospectus Number: PPA-0144-PH19  
Congressional District: 1

**FY 2019 Project Summary**

The General Services Administration (GSA) proposes a repair and alteration project for the U.S. Custom House (Custom House) located at 200 Chestnut Street in Philadelphia, PA. The proposed project will repair/replace the building's domestic and storm water systems and upgrade/replace the heating, ventilation, and air conditioning (HVAC) system to a more efficient, modern design.

**FY 2019 Committee Approval and Appropriation Requested**

(Design, Construction, Management & Inspection) .....\$95,470,000

**Major Work Items**

HVAC upgrades/replacement; interior construction; demolition/abatement; plumbing repair/replacement; electrical, fire and life safety system upgrades; and roof upgrades

**Project Budget**

Design .....	\$ 7,440,000
Estimated Construction Cost (ECC).....	78,025,000
Management & Inspection (M&I) .....	10,005,000
<b>Estimated Total Project Cost (ETPC) .....</b>	<b>\$95,470,000</b>

\*Tenant agencies may fund an additional amount for alterations above the standard normally provided by GSA.

**Schedule**

	<b>Start</b>	<b>End</b>
Design and Construction	FY 2019	FY 2025

**Building**

The Custom House is a 19-story, approximately 565,000 gross square foot building located on the eastern side of the Philadelphia central business district. The building was originally constructed in 1934 and is primarily utilized as office space. The Custom House is listed in the National Register of Historic Places and is distinguished by an ornate, three-story rotunda situated in the main lobby.

GSA

PBS

**PROSPECTUS – ALTERATION  
U.S. CUSTOM HOUSE  
PHILADELPHIA, PA**

Prospectus Number: PPA-0144-PH19  
Congressional District: 1

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**Tenant Agencies**

Department of Homeland Security, Department of Justice, Department of Health and Human Services, Department of the Interior, Department of State, Department of Agriculture, U.S. Tax Court, U.S. Senate, GSA

**Proposed Project**

The building is suffering from recurrent flooding caused by the aged domestic water piping system and significant temperature and indoor air quality issues caused by the insufficient and outdated HVAC system. Electrical system components will be replaced to support the HVAC systems. Mitigation of hazardous materials and associated sprinkler modifications will be accomplished in disturbed areas as part of the project.

To repair the building's domestic water system, the piping will need to be exposed, abated of asbestos, inspected, and repaired. Concurrently, the building's induction unit system will be removed, abated of asbestos, and upgraded to a four-pipe fan coil system. Due to the invasive nature of this work and the presence of hazardous materials, the majority of building tenants will be moved into internal swing space.

The less invasive aspects of the project include repairing the storm water system, replacing the building automation system, replacing the air handling units, partial conversion to variable air volume serving interior zones, replacing the heating and chilled water systems, and replacing the boilers.

As noted above, this renovation is in an occupied building so the proposed project includes allowances for internal swing space. The project minimizes tenant impact by using internal swing space and hazardous materials enclosures, as well as by completing the scope items together.

GSA

PBS

**PROSPECTUS — ALTERATION  
U.S. CUSTOM HOUSE  
PHILADELPHIA, PA**

Prospectus Number: PPA-0144-PH19  
Congressional District: 1

**Major Work Items**

HVAC Upgrades/Replacement	\$45,363,000
Interior Construction	16,491,000
Demolition/Abatement	9,360,000
Plumbing Repair/Replacement	3,624,000
Electrical Upgrades	2,225,000
Fire and Life Safety Upgrades	852,000
Roof Upgrades	<u>110,000</u>
<b>Total ECC</b>	<b>\$78,025,000</b>

**Justification**

The project will address the failing domestic water piping system that has flooded the building three times in the past 4 years, creating millions of dollars in damage to the building and personal property. The damage has displaced tenants for months at a time and interfered with their ability to carry out their missions. The threat of another major flood is imminent, and there is a serious risk that additional flooding could potentially damage the historic rotunda, which would be enormously costly to repair. If left unaddressed, the building could potentially become uninhabitable and would need to be considered for disposal.

Due to the major disruption caused by the repair of the plumbing system, GSA determined that this project will provide the opportunity to upgrade the deficient HVAC systems. The HVAC systems in the building are approximately 20 years past their useful lives and are vulnerable to a large-scale failure in both the air handling units and the branch piping leading to the perimeter induction units. There have been longstanding temperature and indoor air quality issues caused by a system that was not designed for office space. In addition to affecting occupant comfort, poor dehumidification has caused the paint, plaster, and wall materials to peel at numerous locations in the building, including in the historic rotunda and in areas with lead-based paint. The two pipe induction system is highly inefficient, forcing entire building switchover between heating and cooling to address unseasonal temperatures (e.g., cooling in the winter and heating in the summer). Simultaneously completing these projects will save the Government approximately \$13 million in duplicative costs, while minimizing disruption to building tenants.

GSA

PBS

PROSPECTUS – ALTERATION  
U.S. CUSTOM HOUSE  
PHILADELPHIA, PA

Prospectus Number: PPA-0144-PH19  
Congressional District: 1

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Summary of Energy Compliance

This project will be designed to conform to requirements of the *Facilities Standards for the Public Buildings Service*. GSA encourages design opportunities to increase energy and water efficiency above the minimum performance criteria.

Prior Appropriations

None

Prior Committee Approvals

None

Prior Prospectus-Level Projects in Building (past 10 years)

Prospectus	Description	FY	Amount
PL 111-5 (ARRA)	Window Replacement, Green Roof Installation, Exterior Masonry Repairs	FY 09	\$30,490,000

Alternatives Considered (30-year, present value cost analysis)

There are no feasible alternatives to this project. This is a limited scope renovation and the cost of the proposed project is far less than the cost of leasing or constructing a new building.

Recommendation

ALTERATION



GSA

PBS

PROSPECTUS – ALTERATION  
U.S. CUSTOM HOUSE  
PHILADELPHIA, PA

Prospectus Number: PPA-0144-PH19  
Congressional District: 1

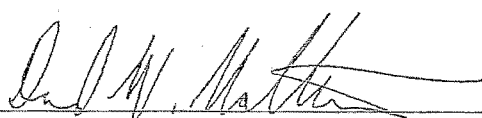
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**Certification of Need**

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on February 12, 2018

Recommended: \_\_\_\_\_

  
Commissioner, Public Buildings Service

Approved: \_\_\_\_\_

  
Administrator, General Services Administration

## AMENDED COMMITTEE RESOLUTION

ALTERATION—AUSTIN FINANCE CENTER, AUSTIN,  
TX

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that pursuant to 40 U.S.C. § 3307, appropriations are authorized for repairs and alterations for modernization, including replacing building systems, at the Austin Finance Center located at 1619 Woodward Street in Austin, Texas of a reduction in de-

sign cost of \$465,000, an additional estimated construction cost of \$7,131,000 and a reduction in management and inspection cost of \$725,000 for a total additional cost of \$5,941,000 and total estimated project cost of \$28,722,000, a prospectus for which is attached to and included in this resolution. This resolution amends the authorization of the Committee on May 25, 2016 of Prospectus No. PTX-1618-AU17.

*Provided*, that the General Services Administration shall not delegate to any other

agency the authority granted by this resolution.

*Provided further*, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

GSA

PBS

**AMENDED PROSPECTUS – ALTERATION  
AUSTIN FINANCE CENTER  
AUSTIN, TX**

Prospectus Number: PTX-1618-AU19  
Congressional District: 25

**FY 2019 Project Summary**

The General Services Administration (GSA) proposes a repair and alteration project to modernize the existing Austin Finance Center (AFC), located at 1619 Woodward Street in Austin, Texas. The project will replace building systems and improve energy efficiency.

This prospectus amends Prospectus No. PTX-1618-AU17. GSA is requesting approval of an additional \$5,941,000 to account for cost escalation due to time and market conditions, and a tenant improvement component.

**FY 2019 Committee Approval Requested**

(Construction) ..... \$5,941,000<sup>1</sup>

**FY 2019 Appropriation Requested**

(Design, Construction, and Management & Inspection).....\$28,722,000

**Major Work Items**

Interior construction; exterior construction; electrical, heating, ventilation and air conditioning (HVAC), mechanical, life safety/emergency, and plumbing replacement; and sitework

**Project Budget**

Design .....	\$ 2,070,000
Estimated Construction Cost (ECC).....	24,994,000
Management & Inspection (M&I) .....	1,658,000
<b>Estimated Total Project Cost (ETPC)* .....</b>	<b>\$28,722,000</b>

\*Tenant agencies may fund an additional amount for tenant improvements above the standard normally provided by GSA.

<sup>1</sup> The House and Senate committees approved Design, M&I and Construction of \$22,781,000 in Prospectus No. PTX-1618-AU17. The approval requested in this FY 2019 amended prospectus reflects the balance needed for the project, assuming reallocation of the previously approved \$1,190,000 from Design and M&I to Construction.

GSA

PBS

**AMENDED PROSPECTUS – ALTERATION  
AUSTIN FINANCE CENTER  
AUSTIN, TX**

Prospectus Number: PTX-1618-AU19  
Congressional District: 25

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<u>Schedule</u>	<u>Start</u>	<u>End</u>
Design and Construction	FY 2019	FY 2022

**Building**

AFC was constructed in 1969 as an office building and was purchased by the United States in 1985. It is located on a 40-acre Federal campus in southeast Austin, along with the federally owned Department of the Treasury – Internal Revenue Service (IRS) Service Center, the Department of Veterans Affairs Automation Center and a leased IRS office/warehouse. It consists of a single, freestanding, one-story building of approximately 85,000 gross square feet. The building is home to the Department of the Treasury – Bureau of the Fiscal Service.

**Tenant Agencies**

Treasury Department – Bureau of the Fiscal Service

**Proposed Project**

The project includes HVAC replacement, separation of storm and sanitary lines, domestic water line replacement, main electrical switchboard replacement, window replacement, and power distribution system replacement.

**Major Work Items**

Interior Construction	\$ 7,511,000
Exterior Construction	5,132,000
Electrical Replacement	5,211,000
HVAC/Mechanical Replacement	4,906,000
Plumbing Replacement	872,000
Life Safety/Emergency System Replacement	842,000
Sitework	<u>520,000</u>
<b>Total ECC</b>	<b>\$24,994,000</b>

**Justification**

Historically, the building has been used by Treasury as one of four regional check printing and distribution facilities for Federal obligations to vendors and the general public. Treasury's transition to electronic transfer of funds resulted in the removal of all check printing and distribution functions, and has significantly altered the type and amount of space the agency requires.

GSA

PBS

**AMENDED PROSPECTUS – ALTERATION  
AUSTIN FINANCE CENTER  
AUSTIN, TX**

Prospectus Number: PTX-1618-AU19  
Congressional District: 25

The 48-year-old building has undergone various renovation projects over the years, but never a complete modernization, including upgrades. The space, converted from light industrial to office use, does not include the appropriate lighting, HVAC, ceilings, or finishes for office space. Window replacement will provide energy efficiency and costs savings. The building systems are outdated and have reached the end of their useful lives. The old main switchboard needs replacement to comply with the National Electric Code. The control system and related electronic components need frequent repairs, and parts are no longer available. The original power distribution system is inadequate for the electrical loads that are now required. The HVAC equipment has reached or surpassed its life expectancy. The storm water and sanitary lines do not meet current code and need to be separated. Runoff from heavy rains often floods the loading dock's storm drain, causing flooding in the building when floor drains back up. All the domestic water lines are old and corroded and need to be replaced.

**Summary of Energy Compliance**

This project will be designed to conform to requirements of the *Facilities Standards for the Public Buildings Service*. GSA encourages design opportunities to increase energy and water efficiency above the minimum performance criteria.

**Prior Appropriations**

None

**Prior Committee Approvals**

Prior Committee Approvals			
Committee	Date	Amount	Purpose
Senate EPW	5/18/16	\$22,781,000	Design = \$2,535,000; ECC=\$17,863,000; M&I=\$2,383,000
House T&I	5/25/16	\$22,781,000	Design = \$2,535,000; ECC=\$17,863,000; M&I=\$2,383,000
Approvals to Date		\$22,781,000	

**Prior Prospectus-Level Projects in Building (past 10 years):**

None

GSA

PBS

**AMENDED PROSPECTUS – ALTERATION  
AUSTIN FINANCE CENTER  
AUSTIN, TX**

Prospectus Number: PTX-1618-AU19  
Congressional District: 25

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**Alternatives Considered (30-year, present value cost analysis)**

Alteration: .....	\$43,770,000
Lease .....	\$98,737,000
New Construction: .....	\$46,636,000

The 30-year, present value cost of alteration is \$54,967,000 less than the cost of leasing, with an equivalent annual cost advantage of \$2,732,000.

**Recommendation**

ALTERATION

GSA

PBS

AMENDED PROSPECTUS – ALTERATION  
AUSTIN FINANCE CENTER  
AUSTIN, TX

Prospectus Number: PTX-1618-AU19  
Congressional District: 25

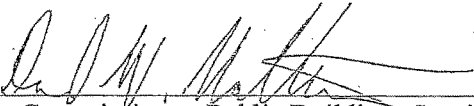
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**Certification of Need**

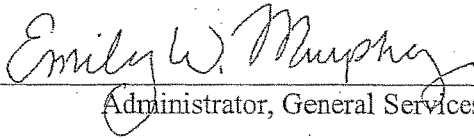
The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on February 12, 2018

Recommended: \_\_\_\_\_

  
Commissioner, Public Buildings Service

Approved: \_\_\_\_\_

  
Administrator, General Services Administration

## AMENDED COMMITTEE RESOLUTION

CONSTRUCTION—U.S. LAND PORT OF ENTRY,  
CALEXICO, CA

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that pursuant to 40 U.S.C. § 3307, additional appropriations are authorized for Phase II of a two-phase project to reconfigure and expand the existing land port of

entry in Calexico, California at an additional design cost of \$970,000, an additional estimated construction cost of \$14,847,000 and a reduction of management and inspection cost of \$1,625,000 for a total additional cost of \$14,192,000, a prospectus for which is attached to and included in this resolution. This resolution amends the authorization of the Committee on July 16, 2014 of Prospectus No. PCA-BSC-CA15.

*Provided further*, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.



GSA

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**AMENDED PROSPECTUS – CONSTRUCTION  
U.S. LAND PORT OF ENTRY  
CALEXICO, CA**

Prospectus Number: PCA-BSC-CA19  
Congressional District: 51

**FY 2019 Project Summary**

The General Services Administration (GSA) requests additional approval and funding for construction of Phase II of a two-phase project to reconfigure and expand the existing land port of entry (LPOE) in downtown Calexico, CA. The project includes new pedestrian processing and privately owned vehicle (POV) inspection facilities, a new head house to provide supervision and services to the non-commercial vehicle inspection area, new administration offices, and a parking structure. The expanded facilities will occupy both the existing inspection compound and the site of the former commercial inspection facility, decommissioned in 1996 when commercial traffic was redirected to the newly completed LPOE six miles east of downtown Calexico.

This prospectus amends Prospectus No. PCA-BSC-CA15. GSA is requesting approval of an additional \$27,687,000 to account for cost escalations and design refresh.

**FY 2019 Committee Approval Requested**

(Additional Design and Construction) ..... \$14,192,000<sup>1</sup>

**FY 2019 Appropriation Requested**

(Additional Design, Construction, Management & Inspection)..... \$275,900,000<sup>2</sup>

**Overview of Project**

The existing LPOE is a pedestrian and vehicle inspection facility constructed in 1974. It comprises a main building and a decommissioned commercial inspection building. The project includes the creation of new pedestrian and POV inspection facilities, and expansion of the port onto the site of the former commercial inspection facility. The commercial inspection operation was moved to Calexico East in 1996. POV inspection facilities will include expanded northbound inspection lanes, new southbound inspection lanes, and a parking structure. There will be new administration space, a new head house

<sup>1</sup> The amount approved for Management & Inspection in Prospectus No. PCA-BSC-CA11 by the House and Senate committees includes \$1,625,000 more than the current estimate. The approval requested in this FY 2019 amended prospectus reflects the balance needed for the project, assuming reallocation of the previously approved \$1,625,000 from Management & Inspection to Construction.

<sup>2</sup> GSA works closely with Department of Homeland Security program offices responsible for developing and implementing security technology at LPOEs. This prospectus contains funding for infrastructure requirements known at the time of prospectus development. Additional funding by a reimbursable work authorization may be required to provide for as yet unidentified security technology elements to be implemented at this port.

GSA

PBS

AMENDED PROSPECTUS – CONSTRUCTION  
U.S. LAND PORT OF ENTRY  
CALEXICO, CA

Prospectus Number: PCA-BSC-CA19  
Congressional District: 51

and design guide-mandated secondary inspection stations serving both northbound and southbound traffic. The project will be constructed in two phases.

The first phase included a head house, 10 of the project’s northbound POV inspection lanes, all southbound POV inspection lanes with temporary asphalt paving, and a bridge across the New River for southbound POV traffic.

The second phase will include the balance of the project, including the remaining northbound POV lanes, southbound POV inspection islands, booths, canopies and concrete paving, an administration building, an employee parking structure, a pedestrian processing building with expanded northbound pedestrian inspection stations, and a photovoltaic generation facility.

**Site Information**

Government-Owned ..... 13.5 acres  
Acquired as part of Phase I ..... 4.3 acres

**Building Area**

Building (including canopies and indoor parking)<sup>3</sup> ..... 333,719 GSF  
Building (excluding canopies and indoor parking) ..... 162,015 GSF  
Outside parking spaces ..... 79  
Structured parking spaces ..... 264

<sup>3</sup> Gross square feet (GSF) in this Amended Prospectus was developed from the final construction drawings. It reflects a 2.63 percent increase in total GSF from that listed in Prospectus No. PCA-BSC-CA15 (where the square footage was developed from the concept drawings). The parking structure is not included in GSF.

GSA

PBS

**AMENDED PROSPECTUS – CONSTRUCTION  
U.S. LAND PORT OF ENTRY  
CALEXICO, CA**

Prospectus Number: PCA-BSC-CA19  
Congressional District: 51

**Project Budget****Site Acquisition**

Site Acquisition (FY 2007).....	\$2,000,000
Additional Site Acquisition (FY 2010).....	<u>3,000,000</u>
<b>Total Site Acquisition .....</b>	<b>\$5,000,000</b>

**Design**

Design (FY 2007) .....	\$12,350,000
Additional Design (FY 2010) .....	6,437,000
Additional Design .....	<u>970,000</u>
<b>Total Design.....</b>	<b>\$19,757,000</b>

**Estimated Construction Cost (ECC)**

Phase I (2015) .....	\$90,838,000
Phase II .....	<u>255,660,000</u>
<b>Total ECC<sup>4</sup> .....</b>	<b>\$346,498,000</b>

Site Development Costs.....	\$146,550,000
Building Costs (includes inspection canopies) (\$599/GSF) .....	\$199,948,000

**Management & Inspection (M&I)**

Phase I (2015) .....	\$7,224,000
Phase II .....	<u>\$19,270,000</u>
<b>Total M&amp;I.....</b>	<b>\$26,494,000</b>

**Estimated Total Project Cost (ETPC)\* .....** **\$397,749,000**

\* Tenant agencies may fund an additional amount for alterations above the standard normally provided by GSA.

**Location**

The site is located at 200 East 1<sup>st</sup> Street, Calexico, CA.

<sup>4</sup> ECC is broken into two parts – Site Development Costs and Building Costs.

GSA

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AMENDED PROSPECTUS – CONSTRUCTION  
U.S. LAND PORT OF ENTRY  
CALEXICO, CA

Prospectus Number: PCA-BSC-CA19  
Congressional District: 51

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<u>Schedule</u>	<u>Start</u>	<u>End</u>
<b>Design</b>	FY 2007	FY 2013
<b>Design Refresh</b>	FY 2019	FY 2020
<b>Construction</b>		
Phase I	FY 2015	FY 2018
Phase II	FY 2019	FY 2023

Tenant Agencies

Department of Homeland Security – Customs and Border Protection, and Immigration and Customs Enforcement; GSA

Justification

On an average day, 12,000 POVs and approximately 11,000 pedestrians enter the U.S. through this LPOE. The existing facilities are undersized relative to existing traffic loads and obsolete in terms of inspection officer safety and border security. The space required to accommodate modern inspection technologies is not available in the existing facility. When completed, the project will provide the port operation with adequate operational space, reduced traffic congestion, and a safe environment for port employees and visitors.

Summary of Energy Compliance

This project will be designed to conform to requirements of the *Facilities Standards for the Public Buildings Service*. GSA encourages design opportunities to increase energy and water efficiency above the minimum performance criteria.

GSA

PBS

**AMENDED PROSPECTUS – CONSTRUCTION  
U.S. LAND PORT OF ENTRY  
CALEXICO, CA**

Prospectus Number: PCA-BSC-CA19  
Congressional District: 51

**Prior Appropriations**

Prior Appropriations			
Public Law	Fiscal Year	Amount	Purpose
110-5	2007	\$14,350,000	Site acquisition & design
111-117	2010	\$9,437,000	Additional site acquisition & design
113-235	2015	\$98,062,000	Phase I Construction
<b>Appropriations to Date</b>		<b>\$121,849,000</b>	

**Prior Committee Approvals**

Prior Committee Approvals			
Committee	Date	Amount	Purpose
House T&I	4/5/2006	\$14,350,000	Design = \$12,350,000; Site acquisition = \$2,000,000
Senate EPW	5/23/2006	\$14,350,000	Site Acquisition & Design
House T&I	11/5/2009	\$9,437,000	Additional design = \$6,437,000; additional site acquisition = \$3,000,000
Senate EPW	2/4/2010	\$9,437,000	Additional site acquisition & design
House T&I	12/2/2010	\$274,463,000	Construction = \$246,344,000; M&I = \$28,119,000
Senate EPW	11/30/2010	\$274,463,000	Construction = \$246,344,000; M&I = \$28,119,000
House T&I	07/16/2014	\$85,307,000	Additional Construction of \$85,307,000
Senate EPW	04/28/2015	\$85,307,000	Additional Construction of \$85,307,000
<b>Approvals to Date</b>		<b>\$383,557,000</b>	

**Alternatives Considered**

GSA has jurisdiction, custody, and control over and maintains the existing facilities at this LPOE. No alternative other than Federal construction was considered.

**Recommendation**

CONSTRUCTION

GSAPBS

AMENDED PROSPECTUS — CONSTRUCTION  
U.S. LAND PORT OF ENTRY  
CALEXICO, CA

Prospectus Number: PCA-BSC-CA19  
Congressional District: 51

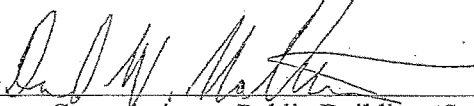
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**Certification of Need**

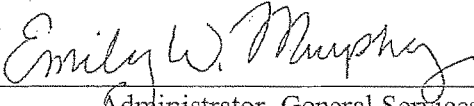
The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on February 12, 2018

Recommended: \_\_\_\_\_

  
Commissioner, Public Buildings Service

Approved: \_\_\_\_\_

  
Administrator, General Services Administration

## COMMITTEE RESOLUTION

CONSTRUCTION—FOOD AND DRUG  
ADMINISTRATION LABORATORY, LAKEWOOD, CO

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that pursuant to 40 U.S.C. 3307, appropriations are authorized for construction of a new laboratory facility of 68,000 gross square feet to provide a long-term housing solution for the Department of Health and Human Services-Food and Drug

Administration at the Denver Federal Center at West 6th Avenue and Kipling Street in Lakewood, Colorado at a design cost of \$3,570,000, an estimated construction cost of \$23,335,000, a management and inspection cost of \$2,414,000 for a total estimated project cost of \$29,319,000, a prospectus for which is attached to and included in this resolution.

*Provided*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

*Provided further*, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

GSA

PBS

**PROSPECTUS - CONSTRUCTION  
FOOD AND DRUG ADMINISTRATION LABORATORY  
LAKEWOOD, CO**

Prospectus Number: PCO-LAB-LA19  
Congressional District: 07

**FY 2019 Project Summary**

The General Services Administration (GSA) requests approval for construction of a new laboratory facility of approximately 68,000 gross square feet (GSF) to provide a long-term housing solution for the Department of Health and Human Services – Food and Drug Administration (FDA) at the Denver Federal Center (DFC), at West 6<sup>th</sup> Avenue and Kipling Street in Lakewood, CO. This project will allow FDA to occupy a laboratory building that meets modern standards for functional laboratory space that will accommodate a floor plan with the most optimal layout in support of its mission on a secure campus.

**FY 2019 Committee Approval and Appropriation Requested**

(Design, Construction, Management & Inspection).....\$29,319,000

**Overview of Project**

GSA proposes the design and construction of a new Federal laboratory building on a 4-acre Government-owned site, just south of existing Building 20 at the DFC. This project will provide FDA a state-of-the-art laboratory facility with ancillary office space to support laboratory functions. The facility will be built to meet biosafety level 2 specifications. Laboratory layout will be modular and designed to create higher efficiency of workflow while maintaining agency chain-of-custody regulations. The office space will primarily consist of open workstations and a collaborative environment.

**Site Area**

Government-Owned ..... 4 acres

**Project Budget**

Design .....\$ 3,570,000  
Estimated Construction Cost (ECC)..... 23,335,000  
Management & Inspection (M&I)..... 2,414,000  
**Estimated Total Project Cost (ETPC)\* .....\$29,319,000**

\*Tenant agency may fund an additional amount for alterations above the standard normally provided by GSA.



GSA

PBS

**PROSPECTUS - CONSTRUCTION  
FOOD AND DRUG ADMINISTRATION LABORATORY  
LAKEWOOD, CO**

Prospectus Number: PCO-LAB-LA19  
Congressional District: 07

**Schedule****Start****End**

Design and Construction

FY 2019

FY 2023

**Tenant Agencies**

Department of Health and Human Services – Food and Drug Administration

**Justification**

FDA is currently housed in laboratory and laboratory support space at the DFC in Building 20, a converted ammunitions plant building that also houses multiple Federal operations and offices. Building 20 is well past its useful life and experiencing major building system deficiencies. Due to current conditions, failing building systems are projected to cause a shutdown of its current space within 1 to 5 years.

The building uses excessive amounts of energy and struggles to maintain proper humidity and pressurization levels due to inadequacies in the heating, ventilation, and air conditioning system and building enclosure, which are critical components to prevent contamination within laboratories.

FDA processes evidence in court cases that must be tested and stored appropriately; some samples must be stored for up to 8 years. These samples are irreplaceable and failing infrastructure could place them at risk for contamination and spoilage. Costly laboratory equipment is at risk of being damaged due to severe roof leaks.

The current space is compartmentalized with hard wall offices and no capability of changing space to accommodate workflow or to facilitate collaboration. FDA has storage spaces and conference rooms that were built to accommodate program areas that no longer exist, and later built laboratory space around those areas. As its space has changed and evolved, the result is pockets of unused space sprinkled throughout the area. This situation has resulted in inefficient use of space that does not meet regulatory requirements to isolate laboratory space from office work areas.

This location is the regional regulatory arm of FDA and a critical part of its mission. Various departments include laboratories that analyze food, drugs, and cosmetics; a compliance department; investigators; and an administration team. For sections of the country west of the Mississippi River and east of Nevada, this facility is responsible for managing foodborne illness outbreaks. FDA uses this facility to analyze food samples to determine the source of the illness so the food can be immediately recalled to prevent further illness or death. This laboratory analyzes foods crossing State boundaries, as well as foods that are flown in from other countries to ensure it is safe for consumption.

GSA

PBS

**PROSPECTUS - CONSTRUCTION  
FOOD AND DRUG ADMINISTRATION LABORATORY  
LAKEWOOD, CO**

Prospectus Number: PCO-LAB-LA19  
Congressional District: 07

**Summary of Energy Compliance**

This project will be designed to conform to requirements of the *Facilities Standards for the Public Buildings Service*. GSA encourages design opportunities to increase energy and water efficiency above the minimum performance criteria.

**Prior Appropriations**

None

**Prior Committee Approvals**

None

**Alternatives Considered (30-year, present value cost analysis)**

New Construction .....	\$39,221,000
Lease .....	\$49,540,000

The 30-year, present value cost of new construction is \$10,319,000 less than the cost of lease, an equivalent annual cost advantage of \$344,000.

**Recommendation**

CONSTRUCTION

GSA

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PROSPECTUS - CONSTRUCTION  
FOOD AND DRUG ADMINISTRATION LABORATORY  
LAKEWOOD, CO

Prospectus Number: PCO-LAB-LA19  
Congressional District: 07

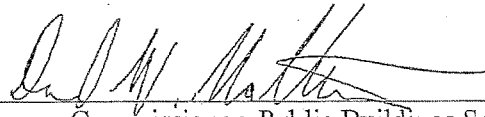
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**Certification of Need**

The proposed project is the best solution to meet a validated Government need.

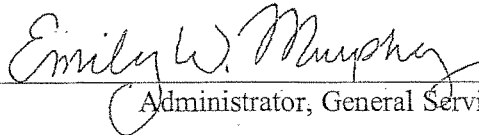
Submitted at Washington, DC, on February 12, 2018

Recommended:



Commissioner, Public Buildings Service

Approved:



Administrator, General Services Administration

## COMMITTEE RESOLUTION

BUILDING ACQUISITION—DEPARTMENT OF  
TRANSPORTATION HEADQUARTERS, 1200 NEW  
JERSEY AVENUE, SOUTHEAST, WASHINGTON,  
DC

*Resolved by the Committee on Transportation  
and Infrastructure of the U.S. House of Rep-  
resentatives, that pursuant to 40 U.S.C. 3307,*

appropriations are authorized for the acquisition, through a purchase option under an existing lease, of the building located at 1200 New Jersey Avenue SE in Washington, D.C. composed of 1,900,000 gross square feet and indoor parking spaces currently occupied by the Department of Transportation at a building and site acquisition cost of \$760,000,000,

closing costs of \$7,900,000 and total estimated project cost of \$767,900,000, a prospectus for which is attached to and included in this resolution.

*Provided*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

GSA

PBS

PROSPECTUS – BUILDING ACQUISITION  
DEPARTMENT OF TRANSPORTATION HEADQUARTERS  
1200 NEW JERSEY AVENUE, SOUTHEAST  
WASHINGTON, DC

Prospectus Number: PDC-0689-WA19

**Description**

The General Services Administration (GSA) proposes to acquire, through a purchase option under an existing space lease, the building located at 1200 New Jersey Avenue SE, Washington, DC. The 1,900,000 gross square foot facility, currently leased by GSA, provides 1,350,000 rentable square feet (RSF) of space and 936 indoor parking spaces, and is occupied entirely by the Department of Transportation (DOT) and serves as its headquarters (HQ). The proposed purchase will reduce the Government’s rental payment to the private sector by approximately \$49,400,000 annually.

**FY 2019 Committee Approval and Appropriation Requested**

**(Building Acquisition) .....\$767,900,000**

Situated on 10 acres of land to the southwest of the U.S. Capitol building, along the south side of M Street SE, between New Jersey Avenue SE on the west and 4<sup>th</sup> Street SE on the east, the building has served as the DOT HQ since its construction in 2006. The building houses approximately 5,000 employees. The office space is contained in two towers, referred to as the West Building and the East Building, each containing nine stories above grade and two stories below grade.

The site was originally part of the 18th century Navy Yard. Part of the Navy Yard was exscessed in the mid-20th century to GSA and became known as the Southeast Federal Center. GSA sold the parcel that is the subject of this prospectus to the developer specifically for the construction of the DOT HQ.

**Project Budget**

Building and Site Acquisition.....\$760,000,000  
Closing Costs.....\$7,900,000  
**Estimated Total Project Cost (ETPC).....\$767,900,000<sup>1</sup>**

**Schedule**

**Date**

Notice of Intent to Consider Purchase 10/2018  
Building Acquisition Notice of Intent to Exercise Purchase Option 10/2019  
Purchase Option Expiration 10/2021

<sup>1</sup> The actual purchase price and closing costs will be determined by negotiation in accordance with the terms of the existing purchase option under the lease.

GSA

PBS

**PROSPECTUS – BUILDING ACQUISITION  
DEPARTMENT OF TRANSPORTATION HEADQUARTERS  
1200 NEW JERSEY AVENUE, SOUTHEAST  
WASHINGTON, DC**

Prospectus Number: PDC-0689-WA19

**Overview of Project**

GSA leased the building on behalf of DOT following completion of construction in 2006. The current lease agreement expires on October 19, 2021. GSA has an option to negotiate the purchase of the building and site at the end of the current lease term, provided 24 months’ prior notice is given to lessor. A Notification of Intent to consider exercising the purchase option is required 36 months prior to the lease expiration. The estimated purchase price is based on a current fair market value appraisal of the property, escalated to the purchase date, multiplied by 95%.

**Tenant Agencies**

DOT

**Justification**

DOT is a cabinet-level agency with a long-term requirement for a HQ facility. Exercising the purchase option will provide for a permanent, owned housing solution for DOT’s mission execution, lowering the cost to the taxpayer. Upon purchase, GSA will work with DOT to improve the utilization of the space.

**Alternatives Considered (30-year, present value cost analysis)**

Purchase.....	\$1,220,413,705
Lease.....	\$1,629,450,889
New Construction.....	\$1,444,009,181

The 30-year, present value cost of purchasing is \$409,037,184 less than the cost of leasing, with an equivalent annual cost advantage of \$20,332,893.

**Recommendation**

ACQUISITION

GSA

PBS

**PROSPECTUS — BUILDING ACQUISITION  
DEPARTMENT OF TRANSPORTATION HEADQUARTERS  
1200 NEW JERSEY AVENUE, SOUTHEAST  
WASHINGTON, DC**

Prospectus Number: PDC-0689-WA19

**Certification of Need**

The proposed project is the best solution to meet a validated Government need.

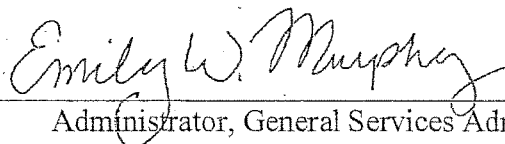
Submitted at Washington, DC, on February 12, 2018

Recommended:



Commissioner, Public Buildings Service

Approved:



Administrator, General Services Administration

COMMITTEE RESOLUTION  
LEASE—SECURITIES AND EXCHANGE  
COMMISSION, NEW YORK, NY

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that pursuant to 40 U.S.C. 3307, appropriations are authorized for a lease of up to 207,000 rentable square feet of space for the Securities and Exchange Commission currently located at 200 Vesey Street in New York, New York at a proposed total annual cost of \$14,332,680 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

*Provided that*, the Administrator of General Services and tenant agencies agree to apply an overall utilization rate of 230 square feet or less per person, except that, if the Administrator determines that the overall utilization rate cannot be achieved, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

*Provided that*, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any

of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 230 square feet or higher per person.

*Provided that*, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

*Provided further*, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

*Provided further*, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

*Provided further*, the Administrator of General Services may not enter into this lease if

it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

*Provided further*, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.



GSA

PBS

**PROSPECTUS – LEASE  
SECURITIES AND EXCHANGE COMMISSION  
NEW YORK, NY**

Prospectus Number: PNY-05-NY19  
Congressional District: 7,10

**Executive Summary**

The General Services Administration (GSA) proposes a lease of approximately 207,000 rentable square feet (RSF) for the Securities and Exchange Commission (SEC), currently located at 200 Vesey Street in New York, NY. SEC has occupied space in the building since April 1, 2006, under a lease that expires on March 31, 2021.

The proposed lease will enable SEC to provide continued housing as well as more streamlined and efficient operations. It will improve space utilization, as the office and overall space utilization rates will be improved from 189 to 139 usable square feet (USF) and 316 to 230 USF per person, respectively.

**Description**

Occupant:	Securities and Exchange Commission
Current Rentable Square Feet (RSF)	270,431 (Current RSF/USF = 1.32)
Estimated/Proposed Maximum RSF <sup>1</sup> :	207,000 (Proposed RSF/USF = 1.35)
Expansion/Reduction RSF:	63,431 RSF (Reduction)
Current USF/Person:	316
Estimated/Proposed USF/Person:	230
Expiration Dates of Current Lease(s):	03/31/2021
Proposed Maximum Leasing Authority:	20 years
Delineated Area:	North: Chambers Street; East: East River; South: Battery Park; West: Hudson River
Number of Official Parking Spaces:	0
Scoring:	Operating
Current Total Annual Cost:	\$15,344,613 (lease effective 4/1/2006)
Estimated Rental Rate <sup>2</sup> :	\$69.24/RSF
Estimated Total Annual Cost <sup>3</sup> :	\$14,332,680

<sup>1</sup> The RSF/USF at the current location is approximately 1.32; however, to maximize competition a RSF/USF ratio of 1.35 is used for the estimated proposed maximum RSF as indicated in the housing plan.

<sup>2</sup> This estimate is for fiscal year 2021 and may be escalated by 2 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses, whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as the basis for negotiating with offerors to ensure that the lease award is made in the best interest of the Government.

<sup>3</sup> New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

GSA

PBS

**PROSPECTUS – LEASE  
SECURITIES AND EXCHANGE COMMISSION  
NEW YORK, NY**

Prospectus Number: PNY-05-NY19  
Congressional District: 7,10

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**Acquisition Strategy**

In order to maximize the flexibility and competition in acquiring space for SEC, GSA may issue a single, multiple-award solicitation that will allow offerors to provide blocks of space able to meet requirements in whole or in part. All offers must provide space consistent with the delineated area defined by this prospectus.

**Background**

The lease at 200 Vesey Street in New York, NY, comprises the New York Regional Office headquarters for SEC with jurisdiction in New York and New Jersey. The mission of SEC is to protect investors; maintain fair, orderly and efficient markets; and facilitate capital formation. SEC entered into the current lease using independent leasing authority granted by Congress. GSA proposes to use its leasing authority to secure new office space in New York City following the expiration of the current lease.

**Justification**

The New York Regional Office is unique to the SEC organization because it encompasses divisions typically represented in regional offices, as well as HQ-based divisions with staff who are assigned to the New York Regional Office. The current lease at 200 Vesey Street expires March 31, 2021. SEC requires continued housing to carry out its mission.

**Summary of Energy Compliance**

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

**Interim Leasing**

The Government will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

GSA

PBS

PROSPECTUS – LEASE  
SECURITIES AND EXCHANGE COMMISSION  
NEW YORK, NY

Prospectus Number: PNY-05-NY19  
Congressional District: 7,10

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Resolutions of Approval

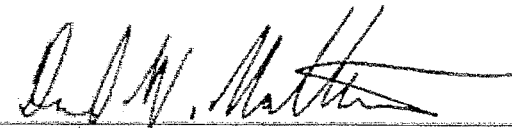
Resolutions adopted by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

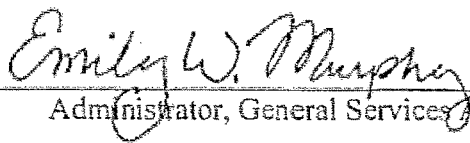
Submitted at Washington, DC, on September 10, 2018

Recommended: \_\_\_\_\_



Commissioner, Public Buildings Service

Approved: \_\_\_\_\_



Administrator, General Services Administration

October 2017

**Housing Plan  
Securities and Exchange Commission**

PNY-05-NY19  
New York, NY

H9334

CONGRESSIONAL RECORD — HOUSE

September 28, 2018

Leased Locations	CURRENT <sup>1</sup>						ESTIMATED/PROPOSED					
	Personnel		Usable Square Feet (USF) <sup>2</sup>				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage <sup>5</sup>	Special <sup>6</sup>	Total
200 Vesey Street, NY, NY	650	650	157,734	2,082	45,679	205,495	-	-	-	-	-	-
Estimated/Proposed	-	-	-	-	-	-	663	663	118,537	2,000	32,207	152,744
<b>Total</b>	<b>650</b>	<b>650</b>	<b>157,734</b>	<b>2,082</b>	<b>45,679</b>	<b>205,495</b>	<b>663</b>	<b>663</b>	<b>118,537</b>	<b>2,000</b>	<b>32,207</b>	<b>152,744</b>

Office Utilization Rate (UR) <sup>3</sup>		
	Current	Proposed
Rate	189	139

UR = average amount of office space per person  
 Current UR excludes 34,701 usf of office support space  
 Proposed UR excludes 26,078 usf of office support space

Overall UR <sup>4</sup>		
	Current	Proposed
Rate	316	230

R/U Factor <sup>4</sup>			
	Total USF	RSF/USF	Max RSF
Current	205,495	1.32	270,431
Estimated/Proposed	152,744	1.35	207,000

**NOTES:**

<sup>1</sup> USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

<sup>2</sup> Calculation excludes Judiciary, Congress and agencies with less than 10 people

<sup>3</sup> USF/Person = housing plan total USF divided by total personnel.

<sup>4</sup> R/U Factor (R/U) = Max RSF divided by total USF

<sup>5</sup> Storage excludes warehouse, which is part of Special Space.

<sup>6</sup> Special spaces listed are examples of such spaces and may be subject to change at the time a Request for Lease Proposal (RLP) is issued to meet specific agency requirements.

Special Space	USF
Conference/Training	1,680
Testimony Suite	6,720
Hearing Room	1,960
ADP	1,400
VTC Center	9,065
Closed Commission Room	840
Multi Purpose Room/AV Control	3,402
High Density Filing Room	2,100
Quantitative Analysis Unit	2,800
Wellness Room	280
Copy Room	1,680
Bloomberg Room	280
<b>Total</b>	<b>32,207</b>

## COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOOD AND DRUG ADMINISTRATION, JAMAICA, NY

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease of up to 224,000 rentable square feet of space, including 100 official parking spaces, for the Department of Health and Human Services—Food and Drug Administration currently located at 158–15 Liberty Avenue in Jamaica, New York at a proposed total annual cost of \$6,944,000 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

*Provided that*, the Administrator of General Services and tenant agencies agree to apply an office utilization rate of 109 square feet or less per person, except that, if the Administrator determines that the office utilization rate cannot be achieved, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

*Provided that*, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any

of the requirements, or portions thereof, included in the prospectus that would result in an office utilization rate of 109 square feet or higher per person.

*Provided that*, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

*Provided further*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

*Provided further*, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

*Provided further*, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

*Provided further*, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

*Provided further*, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

GSA

PBS

**PROSPECTUS – LEASE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES –  
FOOD AND DRUG ADMINISTRATION  
JAMAICA, NY**

Prospectus Number: PNY-02-QU19  
Congressional District: 05

**Executive Summary**

The General Services Administration (GSA) proposes a lease for approximately 224,000 rentable square feet (RSF) for the Department of Health and Human Services—Food and Drug Administration (FDA). FDA is currently housed at 158-15 Liberty Avenue, Jamaica, NY, under a lease that expires on October 19, 2019.

The lease will provide continued housing for FDA and will maintain the office utilization rate at 109 usable square feet (USF) per person.

**Description**

Occupant:	Food and Drug Administration
Current Rentable Square Feet (RSF)	224,000 (Current RSF/USF = 1.28)
Estimated/Proposed Maximum RSF <sup>1</sup> :	224,000 (Proposed RSF/USF = 1.28)
Expansion/Reduction RSF:	None
Current Office USF/Person:	109
Estimated/Proposed Office USF/Person:	109
Expiration Dates of Current Lease(s):	10/19/2019
Proposed Maximum Leasing Authority:	10 years
Delineated Area:	North: Merrick Blvd. West: Archer Ave. East: Liberty Ave. South: Sutphin Blvd.
Number of Official Parking Spaces:	100
Scoring:	Operating
Current Total Annual Cost:	\$10,417,071.84 (lease effective 10/20/1999)
Estimated Rental Rate <sup>2</sup> :	\$31.00 / RSF
Estimated Total Annual Cost <sup>3</sup> :	\$6,944,000

<sup>1</sup> A RSF/USF ratio of 1.28 is used for the estimated/proposed maximum RSF as indicated in the housing plan.

<sup>2</sup> This estimate is for fiscal year 2020 and may be escalated by 1.9 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including standard operating expenses, whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as the basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

<sup>3</sup> New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

GSAFBS

**PROSPECTUS – LEASE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES –  
FOOD AND DRUG ADMINISTRATION  
JAMAICA, NY**

Prospectus Number: PNY-02-QU19  
Congressional District: 05

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**Background**

FDA's Northeast Region (NER) is responsible for carrying out the programs of FDA's Office of Regulatory Affairs (ORA) within a geographical area that includes seven states: Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont. Principal components of NER include the Regional Office, the New York District Office, and the Northeast Regional Laboratory (NERL). These are all currently located at 158-15 Liberty Avenue, Jamaica, NY (the Jamaica Complex). NER has regulatory responsibility over more than 18,000 private firms within its inspectional jurisdiction, with the largest number of firms being in the food and medical-device areas. NER's regulatory efforts promote and protect the health of the public by ensuring the safety, efficacy, and security of medical devices, as well as the safety of radiation-emitting products. FDA is also responsible for enforcing legislation such as the Federal Food, Drug and Cosmetic Act and the Food Safety Modernization Act.

FDA must have laboratory facilities that are fully functioning to protect the public and ensure effective global and domestic commerce. ORA operates high-throughput field laboratories, located strategically across the United States, to support FDA's mission to protect the public health and to create new knowledge in the field of regulatory science.

GSA will consider whether FDA's continued housing needs can be satisfied in the existing location based on an analysis of other potential locations within the delineated area. If other potential locations are identified, GSA will conduct a cost-benefit analysis to determine whether the Government can expect to recover the relocation and duplication costs of real and personal property needed for FDA to accomplish its mission.

**Justification**

Remaining at the Jamaica Complex will ensure that FDA makes the best use of its investment in the existing flexible, modern space and reliable building systems. The current location supports evolving regulatory science within a secure, safe, and healthy work environment for FDA employees. Extending the service life of the Jamaica Complex, and of the Bio Safety Level 3 (BSL-3) laboratory in particular, by renewing the existing lease will improve the economic performance of the significant investment of taxpayer dollars required to establish and maintain the facility.

NERL is one of FDA's largest field laboratories. This key laboratory responds to outbreaks involving food and microbiological pathogens. The laboratory's areas of expertise and specialization include:

GSAPBS

**PROSPECTUS – LEASE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES –  
FOOD AND DRUG ADMINISTRATION  
JAMAICA, NY**

Prospectus Number: PNY-02-QU19  
Congressional District: 05

analysis for microbial pathogens, pesticides, food additives, mycotoxins, colors, insanitation, decomposition, cosmetics, heavy metals in foods, and quality and purity in pharmaceuticals.

Specialized laboratory capabilities include:

- Mass Spectrometry Center;
- Microbiological Bio-Clean Room (State-of-the-Art Class 100);
- Marine Toxins Laboratory;
- Counterterrorism Toxic Chemical and Poison Analysis; and
- BSL-3 Laboratory (operated and maintained in accordance with 42 CFR 73.7).

Currently, the BSL-3 laboratory is undergoing a recertification to remain compliant with regulatory laws. The biosafety level designation establishes the biocontainment precautions required to isolate dangerous biological agents in the enclosed laboratory facility. BSL-3 facilities provide the appropriate containment environment for working with biological select agents and toxins that have the potential to pose a severe or potentially lethal disease after inhalation.

The current lease at 158-15 Liberty Avenue, Jamaica, NY, expires on October 19, 2019. FDA requires continued housing to carry out its mission.

**Summary of Energy Compliance**

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

**Resolutions of Approval**

Resolutions adopted by the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

**Interim Leasing**

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the extension. It is in the best interest of the Government to avert the financial risk of holdover tenancy.



GSA

PBS

PROSPECTUS — LEASE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES —  
FOOD AND DRUG ADMINISTRATION  
JAMAICA, NY

Prospectus Number: PNY-02-QU19  
Congressional District: 05

Certification of Need

The proposed project is the best solution to meet a validated Government need.


September 10, 2018

Submitted at Washington, DC, on \_\_\_\_\_

Recommended: \_\_\_\_\_

  
Commissioner, Public Buildings Service

Approved: \_\_\_\_\_

  
Administrator, General Services Administration

May 2018

**Housing Plan  
Food and Drug Administration**

PNY-02-QU19  
Jamaica-Queens, NY

Leased Locations	CURRENT						ESTIMATED/PROPOSED					
	Personnel		Usable Square Feet (USF) <sup>1</sup>				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage <sup>5</sup>	Special <sup>6</sup>	Total
158-J5 Liberty Avenue	285	285	39,724	2,738	132,538	175,000	-	-	-	-	-	-
Estimated/Proposed Lease	-	-	-	-	-	-	285	285	39,724	2,738	132,538	175,000
<b>Total</b>	<b>285</b>	<b>285</b>	<b>39,724</b>	<b>2,738</b>	<b>132,538</b>	<b>175,000</b>	<b>285</b>	<b>285</b>	<b>39,724</b>	<b>2,738</b>	<b>132,538</b>	<b>175,000</b>

Office Utilization Rate (UR) <sup>2</sup>		
	Current	Proposed
Rate	109	109

UR = average amount of office space per person  
Current UR excludes 8,739 usf of office support space  
Proposed UR excludes 8,739 usf of office support space

Overall UR <sup>3</sup>			
R/U Factor <sup>4</sup>			
	Total USF	RSF/USF	Max RSF
Current	175,000	1.28	224,000
Estimated/Proposed	175,000	1.28	224,000

**NOTES:**

<sup>1</sup> USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

<sup>2</sup> Calculation excludes Judiciary, Congress and agencies with less than 10 people

<sup>3</sup> USF/Person = housing plan total USF divided by total personnel.

<sup>4</sup> R/U Factor (R/U) = Max RSF divided by total USF

<sup>5</sup> Storage excludes warehouse, which is part of Special Space.

<sup>6</sup> Special spaces listed are examples of such spaces and may be subject to change at the time a Request for Lease Proposal (RLP) is issued to meet specific agency requirements.

Special Space <sup>6</sup>	USF
Laboratory and Clinic	125,364
Food Service Area	1,534
Automated Data Processing	944
Conference and Training	4,696
<b>Total</b>	<b>132,538</b>

## COMMITTEE RESOLUTION

LEASE—DEPARTMENT OF LABOR, SEATTLE, WA

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that pursuant to 40 U.S.C. §3307, appropriations are authorized for a lease of up to 84,937 rentable square feet of space, including 20 official parking spaces, for the Department of Labor currently located at 300 5th Avenue in Seattle, Washington at a proposed total annual cost of \$3,958,914 for a lease term of up to 3 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

*Provided that*, the Administrator of General Services and tenant agencies agree to apply an overall utilization rate of 250 square feet or less per person, except that, if the Administrator determines that the overall utilization rate cannot be achieved, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

*Provided that*, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in

an overall utilization rate of 250 square feet or higher per person.

*Provided that*, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

*Provided further*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

*Provided further*, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

*Provided further*, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

*Provided further*, the Administrator of General Services may not enter into this lease if

it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

*Provided further*, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

GSA

PBS

**PROSPECTUS – LEASE  
DEPARTMENT OF LABOR  
SEATTLE, WA**

Prospectus Number: PWA-01-SE19  
Congressional District: 7

**Executive Summary**

The General Services Administration (GSA) proposes a 3-year lease extension of approximately 84,937 rentable square feet (RSF) for the Department of Labor (DOL) currently located at 300 5<sup>th</sup> Avenue in Seattle, WA. The current lease expires October 31, 2020.

The proposed extension will enable DOL to provide continued housing for its personnel while a renovation project to allow for relocation and consolidation into federally owned space is completed.

**Description**

Occupant:	Department of Labor
Current Rentable Square Feet (RSF)	84,937 (Current RSF/USF = 1.14)
Estimated/Proposed Maximum RSF <sup>1</sup> :	84,937 (Proposed RSF/USF = 1.14)
Expansion/Reduction RSF:	None
Current USF/Person:	250
Estimated/Proposed USF/Person:	250
Expiration Dates of Current Lease(s):	10/31/2020
Proposed Maximum Leasing Authority:	3 years
Delineated Area:	Seattle CBD
Number of Official Parking Spaces:	20
Scoring:	Operating Lease
Current Total Annual Cost:	\$ 3,242,895 (lease effective 11/01/2010)
Estimated Rental Rate <sup>2</sup> :	\$46.61 / RSF
Estimated Total Annual Cost <sup>3</sup> :	\$3,958,914

**Background**

DOL promotes and develops the welfare of the wage earners, job seekers, and retirees of the United States; improves working conditions; advances opportunities for profitable employment; and assures work-related benefits and rights. The Seattle DOL Regional Office houses district and field offices for 11 agencies.

<sup>1</sup> Five other agencies are included in the existing lease at 300 5<sup>th</sup> Ave.; their space needs will be negotiated and procured separately.

<sup>2</sup> This estimate is for fiscal year 2021 and may be escalated by 1.8 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as a basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

<sup>3</sup> New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

GSA

PBS

PROSPECTUS – LEASE  
DEPARTMENT OF LABOR  
SEATTLE, WA

Prospectus Number: PWA-01-SE19  
Congressional District: 7

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Justification

The current lease at 300 5<sup>th</sup> Avenue expires October 31, 2020. DOL is scheduled to consolidate this office and relocate to the Federal Office Building (FOB) at 909 First Avenue in Seattle, by October 1, 2021. DOL requires continued housing at its current location until the new space is readied for occupancy. DOL will backfill vacant space made available from a recent Department of the Interior–National Park Service (NPS) consolidation project in the FOB, and a Department of Housing and Urban Development (HUD) relocation and consolidation from the FOB to the Jackson Federal Building (JFB) at 915 Second Avenue in Seattle. The consolidation project will reduce DOL's all-in utilization rate from 250 to 166 per person with a reduction in usable square footage from 74,832 to 49,637.

The DOL move to the FOB is dependent on the completion of the NPS consolidation and HUD's relocation to the JFB. The 3-year term is requested to cover any potential delays in the coordination of these projects.

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

Resolutions of Approval

Resolutions adopted by the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

Interim Leasing

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the extension. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

GSAPBS

PROSPECTUS — LEASE  
DEPARTMENT OF LABOR  
SEATTLE, WA

Prospectus Number: PWA-01-SE19  
Congressional District: 7

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Certification of Need

The proposed project is the best solution to meet a validated Government need.

September 10, 2018

Submitted at Washington, DC, on \_\_\_\_\_

Recommended: \_\_\_\_\_



Commissioner, Public Buildings Service

Approved: \_\_\_\_\_



Administrator, General Services Administration

November 2017

**Housing Plan  
Department of Labor**

**PWA-01-SE19  
Seattle, WA**

Leased Locations	CURRENT						ESTIMATED/PROPOSED					
	Personnel		Usable Square Feet (USF) <sup>1</sup>				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage 5	Special 6	Total
300 5th Avenue	299	299	53,946	6,368	14,518	74,832	299	299	53,946	6,368	14,518	74,832
<b>Total</b>	<b>299</b>	<b>299</b>	<b>53,946</b>	<b>6,368</b>	<b>14,518</b>	<b>74,832</b>	<b>299</b>	<b>299</b>	<b>53,946</b>	<b>6,368</b>	<b>14,518</b>	<b>74,832</b>

Office Utilization Rate (UR) <sup>2</sup>		
	Current	Proposed
Rate	141	141

UR=average amount of office space per person

Current UR excludes 11,868 usf of office support space

Proposed UR excludes 11,868 usf of office support space

Overall UR <sup>3</sup>		
	Current	Proposed
Rate	250	250

R/U Factor <sup>4</sup>	Total USF	RSF/USF	Max RSF
Current	74,832	1.14	84,937
Estimated/Proposed	74,832	1.14	84,937

## NOTES:

<sup>1</sup>USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.<sup>2</sup>Calculation excludes Judiciary, Congress and agencies with less than 10 people<sup>3</sup>USF/Person = housing plan total USF divided by total personnel.<sup>4</sup>R/U Factor = Max RSF divided by total USF<sup>5</sup>Storage excludes warehouse, which is part of Special Space<sup>6</sup>Special spaces listed are examples of such spaces and may be subject to change at the time a Request for Lease Proposal (RLP) is issued to meet specific agency requirements.

Special Space	USF
Data Center	387
OCIO Operation Center	1,170
Conference	7,914
Break Room	1,360
Mailroom	934
Library	831
Interview Room	1,922
<b>Total</b>	<b>14,518</b>

September 28, 2018

CONGRESSIONAL RECORD — HOUSE

H9345

## COMMITTEE RESOLUTION

LEASE—COURT SERVICES AND OFFENDER SUPERVISION AGENCY, PRETRIAL SERVICES AGENCY, AND PUBLIC DEFENDER SERVICE, WASHINGTON, DC

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that pursuant to 40 U.S.C. 3307, appropriations are authorized for a lease of up to 201,000 rentable square feet of space, including 35 official parking spaces, for the Court Services and Offender Supervision Agency for the District of Columbia, the Pretrial Services Agency for the District of Columbia, and the Public Defender Service for the District of Columbia currently located at 633 Indiana Avenue NW, 1025 F Street NW, and 601 Indiana Avenue NW in Washington, D.C. at a proposed total annual cost of \$10,050,000 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

*Provided that*, the Administrator of General Services and tenant agencies agree to apply an overall utilization rate of 204 square feet or less per person, except that, if the Administrator determines that the overall utilization rate cannot be achieved, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

*Provided that*, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 204 square feet or higher per person.

*Provided that*, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

*Provided further*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

*Provided further*, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

*Provided further*, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that pro-

vides any information requested regarding the project.

*Provided further*, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

*Provided further*, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.



GSA

PBS

**PROSPECTUS – LEASE**  
**COURT SERVICES AND OFFENDER SUPERVISION AGENCY,**  
**PRETRIAL SERVICES AGENCY, AND PUBLIC DEFENDER SERVICE**  
**WASHINGTON, DC**

Prospectus Number PDC-12-WA19

**Executive Summary**

The General Services Administration (GSA) proposes a replacement lease of approximately 201,000 rentable square feet (RSF) for the Court Services and Offender Supervision Agency for the District of Columbia (CSOSA), the Pretrial Services Agency for the District of Columbia (PSA), and the Public Defender Service for the District of Columbia (PDS) in Washington, DC. CSOSA, PSA, and PDS are currently housed in three leased locations, which include three GSA leases (located at 633 Indiana Avenue NW since 1999, and 1025 F Street NW since 2010), and two leases executed by CSOSA and PSA under a delegation from GSA (located at 601 Indiana Avenue NW).

The new lease will provide continued housing for CSOSA, PSA, and PDS and will improve their office utilization rate from 115 usable square feet (USF) per person to 93 USF and their overall space utilization rate from 212 USF to 204 USF per person, respectively.

**Description**

Occupant:	CSOSA, PSA, and PDS
Current Rentable Square Feet (RSF)	209,012 (Current RSF/USF = 1.20)
Estimated Maximum RSF <sup>1</sup> :	201,000 (Proposed RSF/USF = 1.20)
Reduction RSF:	8,012 RSF
Current USF/Person:	212
Estimated USF/Person:	204
Expiration Dates of Current Lease(s):	633 Indiana Ave. NW: 9/30/20 1025 F St. NW: 11/7/20 601 Indiana Ave. NW: 3/31/23 & 9/30/21
Proposed Maximum Leasing Authority:	20 years
Delineated Area:	Portions of Washington DC, CEA
Number of Official Parking Spaces:	35
Scoring:	Operating
Current Total Annual Cost:	\$10,002,095 (leases effective 2010)
Estimated Rental Rate <sup>2</sup> :	\$50.00 / RSF

<sup>1</sup> The RSF/USF at the current location is approximately 1.18; however, to maximize competition a RSF/USF ratio of 1.20 is used for the estimated proposed maximum RSF as indicated in the housing plan.

<sup>2</sup> This estimate is for fiscal year 2019 and may be escalated by 2.0 percent annually to the effective date of the lease to account for inflation. The proposed rental rate is fully serviced including all operating expenses, whether paid by the lessor or directly by the Government. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as the basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

GSA

PBS

**PROSPECTUS – LEASE  
COURT SERVICES AND OFFENDER SUPERVISION AGENCY,  
PRETRIAL SERVICES AGENCY, AND PUBLIC DEFENDER SERVICE  
WASHINGTON, DC**

Prospectus Number PDC-12-WA19

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Estimated Total Annual Cost <sup>3</sup> :	\$10,050,000
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**Acquisition Strategy**

In order to maximize the flexibility and competition in acquiring space for CSOSA, PSA, and PDS, GSA may issue a single, multiple-award solicitation that will allow offerors to provide blocks of space able to meet requirements in whole or in part. All offers must provide space consistent with the delineated area defined by this prospectus.

**Background**

The National Capital Revitalization and Self-Government Improvement Act first established CSOSA in 1997 to provide community supervision for adult offenders on probation, parole, and supervised release in the District of Columbia. CSOSA's mission is to enhance public safety, prevent crime, and reduce recidivism among those supervised and to support the fair administration of justice in close collaboration with the community.

PSA's mission is to promote pretrial justice and enhance community safety. It assists judicial officers in both the Superior Court of the District of Columbia and the United States District Court for the District of Columbia by conducting a risk assessment for every arrested person who will be presented in court and formulating release or detention recommendations. PDS' mission is to promote and provide quality court-appointed counsel in criminal and juvenile delinquency cases pending before the Superior Court of the District of Columbia.

**Justification**

Due to the nature of their functions, CSOSA, PSA, and PDS need to be housed within close proximity to the courts to address mission-based matters that may arise with the sentencing and/or supervision of their clients. CSOSA staff supervises approximately 14,000 offenders on any given day. The court often directs probationers to report promptly to CSOSA for a variety of reasons that may require immediate attention before judicial decisions can be made. For the defendants who are placed on conditional release pending trial, PSA provides supervision and treatment services that reasonably assure that they return to court and do not engage in criminal activity pending their trial and/or sentencing. PDS staff makes frequent trips to the DC Superior Court daily in support of

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<sup>3</sup> New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

GSA

PBS

**PROSPECTUS – LEASE  
COURT SERVICES AND OFFENDER SUPERVISION AGENCY,  
PRETRIAL SERVICES AGENCY, AND PUBLIC DEFENDER SERVICE  
WASHINGTON, DC**

Prospectus Number PDC-12-WA19

PDS's work, and the court relies heavily on the immediate availability of PDS staff to attend to the many matters that may arise.

These agencies have housed their offices in close proximity to the courts since their creation. They anticipate continued housing needs beyond the proposed term of this lease (20 years).

CSOSA's goal is to reduce its real estate footprint through consolidation and vacating some of its existing locations. CSOSA will reduce its real estate footprint and operational costs through open space plans and office sharing, where feasible. While neither PDS nor PSA have published reduction goals, the proposed project reflects reductions from their current footprint.

**Summary of Energy Compliance**

GSA will incorporate energy efficiency requirements into the Request for Lease Proposals and other documents related to the procurement of space based on the approved prospectus. GSA encourages offerors to exceed minimum requirements set forth in the procurement and to achieve an Energy Star performance rating of 75 or higher.

**Resolutions of Approval**

Resolutions adopted by the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

**Interim Leasing**

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the new lease. It is in the best interest of the Government to avert the financial risk of holdover tenancy.

GSA

PBS

PROSPECTUS — LEASE  
COURT SERVICES AND OFFENDER SUPERVISION AGENCY,  
PRETRIAL SERVICES AGENCY, AND PUBLIC DEFENDER SERVICE  
WASHINGTON, DC

Prospectus Number PDC-12-WA19

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Certification of Need

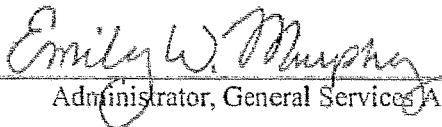
The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 19, 2018

Recommended: \_\_\_\_\_

  
Commissioner, Public Buildings Service

Approved: \_\_\_\_\_

  
Administrator, General Services Administration

March 2018

**Housing Plan  
Court Services and Offender Supervision Agency  
Pretrial Services Agency, and Public Defender Service**

PDC-12-WA19  
Washington, DC

September 28, 2018

CONGRESSIONAL RECORD — HOUSE

H9351

Leased Locations	CURRENT						ESTIMATED/PROPOSED					
	Personnel		Usable Square Feet (USF) <sup>1</sup>				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage <sup>3</sup>	Special <sup>4</sup>	Total
633 Indiana Avenue	597	597	85,878	4,540	36,608	127,026	-	-	-	-	-	-
1025 F Street NW	33	33	5,221	313	4,145	9,679	-	-	-	-	-	-
601 Indiana Avenue - delegated lease	189	189	30,119	2,185	4,543	36,847	-	-	-	-	-	-
Estimated/Proposed Lease	-	-	-	-	-	-	819	819	97,454	10,941	58,654	167,049
<b>Total</b>	<b>819</b>	<b>819</b>	<b>121,218</b>	<b>7,038</b>	<b>45,296</b>	<b>173,552</b>	<b>819</b>	<b>819</b>	<b>97,454</b>	<b>10,941</b>	<b>58,654</b>	<b>167,049</b>

Office Utilization Rate (UR) <sup>2</sup>		
	Current	Proposed
Rate	115	93

UR = average amount of office space per person  
Current UR excludes 26,668 usf of office support space  
Proposed UR excludes 21,440 usf of office support space

Overall UR <sup>3</sup>		
	Current	Proposed
Rate	212	204

CAF <sup>4</sup>			
	Total USF	RSF/USF	Max RSF
Current	173,552	1.20	209,012
Estimated/Proposed	167,049	1.20	201,000

Special Space <sup>5</sup>	USF
Security	2,000
Conference	27,000
Copy File	10,318
Learning Lab	2,500
Pantry	6,018
Drug Collection	4,000
LAN	1,750
Collection Unit	168
Library/Secured Waiting	4,900
<b>Total</b>	<b>58,654</b>

**NOTES:**

<sup>1</sup> USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.

<sup>2</sup> Calculation excludes Judiciary, Congress and agencies with less than 10 people

<sup>3</sup> USF/Person = housing plan total USF divided by total personnel.

<sup>4</sup> Common Area Factor (CAF) = Max RSF divided by total USF

<sup>5</sup> Storage excludes warehouse, which is part of Special

<sup>6</sup> Special spaces listed are examples of such spaces and may be subject to change at the time a Request for Lease Proposal (RLP) is issued to meet specific agency requirements.

*Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives*, that pursuant to 40 U.S.C. 3307, appropriations are authorized for a lease of up to 92,210 rentable square feet of space for the Department of Homeland Security-Secret Service currently located in the Renaissance Plaza Building at 335 Adams Street in Brooklyn, New York at a proposed total annual cost of \$5,593,459 for a lease term of up to 5 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

*Provided that*, the Administrator of General Services and tenant agencies agree to apply an overall utilization rate of 269 square feet or less per person, except that, if the Administrator determines that the overall utilization rate cannot be achieved, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

*Provided that*, except for interim leases as described above, the Administrator may not enter into any leases that are below prospectus level for the purposes of meeting any of the requirements, or portions thereof, included in the prospectus that would result in an overall utilization rate of 269 square feet or higher per person.

*Provided that*, to the maximum extent practicable, the Administrator shall include in the lease contract(s) a purchase option that can be exercised at the conclusion of the firm term of the lease.

*Provided further*, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

*Provided further*, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

*Provided further*, not later than 30 calendar days after the date on which a request from the Chairman or Ranking Member of the Committee on Transportation and Infrastructure of the House of Representatives is received by the Administrator of General Services, the Administrator shall provide such Member a response in writing that provides any information requested regarding the project.

*Provided further*, the Administrator of General Services may not enter into this lease if it does not contain a provision barring any

individual holding a Federally-elected office, regardless of whether such individual took office before or after execution of this lease, to directly participate in, or benefit from or under this lease or any part thereof and that such provision provide that if this lease is found to have been made in violation of the foregoing prohibition or it is found that this prohibition has been violated during the term of the lease, the lease shall be void, except that the foregoing limitation shall not apply if the lease is entered into with a publicly-held corporation or publicly-held entity for the general benefit of such corporation or entity.

*Provided further*, prior to entering into this lease or approving a novation agreement involving a change of ownership under this lease, the Administrator of General Services shall require the offeror or the parties requesting the novation, as applicable, to identify and disclose whether the owner of the leased space, including an entity involved in the financing thereof, is a foreign person or a foreign-owned entity; provided further, in such an instance, the Administrator of General Services shall notify the occupant agency(ies) in writing, and consult with such occupant agency(ies) regarding security concerns and necessary mitigation measures (if any) prior to award of the lease or approval of the novation agreement.

GSA

PBS

**PROSPECTUS — LEASE  
DEPARTMENT OF HOMELAND SECURITY  
SECRET SERVICE  
BROOKLYN, NY**

Prospectus Number: PNY-04-BR18  
Congressional District: 7

**Executive Summary**

The General Services Administration (GSA) proposes a lease extension of up to 5 years at the current location for approximately 92,210 rentable square feet (RSF) for the Department of Homeland Security (DHS)–Secret Service (USSS). USSS is currently located in the Renaissance Plaza Building at 335 Adams Street in Brooklyn, New York. This location houses the Regional Headquarters Office for USSS, and USSS has occupied space in the building since October 2001. The lease expires on October 30, 2018.

**Description**

Occupant:	Secret Service
Current Rentable Square Feet (RSF)	92,210 (Current RSF/USF = 1.37)
Estimated Maximum RSF:	92,210 (Proposed RSF/USF = 1.37)
Expansion/Reduction RSF:	None
Current Usable Square Feet	
(USF)/Person:	269
Estimated USF/Person:	269
Proposed Maximum Lease Term:	5 Years
Expiration Dates of Current Leases:	10/30/2018
Delineated Area:	Bounded by Tillary Street to the north, Ashland Place to the east, Schermerhorn Street to the south, and Adams Street/Boerun Place to the west
Number of Official Parking Spaces:	0
Scoring:	Operating lease
Current Total Annual Cost:	\$4,965,202 (Lease effective 10/05/2001; includes lease contract and electricity)
Estimated Rental Rate: <sup>1</sup>	\$60.66
Estimated Total Annual Cost: <sup>2</sup>	\$5,593,459 (lease contract plus electricity)

<sup>1</sup> This estimate is for fiscal year 2019 and may be escalated by 1.9 percent annually to the effective date of the lease to account for inflation. GSA will conduct the procurement using prevailing market rental rates as a benchmark for the evaluation of competitive offers and as a basis for negotiating with offerors to ensure that lease award is made in the best interest of the Government.

<sup>2</sup> The proposed annual rental is fully serviced including all operating expenses whether paid by the lessor or directly by the Government. New leases may contain an escalation clause to provide for annual changes in real estate taxes and operating costs.

GSAPBS

**PROSPECTUS – LEASE  
DEPARTMENT OF HOMELAND SECURITY  
SECRET SERVICE  
BROOKLYN, NY**

Prospectus Number: PNY-04-BR18  
Congressional District: 7

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**Background**

The current lease became effective on October 5, 2001—shortly after the September 11, 2001, attacks destroyed USSS' Regional Headquarters Office located at 7 World Trade Center—and expires on October 30, 2018. The lease was executed under an emergency blanket authorization. GSA pays approximately \$4,726,378 in annual lease contract rent.

**Justification**

USSS has housed its Regional Headquarters in Brooklyn since 2001. Extension of the current lease will enable USSS to provide continued housing for its personnel and meet its mission requirements. A 5-year lease extension will provide GSA and USSS the opportunity for a coordinated USSS relocation plan. GSA will attempt to negotiate a flexible lease term of 5 years with termination rights after the third year to mitigate vacancy risk in the event a new location for USSS is ready for occupancy in less than 5 years.

It is anticipated that USSS will consolidate the larger USSS footprint throughout the New York City area into a long-term solution.

**Resolutions of Approval**

Resolutions adopted by the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works approving this prospectus will constitute approval to make appropriations to lease space in a facility that will yield the required rentable area.

**Interim Leasing**

GSA will execute such interim leasing actions as are necessary to ensure continued housing of the tenant agency prior to the effective date of the extension. It is in the best interest of the Government to avert the financial risk of holdover tenancy.



GSA

PBS

PROSPECTUS -- LEASE  
DEPARTMENT OF HOMELAND SECURITY  
SECRET SERVICE  
BROOKLYN, NY

Prospectus Number: PNY-04-BR18  
Congressional District: 7

Certification of Need

The proposed project is the best solution to meet a validated Government need.

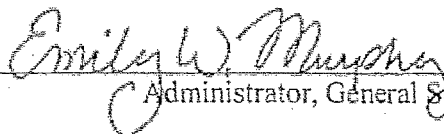
Submitted at Washington, DC, on August 2, 2018.

Recommended:



Commissioner, Public Buildings Service

Approved:



Administrator, General Services Administration

January 2017

**Housing Plan**  
**Department of Homeland Security United States Secret Service (DHS-USSS)**

PNY-04-BK18  
 Brooklyn, NY

Leased Locations	CURRENT						ESTIMATED/PROPOSED					
	Personnel		Usable Square Feet (USF) <sup>1</sup>				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
335 Adams Street, Brooklyn, NY	250	250	47,611	2,060	17,620	67,291	250	250	47,611	2,060	17,620	67,291
<b>Total</b>	<b>250</b>	<b>250</b>	<b>47,611</b>	<b>2,060</b>	<b>17,620</b>	<b>67,291</b>	<b>250</b>	<b>250</b>	<b>47,611</b>	<b>2,060</b>	<b>17,620</b>	<b>67,291</b>

Office Utilization Rate (UR) <sup>2</sup>		
	Current	Proposed
Rate	149	149

UR=average amount of office space per person

Current UR excludes 10,474 usf of office support space

Proposed UR excludes 10,474 usf of office support space

Overall UR <sup>3</sup>		
	Current	Proposed
Rate	269	269

R/U Factor <sup>4</sup>	Total USF	RSF/USF	Max RSF
Current	67,291	1.37	92,210
Estimated/Proposed	67,291	1.37	92,210

Special Space	USF
Interview Rooms	2,150
Conference/ Training Room	5,330
Ops Equipment Room	2,250
Communication Equipment Room	450
Equipment Storage	3,720
Fitness Room	2,250
Locker Room	1,470
<b>Total</b>	<b>17,620</b>

## NOTES:

<sup>1</sup>USF means the portion of the building available for use by a tenant's personnel and furnishings and space available jointly to the occupants of the building.<sup>2</sup>Calculation excludes Judiciary, Congress, and agencies with fewer than 10 people.<sup>3</sup>USF/Person = housing plan total USF divided by total personnel.<sup>4</sup>R/U Factor = Max RSF divided by total USF

H9356

CONGRESSIONAL RECORD — HOUSE

September 28, 2018

There was no objection.

# RENAMING THE STOP TRADING ON CONGRESSIONAL KNOWLEDGE ACT OF 2012

Mr. COMER. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform, Committee on Financial Services, Committee on Agriculture, Committee on House Administration, and Committee on the Judiciary be discharged from further consideration of the bill (H.R. 6870) to rename the Stop Trading on Congressional Knowledge Act of 2012 in honor of Representative Louise McIntosh Slaughter, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6870

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

## SECTION 1. RENAMING.

(a) SHORT TITLE.—Section 1 of the Stop Trading on Congressional Knowledge Act of 2012 is amended by striking “Stop Trading on Congressional Knowledge Act of 2012” and inserting “Representative Louise McIntosh Slaughter Stop Trading on Congressional Knowledge Act”.

(b) CONFORMING AMENDMENT.—Section 103(i)(2) of the Ethics in Government Act of 1978 (5 U.S.C. App. 103(i)(2)) is amended by striking “Stop Trading on Congressional Knowledge Act of 2012” and inserting “STOCK Act”.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

# DEPUTY SHERIFF ZACKARI SPURLOCK PARRISH, III, POST OFFICE BUILDING

Mr. COMER. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 5791) to designate the facility of the United States Postal Service located at 9609 South University Boulevard in Highlands Ranch, Colorado, as the “Deputy Sheriff Zackari Spurlock Parrish, III, Post Office Building”, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 5791

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

## SECTION 1. DEPUTY SHERIFF ZACKARI SPURLOCK PARRISH, III, POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 9609

South University Boulevard in Highlands Ranch, Colorado, shall be known and designated as the “Deputy Sheriff Zackari Spurlock Parrish, III, Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Deputy Sheriff Zackari Spurlock Parrish, III, Post Office Building”.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## DEPUTY SHERIFF HEATH MCDONALD GUMM POST OFFICE

Mr. COMER. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 5792) to designate the facility of the United States Postal Service located at 90 North 4th Avenue in Brighton, Colorado, as the “Deputy Sheriff Heath McDonald Gumm Post Office”, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 5792

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

## SECTION 1. DEPUTY SHERIFF HEATH MCDONALD GUMM POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 90 North 4th Avenue in Brighton, Colorado, shall be known and designated as the “Deputy Sheriff Heath McDonald Gumm Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Deputy Sheriff Heath McDonald Gumm Post Office”.

AMENDMENT OFFERED BY MR. COMER

Mr. COMER. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

## SECTION 1. DETECTIVE HEATH MCDONALD GUMM POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 90 North 4th Avenue in Brighton, Colorado, shall be known and designated as the “Detective Heath McDonald Gumm Post Office”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Detective Heath McDonald Gumm Post Office”.

Mr. COMER (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

The amendment was agreed to.

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

The title of the bill was amended so as to read: “A bill to designate the facility of the United States Postal Service located at 90 North 4th Avenue in Brighton, Colorado, as the ‘Detective Heath McDonald Gumm Post Office’.”

A motion to reconsider was laid on the table.

## MAJOR ANDREAS O’KEEFFE POST OFFICE BUILDING

Mr. COMER. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 6780) to designate the facility of the United States Postal Service located at 7521 Paula Drive in Tampa, Florida, as the “Major Andreas O’Keeffe Post Office Building”, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6780

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

## SECTION 1. MAJOR ANDREAS O’KEEFFE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 7521 Paula Drive in Tampa, Florida, shall be known and designated as the “Major Andreas O’Keeffe Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Major Andreas O’Keeffe Post Office Building”.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## NAPOLEON ‘NAP’ FORD POST OFFICE BUILDING

Mr. COMER. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 6591) to designate the facility of the United States Postal Service located at 501 South Kirkman Road in Orlando, Florida, as the “Napoleon ‘Nap’ Ford Post Office Building”, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6591

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

**SECTION 1. NAPOLEON "NAP" FORD POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 501 South Kirkman Road in Orlando, Florida, shall be known and designated as the "Napoleon 'Nap' Ford Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Napoleon 'Nap' Ford Post Office Building".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1230

**MISSING CHILDREN'S ASSISTANCE ACT OF 2018**

Mr. GUTHRIE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3354) to amend the Missing Children's Assistance Act, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 3354

*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 "Missing Children's Assistance Act of 2018".

**SEC. 2. IMPROVING SUPPORT FOR MISSING AND EXPLOITED CHILDREN.**

(a) FINDINGS.—Section 402 of the Missing Children's Assistance Act (34 U.S.C. 11291) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) each year tens of thousands of children run away, or are abducted or removed, from the control of a parent having legal custody without the consent of that parent, under circumstances which immediately place the child in grave danger;"

(2) by striking paragraphs (4), (5), and (9);

(3) by redesignating paragraphs (6), (7), (8), and (10) as paragraphs (4), (5), (6), and (7), respectively;

(4) in paragraph (4), as so redesignated, by inserting ", including child sex trafficking and sextortion" after "exploitation";

(5) in paragraph (6), as so redesignated, by adding "and" at the end; and

(6) by amending paragraph (7), as so redesignated, to read as follows:

"(7) the Office of Juvenile Justice and Delinquency Prevention administers programs under this title, including programs that prevent and address offenses committed against vulnerable children and support missing children's organizations, including the National Center for Missing and Exploited Children that—

"(A) serves as a nonprofit, national resource center and clearinghouse to provide assistance to victims, families, child-serving professionals, and the general public;

"(B) works with the Department of Justice, the Federal Bureau of Investigation, the United States Marshals Service, the Department of the Treasury, the Department of State, U.S. Immigration and Customs En-

forcement, the United States Secret Service, the United States Postal Inspection Service, other agencies, and nongovernmental organizations in the effort to find missing children and to prevent child victimization; and

"(C) coordinates with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, Puerto Rico, and international organizations to transmit images and information regarding missing and exploited children to law enforcement agencies, nongovernmental organizations, and corporate partners across the United States and around the world instantly."

(b) DEFINITIONS.—Section 403 of the Missing Children's Assistance Act (34 U.S.C. 11292) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) the term 'missing child' means any individual less than 18 years of age whose whereabouts are unknown to such individual's parent;"

(2) in paragraph (2), by striking "and" at the end;

(3) in paragraph (3), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(4) the term 'parent' includes a legal guardian or other individual who may lawfully exercise parental rights with respect to the child."

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children's Assistance Act (34 U.S.C. 11293) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking "telephone line" and inserting "hotline"; and

(B) in paragraph (6)(E)—

(i) by striking "telephone line" and inserting "hotline";

(ii) by striking "(b)(1)(A) and" and inserting "(b)(1)(A)"; and

(iii) by inserting ", and the number and types of reports to the tipline established under subsection (b)(1)(K)(i)" before the semicolon at the end;

(2) in subsection (b)(1)—

(A) in subparagraph (A)—

(i) by striking "telephone line" each place it appears and inserting "hotline"; and

(ii) by striking "legal custodian" and inserting "parent";

(B) in subparagraph (C)—

(i) in clause (i)—

(I) by striking "restaurant" and inserting "food"; and

(II) by striking "and" at the end;

(ii) in clause (ii) by adding "and" at the end; and

(iii) by adding at the end the following:

"(iii) innovative and model programs, services, and legislation that benefit missing and exploited children;"

(C) by striking subparagraphs (E), (F), (G), (L), (M), (P) and (R);

(D) by redesignating subparagraphs (H) through (K) as subparagraphs (E) through (H), respectively;

(E) by redesignating subparagraphs (N) and (O) as subparagraphs (I) and (J), respectively;

(F) by redesignating subparagraph (Q) as subparagraph (K);

(G) by redesignating subparagraphs (S) through (V) as subparagraphs (L) through (O), respectively;

(H) by amending subparagraph (E), as so redesignated, to read as follows:

"(E) provide technical assistance and training to families, law enforcement agencies, State and local governments, elements of the criminal justice system, nongovernmental agencies, local educational agencies, and the general public—

"(i) in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children;

"(ii) to respond to foster children missing from the State child welfare system in coordination with child welfare agencies and courts handling juvenile justice and dependency matters; and

"(iii) in the identification, location, and recovery of victims of, and children at risk for, child sex trafficking;"

(I) by amending subparagraphs (F), (G), and (H), as so redesignated, to read as follows:

"(F) provide assistance to families, law enforcement agencies, State and local governments, nongovernmental agencies, child-serving professionals, and other individuals involved in the location and recovery of missing and abducted children nationally and, in cooperation with the Department of State, internationally;

"(G) provide support and technical assistance to child-serving professionals involved in helping to recover missing and exploited children by searching public records databases to help in the identification, location, and recovery of such children, and help in the location and identification of potential abductors and offenders;

"(H) provide forensic and direct on-site technical assistance and consultation to families, law enforcement agencies, child-serving professionals, and nongovernmental organizations in child abduction and exploitation cases, including facial reconstruction of skeletal remains and similar techniques to assist in the identification of unidentified deceased children;"

(J) by amending subparagraph (I), as so redesignated, to read as follows:

"(I) provide training, technical assistance, and information to nongovernmental organizations relating to non-compliant sex offenders and to law enforcement agencies in identifying and locating such individuals;"

(K) by amending subparagraph (K), as so redesignated, to read as follows:

"(K) work with families, law enforcement agencies, electronic service providers, electronic payment service providers, technology companies, nongovernmental organizations, and others on methods to reduce the existence and distribution of online images and videos of sexually exploited children—

"(i) by operating a tipline to—

"(I) provide to individuals and electronic service providers an effective means of reporting internet-related and other instances of child sexual exploitation in the areas of—

"(aa) possession, manufacture, and distribution of child pornography;

"(bb) online enticement of children for sexual acts;

"(cc) child sex trafficking;

"(dd) sex tourism involving children;

"(ee) extra-familial child sexual molestation;

"(ff) unsolicited obscene material sent to a child;

"(gg) misleading domain names; and

"(hh) misleading words or digital images on the internet; and

"(II) make reports received through the tipline available to the appropriate law enforcement agency for its review and potential investigation;

"(ii) by operating a child victim identification program to assist law enforcement agencies in identifying victims of child pornography and other sexual crimes to support the recovery of children from sexually exploitative situations; and

"(iii) by utilizing emerging technologies to provide additional outreach and educational materials to parents and families;"

(L) by amending subparagraphs (L) and (M), as so redesignated, to read as follows:

“(L) develop and disseminate programs and information to families, child-serving professionals, law enforcement agencies, State and local governments, nongovernmental organizations, schools, local educational agencies, child-serving organizations, and the general public on—

“(i) the prevention of child abduction and sexual exploitation;

“(ii) internet safety, including tips for social media and cyberbullying; and

“(iii) sexting and sextortion;

“(M) provide technical assistance and training to local educational agencies, schools, State and local law enforcement agencies, individuals, and other nongovernmental organizations that assist with finding missing and abducted children in identifying and recovering such children;”.

(d) GRANTS.—Section 405 of the Missing Children’s Assistance Act (34 U.S.C. 11294) is amended—

(1) in subsection (a)—

(A) in paragraph (7), by striking “(as defined in section 403(1)(A))”; and

(B) in paragraph (8)—

(i) by striking “legal custodians” and inserting “parents”; and

(ii) by striking “custodians” and inserting “parents”; and

(2) in subsection (b)(1)(A), by striking “legal custodians” and inserting “parents”.

(e) REPORTING.—The Missing Children’s Assistance Act (34 U.S.C. 11291 et seq.) is amended—

(1) by redesignating sections 407 and 408 as sections 408 and 409, respectively; and

(2) by inserting after section 406 (34 U.S.C. 11295) the following:

**“SEC. 407. REPORTING.**

“(a) REQUIRED REPORTING.—As a condition of receiving funds under section 404(b), the grant recipient shall, based solely on reports received by the grantee and not involving any data collection by the grantee other than those reports, annually provide to the Administrator and make available to the general public, as appropriate—

“(1) the number of children nationwide who are reported to the grantee as missing;

“(2) the number of children nationwide who are reported to the grantee as victims of non-family abductions;

“(3) the number of children nationwide who are reported to the grantee as victims of family abductions; and

“(4) the number of missing children recovered nationwide whose recovery was reported to the grantee.

“(b) INCIDENCE OF ATTEMPTED CHILD ABDUCTIONS.—As a condition of receiving funds under section 404(b), the grant recipient shall—

“(1) track the incidence of attempted child abductions in order to identify links and patterns;

“(2) provide such information to law enforcement agencies; and

“(3) make such information available to the general public, as appropriate.”.

**SEC. 3. AUTHORIZATION OF APPROPRIATIONS; AUDIT REQUIREMENT.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 409(a) of the Missing Children’s Assistance Act, as so redesignated by section 2, is amended by striking “2018” and inserting “2023”.

(b) AUDIT REQUIREMENT.—Section 408(1) of the Missing Children’s Assistance Act, as so redesignated by section 2, is amended by striking “2018” and inserting “2023”.

**SEC. 4. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by section 2 shall apply with respect to fiscal years that begin after September 30, 2018.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**REAUTHORIZING THE FAMILY VIOLENCE PREVENTION AND SERVICES ACT**

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce be discharged from further consideration of the bill (H.R. 6014) to reauthorize the Family Violence Prevention and Services Act, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6014

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

**SECTION 1. FAMILY VIOLENCE PREVENTION AND SERVICES.**

Section 303 of the Family Violence Prevention and Services Act (42 U.S.C. 10403) is amended—

(1) in subsection (a)(1), by striking “2011 through 2015” and inserting “2019 through 2023”; and

(2) in subsection (b), by striking “2011 through 2015” and inserting “2019 through 2023”; and

(3) in subsection (c), by striking “2011 through 2015” and inserting “2019 through 2023”.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**CONGRESSIONAL AWARD PROGRAM REAUTHORIZATION ACT OF 2018**

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker’s table the bill (S. 3509) to reauthorize the Congressional Award Act, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 3509

*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 “Congressional Award Program Reauthorization Act of 2018”.

**SEC. 2. TERMINATION.**

(a) IN GENERAL.—Section 108 of the Congressional Award Act (2 U.S.C. 808) is amended by striking “October 1, 2018” and inserting “October 1, 2023”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2018.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**JUVENILE JUSTICE REFORM ACT OF 2018**

Mr. LEWIS of Minnesota. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce be discharged from further consideration of the bill (H.R. 6964) to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6964

*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 “Juvenile Justice Reform Act of 2018”.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Application of amendments.

**TITLE I—DECLARATION OF PURPOSE AND DEFINITIONS**

Sec. 101. Purposes.

Sec. 102. Definitions.

**TITLE II—CHARLES GRASSLEY JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM**

Sec. 201. Concentration of Federal efforts.

Sec. 202. Coordinating Council on Juvenile Justice and Delinquency Prevention.

Sec. 203. Annual report.

Sec. 204. Allocation of funds.

Sec. 205. State plans.

Sec. 206. Repeal of juvenile delinquency prevention block grant program.

Sec. 207. Research and evaluation; statistical analyses; information dissemination.

Sec. 208. Training and technical assistance.

Sec. 209. Administrative authority.

**TITLE III—INCENTIVE GRANTS FOR PRISON REDUCTION THROUGH OPPORTUNITIES, MENTORING, INTERVENTION, SUPPORT, AND EDUCATION**

Sec. 301. Short Title.

Sec. 302. Definitions.

Sec. 303. Duties and functions of the administrator.

Sec. 304. Grants for delinquency prevention programs.

Sec. 305. Grants for tribal delinquency prevention and response programs.

Sec. 306. Evaluation by Government Accountability Office.

Sec. 307. Technical amendment.

**TITLE IV—MISCELLANEOUS PROVISIONS**

Sec. 401. Evaluation by Government Accountability Office.

Sec. 402. Authorization of appropriations; accountability and oversight.

**SEC. 3. APPLICATION OF AMENDMENTS.**

The amendments made by this Act shall not apply with respect to funds appropriated for any fiscal year that begins before the date of the enactment of this Act.

**TITLE I—DECLARATION OF PURPOSE AND DEFINITIONS****SEC. 101. PURPOSES.**

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11102) is amended—

(1) in paragraph (1), by inserting “, tribal,” after “State”;

(2) in paragraph (2)—

(A) by inserting “, tribal,” after “State”;

and

(B) by striking “and” at the end;

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

“(3) to assist State, tribal, and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of current and relevant information on effective and evidence-based programs and practices for combating juvenile delinquency; and”;

(4) by adding at the end the following:

“(4) to support a continuum of evidence-based or promising programs (including delinquency prevention, intervention, mental health, behavioral health and substance abuse treatment, family services, and services for children exposed to violence) that are trauma informed, reflect the science of adolescent development, and are designed to meet the needs of at-risk youth and youth who come into contact with the justice system.”.

**SEC. 102. DEFINITIONS.**

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11103) is amended—

(1) in paragraph (8)—

(A) in subparagraph (B)(ii), by adding “or” at the end;

(B) by striking subparagraph (C); and

(C) by redesignating subparagraph (D) as subparagraph (C);

(2) in paragraph (18)—

(A) by inserting “for purposes of title II,” before “the term”;

(B) by adding at the end the following:

“that has a law enforcement function, as determined by the Secretary of the Interior in consultation with the Attorney General.”;

(3) by amending paragraph (22) to read as follows:

“(22) the term ‘jail or lockup for adults’ means a secure facility that is used by a State, unit of local government, or law enforcement authority to detain or confine adult inmates”;

(4) by amending paragraph (25) to read as follows:

“(25) the term ‘sight or sound contact’ means any physical, clear visual, or verbal contact that is not brief and inadvertent”;

(5) by amending paragraph (26) to read as follows:

“(26) the term ‘adult inmate’—

“(A) means an individual who—

“(i) has reached the age of full criminal responsibility under applicable State law; and

“(ii) has been arrested and is in custody for or awaiting trial on a criminal charge, or is convicted of a criminal offense; and

“(B) does not include an individual who—

“(i) at the time of the offense, was younger than the maximum age at which a youth can be held in a juvenile facility under applicable State law; and

“(ii) was committed to the care and custody or supervision, including post-placement or parole supervision, of a juvenile correctional agency by a court of competent jurisdiction or by operation of applicable State law”;

(6) in paragraph (28), by striking “and” at the end;

(7) in paragraph (29), by striking the period at the end and inserting a semicolon; and

(8) by adding at the end the following:

“(30) the term ‘core requirements’—

“(A) means the requirements described in paragraphs (11), (12), (13), and (15) of section 223(a); and

“(B) does not include the data collection requirements described in subparagraphs (A) through (K) of section 207(1);

“(31) the term ‘chemical agent’ means a spray or injection used to temporarily incapacitate a person, including oleoresin capicum spray, tear gas, and 2-chlorobenzalmalononitrile gas;

“(32) the term ‘isolation’—

“(A) means any instance in which a youth is confined alone for more than 15 minutes in a room or cell; and

“(B) does not include—

“(i) confinement during regularly scheduled sleeping hours;

“(ii) separation based on a treatment program approved by a licensed medical or mental health professional;

“(iii) confinement or separation that is requested by the youth; or

“(iv) the separation of the youth from a group in a nonlocked setting for the limited purpose of calming;

“(33) the term ‘restraints’ has the meaning given that term in section 591 of the Public Health Service Act (42 U.S.C. 290ii);

“(34) the term ‘evidence-based’ means a program or practice that—

“(A) is demonstrated to be effective when implemented with fidelity;

“(B) is based on a clearly articulated and empirically supported theory;

“(C) has measurable outcomes relevant to juvenile justice, including a detailed description of the outcomes produced in a particular population, whether urban or rural; and

“(D) has been scientifically tested and proven effective through randomized control studies or comparison group studies and with the ability to replicate and scale;

“(35) the term ‘promising’ means a program or practice that—

“(A) is demonstrated to be effective based on positive outcomes relevant to juvenile justice from one or more objective, independent, and scientifically valid evaluations, as documented in writing to the Administrator; and

“(B) will be evaluated through a well-designed and rigorous study, as described in paragraph (34)(D);

“(36) the term ‘dangerous practice’ means an act, procedure, or program that creates an unreasonable risk of physical injury, pain, or psychological harm to a juvenile subjected to the act, procedure, or program;

“(37) the term ‘screening’ means a brief process—

“(A) designed to identify youth who may have mental health, behavioral health, substance abuse, or other needs requiring immediate attention, intervention, and further evaluation; and

“(B) the purpose of which is to quickly identify a youth with possible mental health, behavioral health, substance abuse, or other needs in need of further assessment;

“(38) the term ‘assessment’ includes, at a minimum, an interview and review of available records and other pertinent information—

“(A) by an appropriately trained professional who is licensed or certified by the applicable State in the mental health, behavioral health, or substance abuse fields; and

“(B) which is designed to identify significant mental health, behavioral health, or

substance abuse treatment needs to be addressed during a youth’s confinement;

“(39) for purposes of section 223(a)(15), the term ‘contact’ means the points at which a youth and the juvenile justice system or criminal justice system officially intersect, including interactions with a juvenile justice, juvenile court, or law enforcement official;

“(40) the term ‘trauma-informed’ means—

“(A) understanding the impact that exposure to violence and trauma have on a youth’s physical, psychological, and psychosocial development;

“(B) recognizing when a youth has been exposed to violence and trauma and is in need of help to recover from the adverse impacts of trauma; and

“(C) responding in ways that resist re-traumatization;

“(41) the term ‘racial and ethnic disparity’ means minority youth populations are involved at a decision point in the juvenile justice system at disproportionately higher rates than non-minority youth at that decision point;

“(42) the term ‘status offender’ means a juvenile who is charged with or who has committed an offense that would not be criminal if committed by an adult;

“(43) the term ‘rural’ means an area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget;

“(44) the term ‘internal controls’ means a process implemented to provide reasonable assurance regarding the achievement of objectives in—

“(A) effectiveness and efficiency of operations, such as grant management practices;

“(B) reliability of reporting for internal and external use; and

“(C) compliance with applicable laws and regulations, as well as recommendations of the Office of Inspector General and the Government Accountability Office; and

“(45) the term ‘tribal government’ means the governing body of an Indian Tribe.”.

**TITLE II—CHARLES GRASSLEY JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM****SEC. 201. CONCENTRATION OF FEDERAL EFFORTS.**

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11114) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the first sentence—

(i) by striking “a long-term plan, and implement” and inserting the following: “a long-term plan to improve the juvenile justice system in the United States, taking into account scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents, and shall implement”; and

(ii) by striking “research, and improvement of the juvenile justice system in the United States” and inserting “and research”;

(B) in paragraph (2)(B), by striking “Federal Register” and all that follows and inserting “Federal Register during the 30-day period ending on October 1 of each year.”; and

(2) in subsection (b)—

(A) by striking paragraph (7);

(B) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(C) by inserting after paragraph (4), the following:

“(5) not later than 1 year after the date of enactment of the Juvenile Justice Reform Act of 2018, in consultation with Indian Tribes, develop a policy for the Office of Juvenile Justice and Delinquency Prevention

to collaborate with representatives of Indian Tribes with a criminal justice function on the implementation of the provisions of this Act relating to Indian Tribes;";

(D) in paragraph (6), as so redesignated, by adding "and" at the end; and

(E) in paragraph (7), as so redesignated—

(i) by striking "monitoring";

(ii) by striking "section 223(a)(15)" and inserting "section 223(a)(14)"; and

(iii) by striking "to review the adequacy of such systems; and" and inserting "for monitoring compliance.".

## **SEC. 202. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.**

Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11116) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting "the Assistant Secretary for Mental Health and Substance Use, the Secretary of the Interior," after "the Secretary of Health and Human Services,"; and

(ii) by striking "Commissioner of Immigration and Naturalization" and inserting "Assistant Secretary for Immigration and Customs Enforcement"; and

(B) in paragraph (2), by striking "United States" and inserting "Federal Government"; and

(2) in subsection (c)—

(A) in paragraph (1), by striking "paragraphs (12)(A), (13), and (14) of section 223(a) of this title" and inserting "the core requirements"; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting ", on an annual basis" after "collectively"; and

(ii) by striking subparagraph (B) and inserting the following:

"(B) not later than 120 days after the completion of the last meeting of the Council during any fiscal year, submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate a report that—

"(i) contains the recommendations described in subparagraph (A);

"(ii) includes a detailed account of the activities conducted by the Council during the fiscal year, including a complete detailed accounting of expenses incurred by the Council to conduct operations in accordance with this section;

"(iii) is published on the websites of the Office of Juvenile Justice and Delinquency Prevention, the Council, and the Department of Justice; and

"(iv) is in addition to the annual report required under section 207.".

## **SEC. 203. ANNUAL REPORT.**

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11117) is amended—

(1) in the matter preceding paragraph (1), by striking "a fiscal year" and inserting "each fiscal year";

(2) in paragraph (1)—

(A) in subparagraph (B), by striking "and gender" and inserting ", gender, and ethnicity, as such term is defined by the Bureau of the Census,";

(B) in subparagraph (E), by striking "and" at the end;

(C) in subparagraph (F)—

(i) by inserting "and other" before "disabilities,"; and

(ii) by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(G) a summary of data from 1 month of the applicable fiscal year of the use of restraints and isolation upon juveniles held in

the custody of secure detention and correctional facilities operated by a State or unit of local government;

"(H) the number of status offense cases petitioned to court, number of status offenders held in secure detention, the findings used to justify the use of secure detention, and the average period of time a status offender was held in secure detention;

"(I) the number of juveniles released from custody and the type of living arrangement to which they are released;

"(J) the number of juveniles whose offense originated on school grounds, during school-sponsored off-campus activities, or due to a referral by a school official, as collected and reported by the Department of Education or similar State educational agency; and

"(K) the number of juveniles in the custody of secure detention and correctional facilities operated by a State or unit of local or tribal government who report being pregnant."; and

(3) by adding at the end the following:

"(5) A description of the criteria used to determine what programs qualify as evidence-based and promising programs under this title and title V and a comprehensive list of those programs the Administrator has determined meet such criteria in both rural and urban areas.

"(6) A description of funding provided to Indian Tribes under this Act or for a juvenile delinquency or prevention program under the Tribal Law and Order Act of 2010 (Public Law 111-211; 124 Stat. 2261), including direct Federal grants and funding provided to Indian Tribes through a State or unit of local government.

"(7) An analysis and evaluation of the internal controls at the Office of Juvenile Justice and Delinquency Prevention to determine if grantees are following the requirements of the Office of Juvenile Justice and Delinquency Prevention grant programs and what remedial action the Office of Juvenile Justice and Delinquency Prevention has taken to recover any grant funds that are expended in violation of the grant programs, including instances—

"(A) in which supporting documentation was not provided for cost reports;

"(B) where unauthorized expenditures occurred; or

"(C) where subrecipients of grant funds were not compliant with program requirements.

"(8) An analysis and evaluation of the total amount of payments made to grantees that the Office of Juvenile Justice and Delinquency Prevention recouped from grantees that were found to be in violation of policies and procedures of the Office of Juvenile Justice and Delinquency Prevention grant programs, including—

"(A) the full name and location of the grantee;

"(B) the violation of the program found;

"(C) the amount of funds sought to be recouped by the Office of Juvenile Justice and Delinquency Prevention; and

"(D) the actual amount recouped by the Office of Juvenile Justice and Delinquency Prevention.".

## **SEC. 204. ALLOCATION OF FUNDS.**

(a) **TECHNICAL ASSISTANCE.**—Section 221(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11131(b)(1)) is amended by striking "2 percent" and inserting "5 percent".

(b) **OTHER ALLOCATIONS.**—Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11132) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "age eighteen" and inserting "18 years of age, based on the most recent data available from the Bureau of the Census"; and

(B) by striking paragraphs (2) and (3) and inserting the following:

"(2)(A) If the aggregate amount appropriated for a fiscal year to carry out this title is less than \$75,000,000, then—

"(i) the amount allocated to each State other than a State described in clause (ii) for that fiscal year shall be not less than \$400,000; and

"(ii) the amount allocated to the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands for that fiscal year shall be not less than \$75,000.

"(B) If the aggregate amount appropriated for a fiscal year to carry out this title is not less than \$75,000,000, then—

"(i) the amount allocated to each State other than a State described in clause (ii) for that fiscal year shall be not less than \$600,000; and

"(ii) the amount allocated to the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands for that fiscal year shall be not less than \$100,000.";

(2) in subsection (c), by striking "efficient administration, including monitoring, evaluation, and one full-time staff position" and inserting "effective and efficient administration of funds, including the designation of not less than one individual who shall coordinate efforts to achieve and sustain compliance with the core requirements and certify whether the State is in compliance with such requirements"; and

(3) in subsection (d), by striking "5 per centum of the minimum" and inserting "not more than 5 percent of the".

(c) **CHARLES GRASSLEY JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM.**—Part B of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11131 et seq.) is amended—

(1) in the part heading, by striking "FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS" and inserting "CHARLES GRASSLEY JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM"; and

(2) by inserting before section 221 the following:

### **"SHORT TITLE**

"SEC. 220. This part may be cited as the 'Charles Grassley Juvenile Justice and Delinquency Prevention Program'.".

## **SEC. 205. STATE PLANS.**

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11133) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "and shall describe the status of compliance with State plan requirements." and inserting "and shall describe how the State plan is supported by or takes account of scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents. Not later than 60 days after the date on which a plan or amended plan submitted under this subsection is finalized, a State shall make the plan or amended plan publicly available by posting the plan or amended plan on the State's publicly available website.";

(B) in paragraph (1), by striking "described in section 299(c)(1)" and inserting "as designated by the chief executive officer of the State";

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (i), by inserting "adolescent development," after "concerning";

(II) in clause (ii)—

(aa) in subclause (III), by striking "mental health, education, special education" and inserting "child and adolescent mental health,

education, child and adolescent substance abuse, special education, services for youth with disabilities”;

(bb) in subclause (V), by striking “delinquents or potential delinquents” and inserting “delinquent youth or youth at risk of delinquency”;

(cc) in subclause (VI), by striking “youth workers involved with” and inserting “representatives of”;

(dd) in subclause (VII), by striking “and” at the end;

(ee) by striking subclause (VIII) and inserting the following:

“(VIII) persons, licensed or certified by the applicable State, with expertise and competence in preventing and addressing mental health and substance abuse needs in delinquent youth and youth at risk of delinquency;

“(IX) representatives of victim or witness advocacy groups, including at least one individual with expertise in addressing the challenges of sexual abuse and exploitation and trauma, particularly the needs of youth who experience disproportionate levels of sexual abuse, exploitation, and trauma before entering the juvenile justice system; and

“(X) for a State in which one or more Indian Tribes are located, an Indian tribal representative (if such representative is available) or other individual with significant expertise in tribal law enforcement and juvenile justice in Indian tribal communities”;

(III) in clause (iv), by striking “24 at the time of appointment” and inserting “28 at the time of initial appointment”; and

(IV) in clause (v) by inserting “or, if not feasible and in appropriate circumstances, who is the parent or guardian of someone who has been or is currently under the jurisdiction of the juvenile justice system” after “juvenile justice system”;

(ii) in subparagraph (C), by striking “30 days” and inserting “45 days”;

(iii) in subparagraph (D)—

(I) in clause (i), by striking “and” at the end; and

(II) in clause (ii), by striking “at least annually recommendations regarding State compliance with the requirements of paragraphs (11), (12), and (13)” and inserting “at least every 2 years a report and necessary recommendations regarding State compliance with the core requirements”;

(iv) in subparagraph (E)—

(I) in clause (i), by adding “and” at the end; and

(II) in clause (ii), by striking the period at the end and inserting a semicolon;

(D) in paragraph (5)(C), by striking “Indian tribes” and all that follows through “applicable to the detention and confinement of juveniles” and inserting “Indian Tribes that agree to attempt to comply with the core requirements applicable to the detention and confinement of juveniles”;

(E) in paragraph (7)—

(i) in subparagraph (A), by striking “performs law enforcement functions” and inserting “has jurisdiction”;

(ii) in subparagraph (B)—

(I) in clause (iii), by striking “and” at the end; and

(II) by striking clause (iv) and inserting the following:

“(iv) a plan to provide alternatives to detention for status offenders, survivors of commercial sexual exploitation, and others, where appropriate, such as specialized or problem-solving courts or diversion to home-based or community-based services or treatment for those youth in need of mental health, substance abuse, or co-occurring disorder services at the time such juveniles first come into contact with the juvenile justice system;

“(v) a plan to reduce the number of children housed in secure detention and corrections facilities who are awaiting placement in residential treatment programs;

“(vi) a plan to engage family members, where appropriate, in the design and delivery of juvenile delinquency prevention and treatment services, particularly post-placement;

“(vii) a plan to use community-based services to respond to the needs of at-risk youth or youth who have come into contact with the juvenile justice system;

“(viii) a plan to promote evidence-based and trauma-informed programs and practices; and

“(ix) not later than 1 year after the date of enactment of the Juvenile Justice Reform Act of 2018, a plan which shall be implemented not later than 2 years after the date of enactment of the Juvenile Justice Reform Act of 2018, to—

“(I) eliminate the use of restraints of known pregnant juveniles housed in secure juvenile detention and correction facilities, during labor, delivery, and post-partum recovery, unless credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; and

“(II) eliminate the use of abdominal restraints, leg and ankle restraints, wrist restraints behind the back, and four-point restraints on known pregnant juveniles, unless—

“(aa) credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; or

“(bb) reasonable grounds exist to believe the detainee presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method”;

(F) in paragraph (8), by striking “existing” and inserting “evidence-based and promising”;

(G) in paragraph (9)—

(i) in the matter preceding subparagraph (A), by inserting “, with priority in funding given to entities meeting the criteria for evidence-based or promising programs” after “used for”;

(ii) in subparagraph (A)—

(I) in clause (i)—

(aa) by inserting “status offenders and other” before “youth who need”; and

(bb) by striking “and” at the end;

(II) in clause (ii) by adding “and” at the end; and

(III) by inserting after clause (ii) the following:

“(iii) for youth who need specialized intensive and comprehensive services that address the unique issues encountered by youth when they become involved with gangs”;

(iii) in subparagraph (B)(i)—

(I) by striking “parents and other family members” and inserting “status offenders, other youth, and the parents and other family members of such offenders and youth”; and

(II) by striking “be retained” and inserting “remain”;

(iv) in subparagraph (E)—

(I) in the matter preceding clause (i), by striking “delinquent” and inserting “at-risk or delinquent youth”; and

(II) in clause (i), by inserting “, including for truancy prevention and reduction” before the semicolon;

(v) in subparagraph (F), in the matter preceding clause (i), by striking “expanding” and inserting “programs to expand”;

(vi) by redesignating subparagraphs (G) through (S) as subparagraphs (H) through (T), respectively;

(vii) by inserting after subparagraph (F), the following:

“(G) programs—

“(i) to ensure youth have access to appropriate legal representation; and

“(ii) to expand access to publicly supported, court-appointed legal counsel who are trained to represent juveniles in adjudication proceedings, except that the State may not use more than 2 percent of the funds received under section 222 for these purposes”;

(viii) in subparagraph (H), as so redesignated, by striking “State,” each place the term appears and inserting “State, tribal,”;

(ix) in subparagraph (M), as so redesignated—

(I) in clause (i)—

(aa) by inserting “pre-adjudication and” before “post-adjudication”;

(bb) by striking “restraints” and inserting “alternatives”;

(cc) by inserting “specialized or problem-solving courts,” after “(including”;

(II) in clause (ii)—

(aa) by striking “by the provision by the Administrator”;

(bb) by striking “to States”;

(x) in subparagraph (N), as so redesignated—

(I) by inserting “and reduce the risk of recidivism” after “families”;

(II) by striking “so that such juveniles may be retained in their homes”;

(xi) in subparagraph (S), as so redesignated, by striking “and” at the end;

(xii) in subparagraph (T), as so redesignated—

(I) by inserting “or co-occurring disorder” after “mental health”;

(II) by inserting “court-involved or” before “incarcerated”;

(III) by striking “suspected to be”;

(IV) by striking “and discharge plans” and inserting “provision of treatment, and development of discharge plans”;

(V) by striking the period at the end and inserting a semicolon; and

(xiii) by inserting after subparagraph (T) the following:

“(U) programs and projects designed—

“(i) to inform juveniles of the opportunity and process for sealing and expunging juvenile records; and

“(ii) to assist juveniles in pursuing juvenile record sealing and expungements for both adjudications and arrests not followed by adjudications;

except that the State may not use more than 2 percent of the funds received under section 222 for these purposes;

“(V) programs that address the needs of girls in or at risk of entering the juvenile justice system, including pregnant girls, young mothers, survivors of commercial sexual exploitation or domestic child sex trafficking, girls with disabilities, and girls of color, including girls who are members of an Indian Tribe; and

“(W) monitoring for compliance with the core requirements and providing training and technical assistance on the core requirements to secure facilities”;

(H) by striking paragraph (11) and inserting the following:

“(11)(A) in accordance with rules issued by the Administrator, provide that a juvenile shall not be placed in a secure detention facility or a secure correctional facility, if—

“(i) the juvenile is charged with or has committed an offense that would not be criminal if committed by an adult, excluding—

“(I) a juvenile who is charged with or has committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

“(II) a juvenile who is charged with or has committed a violation of a valid court order issued and reviewed in accordance with paragraph (23); and



“(III) a juvenile who is held in accordance with the Interstate Compact on Juveniles as enacted by the State; or

“(ii) the juvenile—

“(I) is not charged with any offense; and

“(II)(aa) is an alien; or

“(bb) is alleged to be dependent, neglected, or abused; and

“(B) require that—

“(i) not later than 3 years after the date of enactment of the Juvenile Justice Reform Act of 2018, unless a court finds, after a hearing and in writing, that it is in the interest of justice, juveniles awaiting trial or other legal process who are treated as adults for purposes of prosecution in criminal court and housed in a secure facility—

“(I) shall not have sight or sound contact with adult inmates; and

“(II) except as provided in paragraph (13), may not be held in any jail or lockup for adults;

“(ii) in determining under clause (i) whether it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults, or have sight or sound contact with adult inmates, a court shall consider—

“(I) the age of the juvenile;

“(II) the physical and mental maturity of the juvenile;

“(III) the present mental state of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;

“(IV) the nature and circumstances of the alleged offense;

“(V) the juvenile's history of prior delinquent acts;

“(VI) the relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the juvenile but also to protect the safety of the public as well as other detained youth; and

“(VII) any other relevant factor; and

“(iii) if a court determines under clause (i) that it is in the interest of justice to permit a juvenile to be held in any jail or lockup for adults—

“(I) the court shall hold a hearing not less frequently than once every 30 days, or in the case of a rural jurisdiction, not less frequently than once every 45 days, to review whether it is still in the interest of justice to permit the juvenile to be so held or have such sight or sound contact; and

“(II) the juvenile shall not be held in any jail or lockup for adults, or permitted to have sight or sound contact with adult inmates, for more than 180 days, unless the court, in writing, determines there is good cause for an extension or the juvenile expressly waives this limitation.”.

(I) in paragraph (12)(A), by striking “contact” and inserting “sight or sound contact”;

(J) in paragraph (13), by striking “contact” each place it appears and inserting “sight or sound contact”;

(K) in paragraph (14)—

(i) by striking “adequate system” and inserting “effective system”;

(ii) by inserting “lock-ups,” after “monitoring jails,”;

(iii) by inserting “and” after “detention facilities,”;

(iv) by striking “, and non-secure facilities”;

(v) by striking “insure” and inserting “ensure”;

(vi) by striking “requirements of paragraphs (11), (12), and (13)” and inserting “core requirements”;

(vii) by striking “, in the opinion of the Administrator,”;

(L) by striking paragraphs (22) and (27);

(M) by redesignating paragraph (28) as paragraph (27);

(N) by redesignating paragraphs (15) through (21) as paragraphs (16) through (22), respectively;

(O) by inserting after paragraph (14) the following:

“(15) implement policy, practice, and system improvement strategies at the State, territorial, local, and tribal levels, as applicable, to identify and reduce racial and ethnic disparities among youth who come into contact with the juvenile justice system, without establishing or requiring numerical standards or quotas, by—

“(A) establishing or designating existing coordinating bodies, composed of juvenile justice stakeholders, (including representatives of the educational system) at the State, local, or tribal levels, to advise efforts by States, units of local government, and Indian Tribes to reduce racial and ethnic disparities;

“(B) identifying and analyzing data on race and ethnicity at decision points in State, local, or tribal juvenile justice systems to determine which such points create racial and ethnic disparities among youth who come into contact with the juvenile justice system; and

“(C) developing and implementing a work plan that includes measurable objectives for policy, practice, or other system changes, based on the needs identified in the data collection and analysis under subparagraph (B);”;

(P) in paragraph (16), as so redesignated, by inserting “ethnicity,” after “race,”;

(Q) in paragraph (21), as so redesignated, by striking “local,” each place the term appears and inserting “local, tribal,”;

(R) in paragraph (23)—

(i) in subparagraphs (A), (B), and (C), by striking “juvenile” each place it appears and inserting “status offender”;

(ii) in subparagraph (B), by striking “and” at the end;

(iii) in subparagraph (C)—

(I) in clause (i), by striking “and” at the end;

(II) in clause (ii), by adding “and” at the end; and

(III) by adding at the end the following:

“(iii) if such court determines the status offender should be placed in a secure detention facility or correctional facility for violating such order—

“(I) the court shall issue a written order that—

“(aa) identifies the valid court order that has been violated;

“(bb) specifies the factual basis for determining that there is reasonable cause to believe that the status offender has violated such order;

“(cc) includes findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the status offender in such a facility, with due consideration to the best interest of the juvenile;

“(dd) specifies the length of time, not to exceed 7 days, that the status offender may remain in a secure detention facility or correctional facility, and includes a plan for the status offender's release from such facility; and

“(ee) may not be renewed or extended; and

“(II) the court may not issue a second or subsequent order described in subclause (I) relating to a status offender unless the status offender violates a valid court order after the date on which the court issues an order described in subclause (I); and”;

(iv) by adding at the end the following:

“(D) there are procedures in place to ensure that any status offender held in a secure detention facility or correctional facility pursuant to a court order described in this paragraph does not remain in custody longer

than 7 days or the length of time authorized by the court, whichever is shorter;”;

(S) in paragraph (26)—

(i) by inserting “and in accordance with confidentiality concerns,” after “maximum extent practicable,”; and

(ii) by striking the semicolon at the end and inserting the following: “, so as to provide for—

“(A) data in child abuse or neglect reports relating to juveniles entering the juvenile justice system with a prior reported history of arrest, court intake, probation and parole, juvenile detention, and corrections; and

“(B) a plan to use the data described in subparagraph (A) to provide necessary services for the treatment of such victims of child abuse or neglect;”;

(T) in paragraph (27), as so redesignated, by striking the period at the end and inserting a semicolon; and

(U) by adding at the end the following:

“(28) provide for the coordinated use of funds provided under this title with other Federal and State funds directed at juvenile delinquency prevention and intervention programs;

“(29) describe the policies, procedures, and training in effect for the staff of juvenile State correctional facilities to eliminate the use of dangerous practices, unreasonable restraints, and unreasonable isolation, including by developing effective behavior management techniques;

“(30) describe—

“(A) the evidence-based methods that will be used to conduct mental health and substance abuse screening, assessment, referral, and treatment for juveniles who—

“(i) request a screening;

“(ii) show signs of needing a screening; or

“(iii) are held for a period of more than 24 hours in a secure facility that provides for an initial screening; and

“(B) how the State will seek, to the extent practicable, to provide or arrange for mental health and substance abuse disorder treatment for juveniles determined to be in need of such treatment;

“(31) describe how reentry planning by the State for juveniles will include—

“(A) a written case plan based on an assessment of needs that includes—

“(i) the pre-release and post-release plans for the juveniles;

“(ii) the living arrangement to which the juveniles are to be discharged; and

“(iii) any other plans developed for the juveniles based on an individualized assessment; and

“(B) review processes;

“(32) provide an assurance that the agency of the State receiving funds under this title collaborates with the State educational agency receiving assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) to develop and implement a plan to ensure that, in order to support educational progress—

“(A) the student records of adjudicated juveniles, including electronic records if available, are transferred in a timely manner from the educational program in the juvenile detention or secure treatment facility to the educational or training program into which the juveniles will enroll;

“(B) the credits of adjudicated juveniles are transferred; and

“(C) adjudicated juveniles receive full or partial credit toward high school graduation for secondary school coursework satisfactorily completed before and during the period of time during which the juveniles are held in custody, regardless of the local educational agency or entity from which the credits were earned; and

“(33) describe policies and procedures to—

“(A) screen for, identify, and document in records of the State the identification of victims of domestic human trafficking, or those at risk of such trafficking, upon intake; and

“(B) divert youth described in subparagraph (A) to appropriate programs or services, to the extent practicable.”;

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

“(c)(1) If a State fails to comply with any of the core requirements in any fiscal year, then—

“(A) subject to subparagraph (B), the amount allocated to such State under section 222 for the subsequent fiscal year shall be reduced by not less than 20 percent for each core requirement with respect to which the failure occurs; and

“(B) the State shall be ineligible to receive any allocation under such section for such fiscal year unless—

“(i) the State agrees to expend 50 percent of the amount allocated to the State for such fiscal year to achieve compliance with any such core requirement with respect to which the State is in noncompliance; or

“(ii) the Administrator determines that the State—

“(I) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

“(II) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.

“(2) Of the total amount of funds not allocated for a fiscal year under paragraph (1)—

“(A) 50 percent of the unallocated funds shall be reallocated under section 222 to States that have not failed to comply with the core requirements; and

“(B) 50 percent of the unallocated funds shall be used by the Administrator to provide additional training and technical assistance to States for the purpose of promoting compliance with the core requirements.”;

(3) in subsection (d)—

(A) by striking “described in paragraphs (11), (12), (13), and (22) of subsection (a)” and inserting “described in the core requirements”; and

(B) by striking “the requirements under paragraphs (11), (12), (13), and (22) of subsection (a)” and inserting “the core requirements”;

(4) in subsection (f)(2)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively; and

(5) by adding at the end the following:

“(g) COMPLIANCE DETERMINATION.—

“(1) IN GENERAL.—For each fiscal year, the Administrator shall make a determination regarding whether each State receiving a grant under this title is in compliance or out of compliance with respect to each of the core requirements.

“(2) REPORTING.—The Administrator shall—

“(A) issue an annual public report—

“(i) describing any determination described in paragraph (1) made during the previous year, including a summary of the information on which the determination is based and the actions to be taken by the Administrator (including a description of any reduction imposed under subsection (c)); and

“(ii) for any such determination that a State is out of compliance with any of the core requirements, describing the basis for the determination; and

“(B) make the report described in subparagraph (A) available on a publicly available website.

“(3) DETERMINATIONS REQUIRED.—The Administrator may not—

“(A) determine that a State is ‘not out of compliance’, or issue any other determination not described in paragraph (1), with respect to any core requirement; or

“(B) otherwise fail to make the compliance determinations required under paragraph (1).”.

#### SEC. 206. REPEAL OF JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM.

Part C of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11141 et seq.) is repealed.

#### SEC. 207. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION.

Section 251 of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11161) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “may” and inserting “shall”;

(ii) in subparagraph (A), by striking “plan and identify” and inserting “annually publish a plan to identify”; and

(iii) in subparagraph (B)—

(I) by striking clause (iii) and inserting the following:

“(iii) successful efforts to prevent status offenders and first-time minor offenders from subsequent involvement with the juvenile justice and criminal justice systems;”;

(II) by striking clause (vii) and inserting the following:

“(vii) the prevalence and duration of behavioral health needs (including mental health, substance abuse, and co-occurring disorders) among juveniles pre-placement and post-placement in the juvenile justice system, including an examination of the effects of secure detention in a correctional facility;”;

(III) by redesignating clauses (ix), (x), and (xi) as clauses (xvi), (xvii), and (xviii), respectively; and

(IV) by inserting after clause (viii) the following:

“(ix) training efforts and reforms that have produced reductions in or elimination of the use of dangerous practices;

“(x) methods to improve the recruitment, selection, training, and retention of professional personnel who are focused on the prevention, identification, and treatment of delinquency;

“(xi) methods to improve the identification and response to victims of domestic child sex trafficking within the juvenile justice system;

“(xii) identifying positive outcome measures, such as attainment of employment and educational degrees, that States and units of local government should use to evaluate the success of programs aimed at reducing recidivism of youth who have come in contact with the juvenile justice system or criminal justice system;

“(xiii) evaluating the impact and outcomes of the prosecution and sentencing of juveniles as adults;

“(xiv) successful and cost-effective efforts by States and units of local government to reduce recidivism through policies that provide for consideration of appropriate alternative sanctions to incarceration of youth facing nonviolent charges, while ensuring that public safety is preserved;”;

(B) in paragraph (4)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “date of enactment of this paragraph, the” and inserting “date of enactment of the Juvenile Justice Reform Act of 2018, the”; and

(II) by inserting “in accordance with applicable confidentiality requirements” after “wards of the State”; and

(ii) in subparagraph (D), by inserting “and Indian Tribes” after “State”;

(iii) in subparagraph (F), by striking “and” at the end;

(iv) in subparagraph (G), by striking the period at the end and inserting a semicolon; and

(v) by adding at the end the following:

“(H) a description of the best practices in discharge planning; and

“(I) an assessment of living arrangements for juveniles who, upon release from confinement in a State correctional facility, cannot return to the residence they occupied prior to such confinement.”;

(2) in subsection (b), in the matter preceding paragraph (1), by striking “may” and inserting “shall”; and

(3) by adding at the end the following:

“(f) NATIONAL RECIDIVISM MEASURE.—The Administrator, in accordance with applicable confidentiality requirements and in consultation with experts in the field of juvenile justice research, recidivism, and data collection, shall—

“(1) establish a uniform method of data collection and technology that States may use to evaluate data on juvenile recidivism on an annual basis;

“(2) establish a common national juvenile recidivism measurement system; and

“(3) make cumulative juvenile recidivism data that is collected from States available to the public.”.

#### SEC. 208. TRAINING AND TECHNICAL ASSISTANCE.

Section 252 of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11162) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “may”;

(B) in paragraph (1)—

(i) by inserting “shall” before “develop and carry out projects”; and

(ii) by striking “and” after the semicolon;

(C) in paragraph (2)—

(i) by inserting “may” before “make grants to and contracts with”; and

(ii) by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(3) shall provide periodic training for States regarding implementation of the core requirements, current protocols and best practices for achieving and monitoring compliance, and information sharing regarding relevant Office resources on evidence-based and promising programs or practices that promote the purposes of this Act.”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “may”;

(B) in paragraph (1)—

(i) by inserting “shall” before “develop and implement projects”; and

(ii) by inserting “, including compliance with the core requirements” after “this title”; and

(iii) by striking “and” at the end;

(C) in paragraph (2)—

(i) by inserting “may” before “make grants to and contracts with”; and

(ii) by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(3) shall provide technical assistance to States and units of local government on achieving compliance with the amendments to the core requirements and State Plans made by the Juvenile Justice Reform Act of 2018, including training and technical assistance and, when appropriate, pilot or demonstration projects intended to develop and replicate best practices for achieving sight

and sound separation in facilities or portions of facilities that are open and available to the general public and that may or may not contain a jail or a lock-up; and

“(4) shall provide technical assistance to States in support of efforts to establish partnerships between a State and a university, institution of higher education, or research center designed to improve the recruitment, selection, training, and retention of professional personnel in the fields of medicine, law enforcement, the judiciary, juvenile justice, social work and child protection, education, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, and treatment of delinquency.”;

(3) in subsection (c)—

(A) by inserting “prosecutors,” after “public defenders,”; and

(B) by inserting “status offenders and” after “needs of”; and

(4) by adding at the end the following:

“(d) **BEST PRACTICES REGARDING LEGAL REPRESENTATION OF CHILDREN.**—In consultation with experts in the field of juvenile defense, the Administrator shall—

“(1) share best practices that may include sharing standards of practice developed by recognized entities in the profession, for attorneys representing children; and

“(2) provide a State, if it so requests, technical assistance to implement any of the best practices shared under paragraph (1).

“(e) **BEST PRACTICES FOR STATUS OFFENDERS.**—Based on the available research and State practices, the Administrator shall—

“(1) disseminate best practices for the treatment of status offenders with a focus on reduced recidivism, improved long-term outcomes, and limited usage of valid court orders to place status offenders in secure detention; and

“(2) provide a State, on request, technical assistance to implement any of the best practices shared under paragraph (1).

“(f) **TRAINING AND TECHNICAL ASSISTANCE FOR LOCAL AND STATE JUVENILE DETENTION AND CORRECTIONS PERSONNEL.**—The Administrator shall coordinate training and technical assistance programs with juvenile detention and corrections personnel of States and units of local government—

“(1) to promote methods for improving conditions of juvenile confinement, including methods that are designed to minimize the use of dangerous practices, unreasonable restraints, and isolation and methods responsive to cultural differences; and

“(2) to encourage alternative behavior management techniques based on positive youth development approaches that may include methods responsive to cultural differences.

“(g) **TRAINING AND TECHNICAL ASSISTANCE TO SUPPORT MENTAL HEALTH OR SUBSTANCE ABUSE TREATMENT INCLUDING HOME-BASED OR COMMUNITY-BASED CARE.**—The Administrator shall provide training and technical assistance, in conjunction with the appropriate public agencies, to individuals involved in making decisions regarding the disposition and management of cases for youth who enter the juvenile justice system about the appropriate services and placement for youth with mental health or substance abuse needs, including—

“(1) juvenile justice intake personnel;

“(2) probation officers;

“(3) juvenile court judges and court services personnel;

“(4) prosecutors and court-appointed counsel; and

“(5) family members of juveniles and family advocates.

“(h) **TRAINING AND TECHNICAL ASSISTANCE TO SUPPORT JUVENILE COURT JUDGES AND PERSONNEL.**—The Attorney General, acting

through the Office of Juvenile Justice and Delinquency Prevention and the Office of Justice Programs in consultation with entities in the profession, shall provide directly, or through grants or contracts, training and technical assistance to enhance the capacity of State and local courts, judges, and related judicial personnel to—

“(1) improve the lives of children currently involved in or at risk of being involved in the juvenile court system; and

“(2) carry out the requirements of this Act.

“(i) **FREE AND REDUCED PRICE SCHOOL LUNCHES FOR INCARCERATED JUVENILES.**—The Attorney General, in consultation with the Secretary of Agriculture, shall provide guidance to States relating to existing options for school food authorities in the States to apply for reimbursement for free or reduced price lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) for juveniles who are incarcerated and would, if not incarcerated, be eligible for free or reduced price lunches under that Act.”.

#### **SEC. 209. ADMINISTRATIVE AUTHORITY.**

Section 299A of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11182) is amended—

(1) in subsection (d)—

(A) by inserting “(1)” before “The Administrator”;;

(B) by striking “, after appropriate consultation with representatives of States and units of local government,”;

(C) by inserting “guidance,” after “regulations,”; and

(D) by adding at the end the following: “In developing guidance and procedures, the Administrator shall consult with representatives of States and units of local government, including those individuals responsible for administration of this Act and compliance with the core requirements.

“(2) The Administrator shall ensure that—

“(A) reporting, compliance reporting, State plan requirements, and other similar documentation as may be required from States is requested in a manner that respects confidentiality, encourages efficiency and reduces the duplication of reporting efforts; and

“(B) States meeting all the core requirements are encouraged to experiment with offering innovative, data-driven programs designed to further improve the juvenile justice system.”; and

(2) in subsection (e), by striking “requirements described in paragraphs (11), (12), and (13) of section 223(a)” and inserting “core requirements”.

#### **TITLE III—INCENTIVE GRANTS FOR PRISON REDUCTION THROUGH OPPORTUNITIES, MENTORING, INTERVENTION, SUPPORT, AND EDUCATION**

##### **SEC. 301. SHORT TITLE.**

Section 501 of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (34 U.S.C. 11101 note) is amended—

(1) by inserting “Youth Promise” before “Grants”; and

(2) by striking “2002” and inserting “2018”.

##### **SEC. 302. DEFINITIONS.**

Section 502 of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (34 U.S.C. 11281) is amended to read as follows:

##### **“SEC. 502. DEFINITIONS.**

“In this title—

“(1) the term ‘at-risk’ has the meaning given that term in section 1432 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6472);

“(2) the term ‘eligible entity’ means—

“(A) a unit of local government that is in compliance with the requirements of part B of title II; or

“(B) a nonprofit organization in partnership with a unit of local government described in subparagraph (A);

“(3) the term ‘delinquency prevention program’ means a delinquency prevention program that is evidence-based or promising and that may include—

“(A) alcohol and substance abuse prevention or treatment services;

“(B) tutoring and remedial education, especially in reading and mathematics;

“(C) child and adolescent health and mental health services;

“(D) recreation services;

“(E) leadership and youth development activities;

“(F) the teaching that individuals are and should be held accountable for their actions;

“(G) assistance in the development of job training skills;

“(H) youth mentoring programs;

“(I) after-school programs;

“(J) coordination of a continuum of services that may include—

“(i) early childhood development services;

“(ii) voluntary home visiting programs;

“(iii) nurse-family partnership programs;

“(iv) parenting skills training;

“(v) child abuse prevention programs;

“(vi) family stabilization programs;

“(vii) child welfare services;

“(viii) family violence intervention programs;

“(ix) adoption assistance programs;

“(x) emergency, transitional and permanent housing assistance;

“(xi) job placement and retention training;

“(xii) summer jobs programs;

“(xiii) alternative school resources for youth who have dropped out of school or demonstrate chronic truancy;

“(xiv) conflict resolution skill training;

“(xv) restorative justice programs;

“(xvi) mentoring programs;

“(xvii) targeted gang prevention, intervention and exit services;

“(xviii) training and education programs for pregnant teens and teen parents; and

“(xix) pre-release, post-release, and reentry services to assist detained and incarcerated youth with transitioning back into and reentering the community; and

“(K) other data-driven evidence-based or promising prevention programs;

“(4) the term ‘local policy board’, when used with respect to an eligible entity, means a policy board that the eligible entity will engage in the development of the eligible entity’s plan described in section 504(e)(5), and that includes—

“(A) not fewer than 15 and not more than 21 members; and

“(B) a balanced representation of—

“(i) public agencies and private nonprofit organizations serving juveniles and their families; and

“(ii) business and industry;

“(C) at least one representative of the faith community, one adjudicated youth, and one parent of an adjudicated youth; and

“(D) in the case of an eligible entity described in paragraph (1)(B), a representative of the nonprofit organization of the eligible entity;

“(5) the term ‘mentoring’ means matching 1 adult with 1 or more youths for the purpose of providing guidance, support, and encouragement through regularly scheduled meetings for not less than 9 months;

“(6) the term ‘State advisory group’ means the advisory group appointed by the chief executive officer of a State under a plan described in section 223(a); and

“(7) the term ‘State entity’ means the State agency designated under section 223(a)(1) or the entity receiving funds under section 223(d).”.

**SEC. 303. DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.**

Section 503 of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (34 U.S.C. 11282) is amended—

- (1) by striking paragraph (1); and
- (2) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

**SEC. 304. GRANTS FOR DELINQUENCY PREVENTION PROGRAMS.**

Section 504 of the Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (34 U.S.C. 11281 et seq.) is amended to read as follows:

**“SEC. 504. GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.**

“(a) **PURPOSE.**—The purpose of this section is to enable local communities to address the unmet needs of at-risk or delinquent youth, including through a continuum of delinquency prevention programs for juveniles who have had contact with the juvenile justice system or who are likely to have contact with the juvenile justice system.

“(b) **PROGRAM AUTHORIZED.**—The Administrator shall—

“(1) for each fiscal year for which less than \$25,000,000 is appropriated under section 506, award grants to not fewer than 3 State entities, but not more than 5 State entities, that apply under subsection (c) and meet the requirements of subsection (d); or

“(2) for each fiscal year for which \$25,000,000 or more is appropriated under section 506, award grants to not fewer than 5 State entities that apply under subsection (c) and meet the requirements of subsection (d).

“(c) **STATE APPLICATION.**—To be eligible to receive a grant under this section, a State entity shall submit an application to the Administrator that includes the following:

“(1) An assurance the State entity will use—

“(A) not more than 10 percent of such grant, in the aggregate—

“(i) for the costs incurred by the State entity to carry out this section, except that not more than 3 percent of such grant may be used for such costs; and

“(ii) to provide technical assistance to eligible entities receiving a subgrant under subsection (e) in carrying out delinquency prevention programs under the subgrant; and

“(B) the remainder of such grant to award subgrants to eligible entities under subsection (e).

“(2) An assurance that such grant will supplement, and not supplant, State and local efforts to prevent juvenile delinquency.

“(3) An assurance the State entity will evaluate the capacity of eligible entities receiving a subgrant under subsection (e) to fulfill the requirements under such subsection.

“(4) An assurance that such application was prepared after consultation with, and participation by, the State advisory group, units of local government, community-based organizations, and organizations that carry out programs, projects, or activities to prevent juvenile delinquency in the local juvenile justice system served by the State entity.

“(d) **APPROVAL OF STATE APPLICATIONS.**—In awarding grants under this section for a fiscal year, the Administrator may not award a grant to a State entity for a fiscal year unless—

“(1)(A) the State that will be served by the State entity submitted a plan under section 223 for such fiscal year; and

“(B) such plan is approved by the Administrator for such fiscal year; or

“(2) after finding good cause for a waiver, the Administrator waives the plan required under subparagraph (A) for such State for such fiscal year.

“(e) **SUBGRANT PROGRAM.**—

“(1) **PROGRAM AUTHORIZED.**—

“(A) **IN GENERAL.**—Each State entity receiving a grant under this section shall award subgrants to eligible entities in accordance with this subsection.

“(B) **PRIORITY.**—In awarding subgrants under this subsection, the State shall give priority to eligible entities that demonstrate ability in—

“(i) plans for service and agency coordination and collaboration including the collocation of services;

“(ii) innovative ways to involve the private nonprofit and business sector in delinquency prevention activities;

“(iii) developing data-driven prevention plans, employing evidence-based prevention strategies, and conducting program evaluations to determine impact and effectiveness;

“(iv) identifying under the plan submitted under paragraph (5) potential savings and efficiencies associated with successful implementation of such plan; and

“(v) describing how such savings and efficiencies may be used to carry out delinquency prevention programs and be reinvested in the continuing implementation of such programs after the end of the subgrant period.

“(C) **SUBGRANT PROGRAM PERIOD AND DIVERSITY OF PROJECTS.**—

“(i) **PROGRAM PERIOD.**—A subgrant awarded to an eligible entity by a State entity under this section shall be for a period of not more than 5 years, of which the eligible entity—

“(I) may use not more than 18 months for completing the plan submitted by the eligible entity under paragraph (5); and

“(II) shall use the remainder of the subgrant period, after planning period described in subclause (I), for the implementation of such plan.

“(ii) **DIVERSITY OF PROJECTS.**—In awarding subgrants under this subsection, a State entity shall ensure, to the extent practicable and applicable, that such subgrants are distributed throughout different areas, including urban, suburban, and rural areas.

“(2) **LOCAL APPLICATION.**—An eligible entity that desires a subgrant under this subsection shall submit an application to the State entity in the State of the eligible entity, at such time and in such manner as determined by the State entity, and that includes—

“(A) a description of—

“(i) the local policy board and local partners the eligible entity will engage in the development of the plan described in paragraph (5);

“(ii) the unmet needs of at-risk or delinquent youth in the community;

“(iii) available resources in the community to meet the unmet needs identified in the needs assessment described in paragraph (5)(A);

“(iv) potential costs to the community if the unmet needs are not addressed;

“(B) a specific time period for the planning and subsequent implementation of its continuum of local delinquency prevention programs;

“(C) the steps the eligible entity will take to implement the plan under subparagraph (A); and

“(D) a plan to continue the grant activity with non-Federal funds, if proven successful according to the performance evaluation process under paragraph (5)(D), after the grant period.

“(3) **MATCHING REQUIREMENT.**—An eligible entity desiring a subgrant under this subsection shall agree to provide a 50 percent match of the amount of the subgrant that may include the value of in-kind contributions.

“(4) **SUBGRANT REVIEW.**—

“(A) **REVIEW.**—Not later than the end of the second year of a subgrant period for a subgrant awarded to an eligible entity under this subsection and before awarding the remaining amount of the subgrant to the eligible entity, the State entity shall—

“(i) ensure that the eligible entity has completed the plan submitted under paragraph (2) and that the plan meets the requirements of such paragraph; and

“(ii) verify that the eligible entity will begin the implementation of its plan upon receiving the next installment of its subgrant award.

“(B) **TERMINATION.**—If the State entity finds through the review conducted under subparagraph (A) that the eligible entity has not met the requirements of clause (i) of such subparagraph, the State entity shall reallocate the amount remaining on the subgrant of the eligible entity to other eligible entities receiving a subgrant under this subsection or award the amount to an eligible entity during the next subgrant competition under this subsection.

“(5) **LOCAL USES OF FUNDS.**—An eligible entity that receives a subgrant under this subsection shall use the funds to implement a plan to carry out delinquency prevention programs in the community served by the eligible entity in a coordinated manner with other delinquency prevention programs or entities serving such community, which includes—

“(A) an analysis of the unmet needs of at-risk or delinquent youth in the community—

“(i) which shall include—

“(I) the available resources in the community to meet the unmet needs; and

“(II) factors present in the community that may contribute to delinquency, such as homelessness, food insecurity, teen pregnancy, youth unemployment, family instability, lack of educational opportunity; and

“(ii) may include an estimate—

“(I) for the most recent year for which reliable data is available, the amount expended by the community and other entities for delinquency adjudication for juveniles and the incarceration of adult offenders for offenses committed in such community; and

“(II) of potential savings and efficiencies that may be achieved through the implementation of the plan;

“(B) a minimum 3-year comprehensive strategy to address the unmet needs and an estimate of the amount or percentage of non-Federal funds that are available to carry out the strategy;

“(C) a description of how delinquency prevention programs under the plan will be coordinated;

“(D) a description of the performance evaluation process of the delinquency prevention programs to be implemented under the plan, which shall include performance measures to assess efforts to address the unmet needs of youth in the community analyzed under subparagraph (A);

“(E) the evidence or promising evaluation on which such delinquency prevention programs are based; and

“(F) if such delinquency prevention programs are proven successful according to the performance evaluation process under subparagraph (D), a strategy to continue such programs after the subgrant period with non-Federal funds, including a description of how any estimated savings or efficiencies created by the implementation of the plan may be used to continue such programs.”.

**SEC. 305. GRANTS FOR TRIBAL DELINQUENCY PREVENTION AND RESPONSE PROGRAMS.**

The Incentive Grants for Local Delinquency Prevention Programs Act of 2002 (34

U.S.C. 11281 et seq.) is amended by redesignating section 505 as section 506, and by inserting after section 504 the following:

**“SEC. 505. GRANTS FOR TRIBAL DELINQUENCY PREVENTION AND RESPONSE PROGRAMS.**

“(a) IN GENERAL.—The Administrator shall make grants under this section, on a competitive basis, to eligible Indian Tribes (or consortia of Indian Tribes) as described in subsection (b)—

“(1) to support and enhance—

“(A) tribal juvenile delinquency prevention services; and

“(B) the ability of Indian Tribes to respond to, and care for, at-risk or delinquent youth upon release; and

“(2) to encourage accountability of Indian tribal governments with respect to preventing juvenile delinquency, and responding to, and caring for, juvenile offenders.

“(b) ELIGIBLE INDIAN TRIBES.—To be eligible to receive a grant under this section, an Indian Tribe or consortium of Indian Tribes shall submit to the Administrator an application in such form as the Administrator may require.

“(c) CONSIDERATIONS.—In providing grants under this section, the Administrator shall take into consideration, with respect to the Indian Tribe to be served, the—

“(1) juvenile delinquency rates;

“(2) school dropout rates; and

“(3) number of youth at risk of delinquency.

“(d) AVAILABILITY OF FUNDS.—Of the amount available for a fiscal year to carry out this title, 11 percent shall be available to carry out this section.”.

**SEC. 306. EVALUATION BY GOVERNMENT ACCOUNTABILITY OFFICE.**

(a) EVALUATION.—Not later than 2 years after the end of the 5th fiscal year for which funds are appropriated to carry out the Incentive Grants for Local Delinquency Prevention Programs Act of 2002, the Comptroller General of the United States shall conduct an evaluation of a sample of subgrantees selected by the Comptroller General in accordance with subsection (b) that received funds under section 504(e) of such Act and shall submit a report of such evaluation to the Committee on the Judiciary of the United States Senate and the Committee on Education and the Workforce of the United States House of Representatives.

(b) CONSIDERATIONS FOR EVALUATION.—For purposes of subsection (a), the Comptroller General shall—

(1) ensure that the sample to be evaluated is made up of subgrantees in States that are diverse geographically and economically; and

(2) include in such sample subgrantees that proposed different delinquency prevention programs.

(c) RECOMMENDATIONS AND FINDINGS.—In conducting the evaluation required by subsection (a), the Comptroller General shall take into consideration whether—

(1) the delinquency prevention programs for which subgrantees received funds under section 504(e) of Incentive Grants for Local Delinquency Prevention Programs Act of 2002 achieved the outcomes and results anticipated by the particular State involved;

(2) in the case of outcomes and results of delinquency prevention programs defined by the State or a local entity, unanticipated improved outcomes or results for juveniles occurred;

(3) the number of subgrantees that continue after the expenditure of such funds to provide such delinquency prevention programs;

(4) such delinquency prevention programs replaced existing or planned programs or activities in the State; and

(5) the evidence-base information used to justify such delinquency prevention programs was used with fidelity by local entities in accordance with the approach used to find the evidence;

**SEC. 307. TECHNICAL AMENDMENT.**

Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 as enacted by Public Law 93-415 (88 Stat. 1133) (relating to miscellaneous and conforming amendments) is repealed.

**TITLE IV—MISCELLANEOUS PROVISIONS**

**SEC. 401. EVALUATION BY GOVERNMENT ACCOUNTABILITY OFFICE.**

(a) EVALUATION.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a comprehensive analysis and evaluation regarding the performance of the Office of Juvenile Justice and Delinquency Prevention (referred to in this section as “the agency”), its functions, its programs, and its grants;

(2) conduct a comprehensive audit and evaluation of a selected, sample of grantees (as determined by the Comptroller General) that receive Federal funds under grant programs administered by the agency including a review of internal controls (as defined in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11103), as amended by this Act) to prevent fraud, waste, and abuse of funds by grantees; and

(3) submit a report in accordance with subsection (d).

(b) CONSIDERATIONS FOR EVALUATION.—In conducting the analysis and evaluation under subsection (a)(1), and in order to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11101 et seq.), the Comptroller General shall take into consideration—

(1) the outcome and results of the programs carried out by the agency and those programs administered through grants by the agency;

(2) the extent to which the agency has complied with the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285);

(3) the extent to which the jurisdiction of, and the programs administered by, the agency duplicate or conflict with the jurisdiction and programs of other agencies;

(4) the potential benefits of consolidating programs administered by the agency with similar or duplicative programs of other agencies, and the potential for consolidating those programs;

(5) whether less restrictive or alternative methods exist to carry out the functions of the agency and whether current functions or operations are impeded or enhanced by existing statutes, rules, and procedures;

(6) the number and types of beneficiaries or persons served by programs carried out by the agency;

(7) the manner with which the agency seeks public input and input from State and local governments on the performance of the functions of the agency;

(8) the extent to which the agency complies with section 552 of title 5, United States Code (commonly known as the Freedom of Information Act);

(9) whether greater oversight is needed of programs developed with grants made by the agency; and

(10) the extent to which changes are necessary in the authorizing statutes of the agency in order for the functions of the agency to be performed in a more efficient and effective manner.

(c) CONSIDERATIONS FOR AUDITS.—In conducting the audit and evaluation under sub-

section (a)(2), and in order to document the efficiency and public benefit of the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11101 et seq.), the Comptroller General shall take into consideration—

(1) whether grantees timely file Financial Status Reports;

(2) whether grantees have sufficient internal controls to ensure adequate oversight of grant fund received;

(3) whether disbursements were accompanied with adequate supporting documentation (including invoices and receipts);

(4) whether expenditures were authorized;

(5) whether subrecipients of grant funds were complying with program requirements;

(6) whether salaries and fringe benefits of personnel were adequately supported by documentation;

(7) whether contracts were bid in accordance with program guidelines; and

(8) whether grant funds were spent in accordance with program goals and guidelines.

(d) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(A) submit a report regarding the evaluation conducted under subsection (a) and audit under subsection (b), to the Speaker of the House of Representatives and the President pro tempore of the Senate; and

(B) make the report described in subparagraph (A) available to the public.

(2) CONTENTS.—The report submitted in accordance with paragraph (1) shall include all audit findings determined by the selected, statistically significant sample of grantees as required by subsection (a)(2) and shall include the name and location of any selected grantee as well as any findings required by subsection (a)(2).

**SEC. 402. AUTHORIZATION OF APPROPRIATIONS; ACCOUNTABILITY AND OVERSIGHT.**

(a) IN GENERAL.—The Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11101 et seq.) is amended by adding at the end the following:

**“TITLE VI—AUTHORIZATION OF APPROPRIATIONS; ACCOUNTABILITY AND OVERSIGHT**

**“SEC. 601. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated to carry out this Act, except for titles III and IV, \$176,000,000 for each of fiscal years 2019 through 2023, of which not more than \$96,053,401 shall be used to carry out title V for each such fiscal year.

**“SEC. 602. ACCOUNTABILITY AND OVERSIGHT.**

“(a) SENSE OF CONGRESS.—It is the sense of Congress that, in order to ensure that at-risk youth, and youth who come into contact with the juvenile justice system or the criminal justice system, are treated fairly and that the outcome of that contact is beneficial to the Nation—

“(1) the Department of Justice, through its Office of Juvenile Justice and Delinquency Prevention, must restore meaningful enforcement of the core requirements in title II; and

“(2) States, which are entrusted with a fiscal stewardship role if they accept funds under title II must exercise vigilant oversight to ensure full compliance with the core requirements for juveniles provided for in title II.

“(b) ACCOUNTABILITY.—

“(1) AGENCY PROGRAM REVIEW.—

“(A) PROGRAMMATIC AND FINANCIAL ASSESSMENT.—

“(i) IN GENERAL.—Not later than 60 days after the date of enactment of the Juvenile Justice Reform Act of 2018, the Director of the Office of Audit, Assessment, and Management of the Office of Justice Programs at the Department of Justice (referred to in this section as the ‘Director’) shall—

“(I) conduct a comprehensive analysis and evaluation of the internal controls of the Office of Juvenile Justice and Delinquency Prevention (referred to in this section as the ‘agency’) to determine if States and Indian Tribes receiving grants are following the requirements of the agency grant programs and what remedial action the agency has taken to recover any grant funds that are expended in violation of grant programs, including instances where—

“(aa) supporting documentation was not provided for cost reports;

“(bb) unauthorized expenditures occurred; and

“(cc) subrecipients of grant funds were not in compliance with program requirements;

“(II) conduct a comprehensive audit and evaluation of a selected statistically significant sample of States and Indian Tribes (as determined by the Director) that have received Federal funds under title II, including a review of internal controls to prevent fraud, waste, and abuse of funds by grantees; and

“(III) submit a report in accordance with clause (iv).

“(i) CONSIDERATIONS FOR EVALUATIONS.—In conducting the analysis and evaluation under clause (i)(I), and in order to document the efficiency and public benefit of titles II and V, the Director shall take into consideration the extent to which—

“(I) greater oversight is needed of programs developed with grants made by the agency;

“(II) changes are necessary in the authorizing statutes of the agency in order that the functions of the agency can be performed in a more efficient and effective manner; and

“(III) the agency has implemented recommendations issued by the Comptroller General or Office of Inspector General relating to the grant making and grant monitoring responsibilities of the agency.

“(iii) CONSIDERATIONS FOR AUDITS.—In conducting the audit and evaluation under clause (i)(II), and in order to document the efficiency and public benefit of titles II and V, the Director shall take into consideration—

“(I) whether grantees timely file Financial Status Reports;

“(II) whether grantees have sufficient internal controls to ensure adequate oversight of grant funds received;

“(III) whether grantees’ assertions of compliance with the core requirements were accompanied with adequate supporting documentation;

“(IV) whether expenditures were authorized;

“(V) whether subrecipients of grant funds were complying with program requirements; and

“(VI) whether grant funds were spent in accordance with the program goals and guidelines.

“(iv) REPORT.—The Director shall—

“(I) submit to the Congress a report outlining the results of the analysis, evaluation, and audit conducted under clause (i), including supporting materials, to the Speaker of the House of Representatives and the President pro tempore of the Senate; and

“(II) shall make such report available to the public online, not later than 1 year after the date of enactment of this section.

“(B) ANALYSIS OF INTERNAL CONTROLS.—

“(i) IN GENERAL.—Not later than 30 days after the date of enactment of the Juvenile Justice Reform Act of 2018, the Administrator shall initiate a comprehensive analysis and evaluation of the internal controls of the agency to determine whether, and to what extent, States and Indian Tribes that receive grants under titles II and V are fol-

lowing the requirements of the grant programs authorized under titles II and V.

“(ii) REPORT.—Not later than 180 days after the date of enactment of the Juvenile Justice Reform Act of 2018, the Administrator shall submit to Congress a report containing—

“(I) the findings of the analysis and evaluation conducted under clause (i);

“(II) a description of remedial actions, if any, that will be taken by the Administrator to enhance the internal controls of the agency and recoup funds that may have been expended in violation of law, regulations, or program requirements issued under titles II and V; and

“(III) a description of—

“(aa) the analysis conducted under clause (i);

“(bb) whether the funds awarded under titles II and V have been used in accordance with law, regulations, program guidance, and applicable plans; and

“(cc) the extent to which funds awarded to States and Indian Tribes under titles II and V enhanced the ability of grantees to fulfill the core requirements.

“(C) REPORT BY THE ATTORNEY GENERAL.—Not later than 180 days after the date of enactment of the Juvenile Justice Reform Act of 2018, the Attorney General shall submit to the appropriate committees of the Congress a report on the estimated amount of formula grant funds disbursed by the agency since fiscal year 2010 that did not meet the requirements for awards of formula grants to States under title II.

“(2) OFFICE OF INSPECTOR GENERAL PERFORMANCE AUDITS.—

“(A) IN GENERAL.—In order to ensure the effective and appropriate use of grants administered under this Act (excluding title IV) and to prevent waste, fraud, and abuse of funds by grantees, the Inspector General of the Department of Justice shall annually conduct audits of grantees that receive funds under this Act.

“(B) ASSESSMENT.—Not later than 1 year after the date of enactment of the Juvenile Justice Reform Act of 2018 and annually thereafter, the Inspector General shall conduct a risk assessment to determine the appropriate number of grantees to be audited under subparagraph (A) in the year involved.

“(C) PUBLIC AVAILABILITY ON WEBSITE.—The Attorney General shall make the summary of each review conducted under this section available on the website of the Department of Justice, subject to redaction as the Attorney General determines necessary to protect classified and other sensitive information.

“(D) MANDATORY EXCLUSION.—A recipient of grant funds under this Act (excluding title IV) that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this Act (excluding title IV) during the first 2 fiscal years beginning after the 12-month period beginning on the date on which the audit report is issued.

“(E) PRIORITY.—In awarding grants under this Act (excluding title IV), the Administrator shall give priority to a State or Indian Tribe that did not have an unresolved audit finding during the 3 fiscal years prior to the date on which the State or Indian Tribe submits an application for a grant under this Act.

“(F) REIMBURSEMENT.—If a State or an Indian Tribe is awarded a grant under this Act (excluding title IV) during the 2-fiscal-year period in which the recipient is barred from receiving grants under subparagraph (D), the Attorney General shall—

“(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the general fund of the Treasury; and

“(ii) seek to recoup the costs of the repayment to the general fund under clause (i) from the grantee that was erroneously awarded grant funds.

“(G) DEFINITION.—In this paragraph, the term ‘unresolved audit finding’ means a finding in the final audit report of the Inspector General—

“(i) that the audited State or Indian Tribe has used grant funds for an unauthorized expenditure or otherwise unallowable cost; and

“(ii) that is not closed or resolved during the 12-month period beginning on the date on which the final audit report is issued.

“(3) NONPROFIT ORGANIZATION REQUIREMENTS.—

“(A) DEFINITION.—For purposes of this paragraph and the grant programs described in this Act (excluding title IV), the term ‘nonprofit organization’ means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

“(B) PROHIBITION.—The Administrator may not award a grant under any grant program described in this Act (excluding title IV) to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

“(C) DISCLOSURE.—

“(i) IN GENERAL.—Each nonprofit organization that is awarded a grant under a grant program described in this Act (excluding title IV) and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the Administrator, in the application for the grant, the process for determining such compensation, including—

“(I) the independent persons involved in reviewing and approving such compensation;

“(II) the comparability data used; and

“(III) contemporaneous substantiation of the deliberation and decision.

“(ii) PUBLIC INSPECTION UPON REQUEST.—Upon request, the Administrator shall make the information disclosed under clause (i) available for public inspection.

“(4) CONFERENCE EXPENDITURES.—

“(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this Act may be used by the Attorney General, or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available to the Department of Justice, unless the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference.

“(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audiovisual equipment, honoraria for speakers, and entertainment.

“(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on Education and the Workforce of the House of Representatives on all conference expenditures approved under this paragraph.

“(5) PROHIBITION ON LOBBYING ACTIVITY.—

“(A) IN GENERAL.—Amounts authorized to be appropriated under this Act may not be utilized by any recipient of a grant made using such amounts—



“(i) to lobby any representative of the Department of Justice regarding the award of grant funding; or

“(ii) to lobby any representative of a Federal, State, local, or tribal government regarding the award of grant funding.

“(B) PENALTY.—If the Attorney General determines that any recipient of a grant made using amounts authorized to be appropriated under this Act has violated subparagraph (A), the Attorney General shall—

“(i) require the recipient to repay the grant in full; and

“(ii) prohibit the recipient to receive another grant under this Act for not less than 5 years.

“(C) CLARIFICATION.—For purposes of this paragraph, submitting an application for a grant under this Act shall not be considered lobbying activity in violation of subparagraph (A).

“(6) ANNUAL CERTIFICATION.—Beginning in the 1st fiscal year that begins after the effective date of this section, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate, and the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives, an annual certification that—

“(A) all audits issued by the Inspector General of the Department of Justice under paragraph (2) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

“(B) all mandatory exclusions required under paragraph (2)(D) have been issued;

“(C) all reimbursements required under paragraph (2)(F)(i) have been made; and

“(D) includes a list of any grant recipients excluded under paragraph (2) during the then preceding fiscal year.

“(c) PREVENTING DUPLICATIVE GRANTS.—

“(1) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this Act, the Attorney General shall compare potential grant awards with other grants awarded under this Act to determine if duplicate grant awards are awarded for the same purpose.

“(2) REPORT.—If the Attorney General awards duplicate grants to the same applicant for the same purpose the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on Education and the Workforce of the House of Representatives a report that includes—

“(A) a list of all duplicate grants awarded, including the total dollar amount of any duplicate grants awarded; and

“(B) the reason the Attorney General awarded the duplicative grant.

“(d) COMPLIANCE WITH AUDITING STANDARDS.—The Administrator shall comply with the Generally Accepted Government Auditing Standards, published by the General Accountability Office (commonly known as the ‘Yellow Book’), in the conduct of fiscal, compliance, and programmatic audits of States.”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11101 et seq.) is amended by striking—

(1) section 299 (34 U.S.C. 11171); and

(2) section 505.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## GLOBAL FOOD SECURITY REAUTHORIZATION ACT OF 2017

Mr. ROYCE of California. Mr. Speaker, I ask unanimous consent to take from the Speaker’s table the bill (S. 2269) to reauthorize the Global Food Security Act of 2016 for 5 additional years, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 2269

*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 “Global Food Security Reauthorization Act of 2017”.

### SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) ASSISTANCE TO IMPLEMENT THE GLOBAL FOOD SECURITY STRATEGY.—Section 6(b) of the Global Food Security Act of 2016 (22 U.S.C. 9305(b)) is amended by striking “fiscal years 2017 and 2018” and inserting “fiscal years 2017 through 2023”.

(b) EMERGENCY FOOD SECURITY PROGRAM.—Section 492(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a(a)) is amended by striking “fiscal years 2017 and 2018” and inserting “fiscal years 2017 through 2023”.

### SEC. 3. GLOBAL FOOD SECURITY STRATEGY IMPLEMENTATION REPORTS.

Section 8(a) of the Global Food Security Act of 2016 (22 U.S.C. 9307(a)) is amended—

(1) by striking “Not later than 1 year and 2 years” and inserting “During each of the first 7 years”; and

(2) by striking “for 2017 and 2018” and inserting “at the end of the reporting period”.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## AMY, VICKY, AND ANDY CHILD PORNOGRAPHY VICTIM ASSISTANCE ACT OF 2017

Mr. MARINO. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (S. 2152) to amend title 18, United States Code, to provide for assistance for victims of child pornography, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 2152

*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 “Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2017”.

### SEC. 2. FINDINGS.

Congress finds the following:

(1) The demand for child pornography harms children because it drives production, which involves severe and often irreparable child sexual abuse and exploitation.

(2) The harms caused by child pornography begin, but do not end, with child sex abuse because child pornography is a permanent record of that abuse and trafficking in those images compounds the harm to the child.

(3) In *Paroline v. United States* (2014), the Supreme Court recognized that “every viewing of child pornography is a repetition of the victim’s abuse”.

(4) The American Professional Society on the Abuse of Children has stated that for victims of child pornography, “the sexual abuse of the child, the memorialization of that abuse which becomes child pornography, and its subsequent distribution and viewing become psychologically intertwined and each compound the harm suffered by the child-victim”.

(5) Victims suffer continuing and grievous harm as a result of knowing that a large, indeterminate number of individuals have viewed and will in the future view images of their childhood sexual abuse. Harms of this sort are a major reason that child pornography is outlawed.

(6) The unlawful collective conduct of every individual who reproduces, distributes, or possesses the images of a victim’s childhood sexual abuse plays a part in sustaining and aggravating the harms to that individual victim. Multiple actors independently commit intentional crimes that combine to produce an indivisible injury to a victim.

(7) It is the intent of Congress that victims of child pornography be fully compensated for all the harms resulting from every perpetrator who contributes to their anguish. Such an aggregate causation standard reflects the nature of child pornography and the unique ways that it actually harms victims.

### SEC. 3. DETERMINING RESTITUTION.

(a) DETERMINING RESTITUTION.—Section 2259(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “The order” and inserting “Except as provided in paragraph (2), the order”; and

(B) by striking “as determined by the court pursuant to paragraph (2)” after “of the victim’s losses”;

(2) by striking paragraph (3);

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

(4) by inserting after paragraph (1) the following:

“(2) RESTITUTION FOR TRAFFICKING IN CHILD PORNOGRAPHY.—If the defendant was convicted for trafficking in child pornography, the order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) an amount of restitution determined by the court as follows:

“(A) DETERMINING THE FULL AMOUNT OF A VICTIM’S LOSSES.—The court shall determine the full amount of the victim’s losses that were incurred or are reasonably projected to be incurred by the victim as a result of the trafficking in child pornography.

“(B) DETERMINING A RESTITUTION AMOUNT.—After completing the determination required under subparagraph (A), the court shall enter an order of restitution against the defendant in favor of the victim in an amount which is between \$3,000 and 1 percent of the full amount of the victim’s losses.

“(C) TERMINATION OF PAYMENT.—A victim’s total aggregate recovery pursuant to this section shall not exceed the full amount of the victim’s demonstrated losses. After the victim has received restitution in the full amount of the victim’s losses as measured by the greatest amount of such losses found in any case involving that victim that has resulted in a final restitution order under this

section, the liability of each defendant who is or has been ordered to pay restitution for such losses to that victim shall be terminated. The court may direct the victim to provide information concerning the amount of restitution the victim has been paid in other cases for the same losses.”.

(b) **ADDITIONAL DEFINITIONS.**—Section 2259(c) of title 18, United States Code, is amended—

(1) in the heading, by striking “DEFINITION” and inserting “DEFINITIONS”;

(2) by striking “For purposes” and inserting the following:

“(4) **VICTIM.**—For purposes”;

(3) by striking “under this chapter, including, in the case” and inserting “under this chapter. In the case”;

(4) by inserting after “or any other person appointed as suitable by the court,” the following: “may assume the crime victim’s rights under this section,”; and

(5) by inserting before paragraph (4), as so designated, the following:

“(1) **CHILD PORNOGRAPHY PRODUCTION.**—For purposes of this section and section 2259A, the term ‘child pornography production’ means conduct proscribed by subsections (a) through (c) of section 2251, section 2252A(g) (in cases in which the series of felony violations involves at least 1 of the violations listed in this section), section 2260(a), or any offense under chapter 109A or chapter 117 that involved the production of child pornography, as defined in section 2256.

“(2) **FULL AMOUNT OF THE VICTIM’S LOSSES.**—For purposes of this section, the term ‘full amount of the victim’s losses’ includes any costs incurred, or reasonably projected to be incurred in the future, by the victim, and in the case of a trafficking in child pornography conviction, as a proximate result of all trafficking in child pornography offenses involving the same victim, including—

“(A) medical services relating to physical, psychiatric, or psychological care;

“(B) physical and occupational therapy or rehabilitation;

“(C) necessary transportation, temporary housing, and child care expenses;

“(D) lost income;

“(E) attorneys’ fees, as well as other costs incurred; and

“(F) any other relevant losses incurred by the victim.

“(3) **TRAFFICKING IN CHILD PORNOGRAPHY.**—For purposes of this section and section 2259A, the term ‘trafficking in child pornography’ means conduct proscribed by section 2251(d), 2251A, 2252, 2252A, section 2252A(g) (in cases in which the series of felony violations exclusively involves violations listed in this section), or section 2260(b).”.

(c) **CLERICAL AMENDMENT.**—Section 1593(b)(3) of title 18, United States Code, is amended by striking “section 2259(b)(3)” and inserting “section 2259(c)(2)”.

#### SEC. 4. DEFINED MONETARY ASSISTANCE.

Section 2259 of title 18, United States Code, is amended by adding at the end the following:

“(d) **DEFINED MONETARY ASSISTANCE.**—

“(1) **DEFINED MONETARY ASSISTANCE MADE AVAILABLE AT VICTIM’S ELECTION.**—

“(A) **ELECTION TO RECEIVE DEFINED MONETARY ASSISTANCE.**—Subject to paragraphs (2) and (3), if the defendant was convicted of child pornography production, the victim of child pornography production may choose to receive defined monetary assistance from the Child Pornography Victims’ Reserve established under section 1402(d)(6) of the Victims of Crime Act of 1984.

“(B) **FINDING.**—To be eligible for defined monetary assistance under this subsection, a court shall determine whether the claimant

is a victim of the defendant who was convicted of child pornography production.

“(C) **ORDER.**—If a court determines that a claimant is a victim of child pornography production under subparagraph (B) and the claimant chooses to receive defined monetary assistance, the court shall order payment in accordance with subparagraph (D) to the victim from the Child Pornography Victims’ Reserve established under section 1402(d)(6) of the Victims of Crime Act of 1984.

“(D) **AMOUNT OF DEFINED MONETARY ASSISTANCE.**—The amount of defined monetary assistance payable under this subparagraph shall be equal to—

“(i) for the first calendar year after the date of enactment of this subsection, \$35,000; and

“(ii) for each calendar year after the year described in clause (i), \$35,000 multiplied by the ratio (not less than one) of—

“(I) the Consumer Price Index for all Urban Consumer (CPI-U, as published by the Bureau of Labor Statistics of the Department of Labor) for the calendar year preceding such calendar year; to

“(II) the CPI-U for the calendar year 2 years before the calendar year described in clause (i).

“(2) **LIMITATIONS ON DEFINED MONETARY ASSISTANCE.**—

“(A) **IN GENERAL.**—A victim may only obtain defined monetary assistance under this subsection once.

“(B) **EFFECT ON RECOVERY OF OTHER RESTITUTION.**—A victim who obtains defined monetary assistance under this subsection shall not be barred or limited from receiving restitution against any defendant for any offenses not covered by this section.

“(C) **DEDUCTION.**—If a victim who received defined monetary assistance under this subsection subsequently seeks restitution under this section, the court shall deduct the amount the victim received in defined monetary assistance when determining the full amount of the victim’s losses.

“(3) **LIMITATIONS ON ELIGIBILITY.**—A victim who has collected payment of restitution pursuant to this section in an amount greater than the amount provided for under paragraph (1)(D) shall be ineligible to receive defined monetary assistance under this subsection.

“(4) **GUARDIAN AD LITEM.**—

“(A) **IN GENERAL.**—In all cases alleging child pornography production, the court shall appoint a guardian ad litem, who shall be an attorney, for each identified victim of the child pornography production, pursuant to section 3509(h).

“(B) **FEES.**—A guardian ad litem appointed pursuant to this subsection may not charge, receive, or collect, without court approval for good cause shown, any fees or payment of expenses that in the aggregate exceed 10 percent of any defined monetary assistance payment made under this subsection.

“(C) **PENALTY.**—Any guardian ad litem who violates subparagraph (B) shall be fined under this title, imprisoned for not more than one year, or both.”.

#### SEC. 5. ASSESSMENTS IN CHILD PORNOGRAPHY CASES.

(a) **ASSESSMENTS IN CHILD PORNOGRAPHY CASES.**—Chapter 110 of title 18, United States Code, is amended by inserting after section 2259 the following:

##### “§ 2259A. Assessments in child pornography cases

“(a) **IN GENERAL.**—In addition to any other criminal penalty, restitution, or special assessment authorized by law, the court shall assess—

“(1) not more than \$17,000 on any person convicted of an offense under section 2252(a)(4) or 2252A(a)(5);

“(2) not more than \$35,000 on any person convicted of any other offense for trafficking in child pornography; and

“(3) not more than \$50,000 on any person convicted of a child pornography production offense.

“(b) **ANNUAL ADJUSTMENT.**—The dollar amounts in subsection (a) shall be adjusted annually in conformity with the Consumer Price Index.

“(c) **FACTORS CONSIDERED.**—In determining the amount of the assessment under subsection (a), the court shall consider the factors set forth in sections 3553(a) and 3572.

“(d) **IMPOSITION AND IMPLEMENTATION.**—

“(1) **IN GENERAL.**—The provisions of subchapter C of chapter 227 (other than section 3571) and subchapter B of chapter 229 (relating to fines) apply to assessments under this section, except that paragraph (2) applies in lieu of any contrary provisions of law relating to fines or disbursement of money received from a defendant.

“(2) **EFFECT ON OTHER PENALTIES.**—Imposition of an assessment under this section does not relieve a defendant of, or entitle a defendant to reduce the amount of any other penalty by the amount of the assessment. Any money received from a defendant shall be disbursed so that each of the following obligations is paid in full in the following sequence:

“(A) A special assessment under section 3013.

“(B) Restitution to victims of any child pornography production offense that the defendant committed.

“(C) An assessment under this section and restitution to victims of any trafficking in child pornography offenses.

“(D) Other orders under any other section of this title.

“(E) All other fines, penalties, costs, and other payments required under the sentence.”.

(b) **CHILD PORNOGRAPHY VICTIMS RESERVE.**—Section 1402(d) of the Victims of Crime Act of 1984 (34 U.S.C. 20101(d)) is amended by adding at the end the following:

“(6)(A) The Director may set aside up to \$10,000,000 of the amounts remaining in the Fund in any fiscal year after distributing the amounts under paragraphs (2), (3), and (4), in a Child Pornography Victims Reserve, which may be used by the Attorney General for payments under section 2259(d) of title 18, United States Code.

“(B) Amounts in the reserve may be carried over from fiscal year to fiscal year, but the total amount of the reserve shall not exceed \$10,000,000. Notwithstanding subsection (c) and any limitation on Fund obligations in any future Act, unless the same should expressly refer to this section, any such amounts carried over shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund.”.

(c) **CHILD PORNOGRAPHY VICTIMS RESERVE.**—Chapter 110 of title 18, United States Code, is amended by inserting after section 2259A, as added by subsection (a), the following:

##### “§ 2259B. Child pornography victims reserve

“(a) **DEPOSITS INTO THE RESERVE.**—Notwithstanding any other provision of law, there shall be deposited into the Child Pornography Victims Reserve established under section 1402(d)(6) of the Victims of Crime Act of 1984 all assessments collected under section 2259A and any gifts, bequests, or donations to the Child Pornography Victims Reserve from private entities or individuals.

“(b) **AVAILABILITY FOR DEFINED MONETARY ASSISTANCE.**—Amounts in the Child Pornography Victims Reserve shall be available for payment of defined monetary assistance pursuant to section 2259(d). If at any time the



Child Pornography Victims Reserve has insufficient funds to make all of the payments ordered under section 2259(d), the Child Pornography Victims Reserve shall make such payments as it can satisfy in full from available funds. In determining the order in which such payments shall be made, the Child Pornography Victims Reserve shall make payments based on the date they were ordered, with the earliest-ordered payments made first.

“(c) ADMINISTRATION.—The Attorney General shall administer the Child Pornography Victims Reserve and shall issue guidelines and regulations to implement this section.

“(d) SENSE OF CONGRESS.—It is the sense of Congress that individuals who violate this chapter before this legislation is enacted, but who are sentenced after this legislation is enacted, shall be subject to the statutory scheme that was in effect at the time the offenses were committed.”

(d) CLERICAL AMENDMENT.—The table of sections for chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2259 the following:

“2259A. Assessments in child pornography cases.

“2259B. Child pornography victims reserve.”.

#### SEC. 6. CHILD PORNOGRAPHY VICTIM'S RIGHT TO EVIDENCE.

Section 3509(m) of title 18, United States Code, is amended by adding at the end the following:

“(3)(A) In any criminal proceeding, a victim of trafficking in child pornography or child pornography production, as those terms are defined in section 2259(c), shall have access to any property or material that constitutes child pornography, as defined by section 2256, depicting the victim, for inspection, viewing, and examination at a Government facility, by the victim, his or her attorney, and any individual the victim may seek to qualify to furnish expert testimony.

“(B) A victim of trafficking in child pornography or child pornography production, as those terms are defined in section 2259(c), his or her attorney, and any individual the victim may seek to qualify to furnish expert testimony may not copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography, as defined by section 2256 of this title, so long as the Government makes the property or material reasonably available to the victim, his or her attorney, and any individual the victim may seek to qualify to furnish expert testimony.”.

#### SEC. 7. CLERICAL AMENDMENTS.

(a) EXPANSION OF CIVIL REMEDIES FOR SATISFACTION OF AN UNPAID FINE.—Section 3613(c) of title 18, United States Code, is amended by inserting “an assessment imposed pursuant to section 2259A of this title,” after “pursuant to the provisions of subchapter C of chapter 227 of this title.”.

(b) CLARIFICATION OF INTERSTATE OR FOREIGN COMMERCE PROVISION REGARDING CERTAIN ACTIVITIES PERTAINING TO CHILD PORNOGRAPHY.—Section 2252A (a)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking “using any means or facility of interstate or foreign commerce” and inserting “has been”; and

(B) by inserting “using any means or facility of interstate or foreign commerce or” after “child pornography”; and

(2) in subparagraph (B)—

(A) by striking “using any means or facility of interstate or foreign commerce” and inserting “has been”; and

(B) by inserting “using any means or facility of interstate or foreign commerce or” after “child pornography”.

(c) CLARIFICATION OF THE DEFINITION OF “SEXUALLY EXPLICIT CONDUCT”.—Section 2256(2) of title 18, United States Code, is amended—

(1) in subparagraph (A)(v)—

(A) by inserting “anus,” before “genitals”; and

(B) by inserting a comma after “genitals”; and

(2) in subparagraph (B)(iii)—

(A) by inserting “anus,” before “genitals”; and

(B) by inserting a comma after “genitals”.

(d) CLARIFICATION OF THE EXTENT OF THE OFFENSE OF COERCION AND ENTICEMENT OF A MINOR.—Section 3559(e)(2)(A) of title 18, United States Code, is amended by striking “into prostitution”.

#### SEC. 8. REPORT ON IMPLEMENTATION.

Not later than 24 months after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the progress of the Department of Justice in implementing the amendments made by sections 3 through 5.

AMENDMENT OFFERED BY MR. MARINO

Mr. MARINO. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018”.

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) The demand for child pornography harms children because it drives production, which involves severe child sexual abuse and exploitation.

(2) The harms caused by child pornography begin, but do not end, with child sex assault because child pornography is a permanent record of that abuse and trafficking in those images compounds the harm to the child.

(3) In *Paroline v. United States* (2014), the Supreme Court recognized that “every viewing of child pornography is a repetition of the victim’s abuse”.

(4) The American Professional Society on the Abuse of Children has stated that for victims of child pornography, “the sexual abuse of the child, the memorialization of that abuse which becomes child pornography, and its subsequent distribution and viewing become psychologically intertwined and each compound the harm suffered by the child-victim”.

(5) Victims suffer continuing and grievous harm as a result of knowing that a large, indeterminate number of individuals have viewed and will in the future view images of their childhood sexual abuse. Harms of this sort are a major reason that child pornography is outlawed.

(6) The unlawful collective conduct of every individual who reproduces, distributes, or possesses the images of a victim’s childhood sexual abuse plays a part in sustaining and aggravating the harms to that individual victim.

(7) It is the intent of Congress that victims of child pornography be compensated for the harms resulting from every perpetrator who contributes to their anguish. Such an aggregate causation standard reflects the nature of child pornography and the unique ways that it actually harms victims.

#### SEC. 3. DETERMINING RESTITUTION.

(a) DETERMINING RESTITUTION.—Section 2259(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “The order” and inserting “Except as provided in paragraph (2), the order”; and

(B) by striking “as determined by the court pursuant to paragraph (2)” after “of the victim’s losses”; and

(2) by striking paragraph (3);

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

(4) by inserting after paragraph (1) the following:

“(2) RESTITUTION FOR TRAFFICKING IN CHILD PORNOGRAPHY.—If the defendant was convicted of trafficking in child pornography, the court shall order restitution under this section in an amount to be determined by the court as follows:

“(A) DETERMINING THE FULL AMOUNT OF A VICTIM’S LOSSES.—The court shall determine the full amount of the victim’s losses that were incurred or are reasonably projected to be incurred by the victim as a result of the trafficking in child pornography depicting the victim.

“(B) DETERMINING A RESTITUTION AMOUNT.—After completing the determination required under subparagraph (A), the court shall order restitution in an amount that reflects the defendant’s relative role in the causal process that underlies the victim’s losses, but which is no less than \$3,000.

“(C) TERMINATION OF PAYMENT.—A victim’s total aggregate recovery pursuant to this section shall not exceed the full amount of the victim’s demonstrated losses. After the victim has received restitution in the full amount of the victim’s losses as measured by the greatest amount of such losses found in any case involving that victim that has resulted in a final restitution order under this section, the liability of each defendant who is or has been ordered to pay restitution for such losses to that victim shall be terminated. The court may require the victim to provide information concerning the amount of restitution the victim has been paid in other cases for the same losses.”.

(b) ADDITIONAL DEFINITIONS.—Section 2259(c) of title 18, United States Code, is amended—

(1) in the heading, by striking “DEFINITION” and inserting “DEFINITIONS”; and

(2) by striking “For purposes” and inserting the following:

“(4) VICTIM.—For purposes”;

(3) by striking “under this chapter, including, in the case” and inserting “under this chapter. In the case”;

(4) by inserting after “or any other person appointed as suitable by the court,” the following: “may assume the crime victim’s rights under this section.”; and

(5) by inserting before paragraph (4), as so designated, the following:

“(1) CHILD PORNOGRAPHY PRODUCTION.—For purposes of this section and section 2259A, the term ‘child pornography production’ means conduct proscribed by subsections (a) through (c) of section 2251, section 2251A, section 2252A(g) (in cases in which the series of felony violations involves at least 1 of the violations listed in this subsection), section 2260(a), or any offense under chapter 109A or chapter 117 that involved the production of child pornography (as such term is defined in section 2256).

“(2) FULL AMOUNT OF THE VICTIM’S LOSSES.—For purposes of this subsection, the term ‘full amount of the victim’s losses’ includes any costs incurred, or that are reasonably projected to be incurred in the future, by the victim, as a proximate result of the offenses involving the victim, and in the case of trafficking in child pornography offenses, as a proximate result of all trafficking in child pornography offenses involving the same victim, including—

“(A) medical services relating to physical, psychiatric, or psychological care;

“(B) physical and occupational therapy or rehabilitation;

“(C) necessary transportation, temporary housing, and child care expenses;

“(D) lost income;

“(E) reasonable attorneys’ fees, as well as other costs incurred; and

“(F) any other relevant losses incurred by the victim.

“(3) **TRAFFICKING IN CHILD PORNOGRAPHY.**—For purposes of this section and section 2259A, the term ‘trafficking in child pornography’ means conduct proscribed by section 2251(d), 2252, 2252A(a)(1) through (5), 2252A(g)(in cases in which the series of felony violations exclusively involves violations of section 2251(d), 2252, 2252A(a)(1) through (5), or 2260(b)), or 2260(b)).”

(c) **CLERICAL AMENDMENT.**—Section 1593(b)(3) of title 18, United States Code, is amended by striking “section 2259(b)(3)” and inserting “section 2259(c)(2)”.

#### SEC. 4. DEFINED MONETARY ASSISTANCE.

Section 2259 of title 18, United States Code, is amended by adding at the end the following:

“(d) **DEFINED MONETARY ASSISTANCE.**—

“(1) **DEFINED MONETARY ASSISTANCE MADE AVAILABLE AT VICTIM’S ELECTION.**—

“(A) **ELECTION TO RECEIVE DEFINED MONETARY ASSISTANCE.**—Subject to paragraphs (2) and (3), when a defendant is convicted of trafficking in child pornography, any victim of that trafficking in child pornography may choose to receive defined monetary assistance from the Child Pornography Victims Reserve established under section 1402(d)(6) of the Victims of Crime Act of 1984 (34 U.S.C. 20101(d)).

“(B) **FINDING.**—To be eligible for defined monetary assistance under this subsection, a court shall determine whether the claimant is a victim of the defendant who was convicted of trafficking in child pornography.

“(C) **ORDER.**—If a court determines that a claimant is a victim of trafficking in child pornography under subparagraph (B) and the claimant chooses to receive defined monetary assistance, the court shall order payment in accordance with subparagraph (D) to the victim from the Child Pornography Victims Reserve established under section 1402(d)(6) of the Victims of Crime Act of 1984.

“(D) **AMOUNT OF DEFINED MONETARY ASSISTANCE.**—The amount of defined monetary assistance payable under this subparagraph shall be equal to—

“(i) for the first calendar year after the date of enactment of this subsection, \$35,000; and

“(ii) for each calendar year after the year described in clause (i), \$35,000 multiplied by the ratio (not less than one) of—

“(I) the Consumer Price Index for all Urban Consumers (CPI-U, as published by the Bureau of Labor Statistics of the Department of Labor) for the calendar year preceding such calendar year; to

“(II) the CPI-U for the calendar year 2 years before the calendar year described in clause (i).

“(2) **LIMITATIONS ON DEFINED MONETARY ASSISTANCE.**—

“(A) **IN GENERAL.**—A victim may only obtain defined monetary assistance under this subsection once.

“(B) **EFFECT ON RECOVERY OF OTHER RESTITUTION.**—A victim who obtains defined monetary assistance under this subsection shall not be barred or limited from receiving restitution against any defendant for any offenses not covered by this section.

“(C) **DEDUCTION.**—If a victim who received defined monetary assistance under this subsection subsequently seeks restitution under

this section, the court shall deduct the amount the victim received in defined monetary assistance when determining the full amount of the victim’s losses.

“(3) **LIMITATIONS ON ELIGIBILITY.**—A victim who has collected payment of restitution pursuant to this section in an amount greater than the amount provided for under paragraph (1)(D) shall be ineligible to receive defined monetary assistance under this subsection.

“(4) **ATTORNEY FEES.**—

“(A) **IN GENERAL.**—An attorney representing a victim seeking defined monetary assistance under this subsection may not charge, receive, or collect, and the court may not approve, any payment of fees and costs that in the aggregate exceeds 15 percent of any payment made under this subsection.

“(B) **PENALTY.**—An attorney who violates subparagraph (A) shall be fined under this title, imprisoned not more than 1 year, or both.”

#### SEC. 5. ASSESSMENTS IN CHILD PORNOGRAPHY CASES.

(a) **ASSESSMENTS IN CHILD PORNOGRAPHY CASES.**—Chapter 110 of title 18, United States Code, is amended by inserting after section 2259 the following:

“§ 2259A. **Assessments in child pornography cases**

“(a) **IN GENERAL.**—In addition to any other criminal penalty, restitution, or special assessment authorized by law, the court shall assess—

“(1) not more than \$17,000 on any person convicted of an offense under section 2252(a)(4) or 2252A(a)(5);

“(2) not more than \$35,000 on any person convicted of any other offense for trafficking in child pornography; and

“(3) not more than \$50,000 on any person convicted of a child pornography production offense.

“(b) **ANNUAL ADJUSTMENT.**—The dollar amounts in subsection (a) shall be adjusted annually in conformity with the Consumer Price Index.

“(c) **FACTORS CONSIDERED.**—In determining the amount of the assessment under subsection (a), the court shall consider the factors set forth in sections 3553(a) and 3572.

“(d) **IMPOSITION AND IMPLEMENTATION.**—

“(1) **IN GENERAL.**—The provisions of subchapter C of chapter 227 (other than section 3571) and subchapter B of chapter 229 (relating to fines) apply to assessments under this section, except that paragraph (2) applies in lieu of any contrary provisions of law relating to fines or disbursement of money received from a defendant.

“(2) **EFFECT ON OTHER PENALTIES.**—Imposition of an assessment under this section does not relieve a defendant of, or entitle a defendant to reduce the amount of any other penalty by the amount of the assessment. Any money received from a defendant shall be disbursed so that each of the following obligations is paid in full in the following sequence:

“(A) A special assessment under section 3013.

“(B) Restitution to victims of any child pornography production or trafficking offense that the defendant committed.

“(C) An assessment under this section.

“(D) Other orders under any other section of this title.

“(E) All other fines, penalties, costs, and other payments required under the sentence.”

(b) **CHILD PORNOGRAPHY VICTIMS RESERVE.**—Section 1402(d) of the Victims of Crime Act of 1984 (34 U.S.C. 20101(d)) is amended by adding at the end the following:

“(6)(A) The Director may set aside up to \$10,000,000 of the amounts remaining in the

Fund in any fiscal year after distributing the amounts under paragraphs (2), (3), and (4), in a Child Pornography Victims Reserve, which may be used by the Attorney General for payments under section 2259(d) of title 18, United States Code.

“(B) Amounts in the reserve may be carried over from fiscal year to fiscal year, but the total amount of the reserve shall not exceed \$10,000,000. Notwithstanding subsection (c) and any limitation on Fund obligations in any future Act, unless the same should expressly refer to this section, any such amounts carried over shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund.”

(c) **CHILD PORNOGRAPHY VICTIMS RESERVE.**—Chapter 110 of title 18, United States Code, is amended by inserting after section 2259A, as added by subsection (a), the following:

#### “§ 2259B. Child pornography victims reserve

“(a) **DEPOSITS INTO THE RESERVE.**—Notwithstanding any other provision of law, there shall be deposited into the Child Pornography Victims Reserve established under section 1402(d)(6) of the Victims of Crime Act of 1984 (34 U.S.C. 20101(d)) all assessments collected under section 2259A and any gifts, bequests, or donations to the Child Pornography Victims Reserve from private entities or individuals.

“(b) **AVAILABILITY FOR DEFINED MONETARY ASSISTANCE.**—Amounts in the Child Pornography Victims Reserve shall be available for payment of defined monetary assistance pursuant to section 2259(d). If at any time the Child Pornography Victims Reserve has insufficient funds to make all of the payments ordered under section 2259(d), the Child Pornography Victims Reserve shall make such payments as it can satisfy in full from available funds. In determining the order in which such payments shall be made, the Child Pornography Victims Reserve shall make payments based on the date they were ordered, with the earliest-ordered payments made first.

“(c) **ADMINISTRATION.**—The Attorney General shall administer the Child Pornography Victims Reserve and shall issue guidelines and regulations to implement this section.

“(d) **SENSE OF CONGRESS.**—It is the sense of Congress that individuals who violate this chapter prior to the date of the enactment of the Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, but who are sentenced after such date, shall be subject to the statutory scheme that was in effect at the time the offenses were committed.”

(d) **CLERICAL AMENDMENT.**—The table of sections for chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2259 the following:

“2259A. Assessments in child pornography cases

“2259B. Child pornography victims reserve”.

#### SEC. 6. CHILD PORNOGRAPHY VICTIMS’ RIGHT TO EVIDENCE.

Section 3509(m) of title 18, United States Code, is amended by adding at the end the following:

“(3) In any criminal proceeding, a victim, as defined under section 2259(c)(4), shall have reasonable access to any property or material that constitutes child pornography, as defined under section 2256(8), depicting the victim, for inspection, viewing, and examination at a Government facility or court, by the victim, his or her attorney, and any individual the victim may seek to qualify to furnish expert testimony, but under no circumstances may such child pornography be copied, photographed, duplicated, or otherwise reproduced. Such property or material

may be redacted to protect the privacy of third parties.”.

#### SEC. 7. CLERICAL AMENDMENTS.

(a) **EXPANSION OF CIVIL REMEDIES FOR SATISFACTION OF AN UNPAID FINE.**—Section 3613(c) of title 18, United States Code, is amended by inserting “an assessment imposed pursuant to section 2259A of this title,” after “pursuant to the provisions of subchapter C of chapter 227 of this title.”.

(b) **CLARIFICATION OF INTERSTATE OR FOREIGN COMMERCE PROVISION REGARDING CERTAIN ACTIVITIES PERTAINING TO CHILD PORNOGRAPHY.**—Section 2252A (a)(2) of title 18, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking “using any means or facility of interstate or foreign commerce” and inserting “has been”; and

(B) by inserting “using any means or facility of interstate or foreign commerce or” after “child pornography”; and

(2) in subparagraph (B)—

(A) by striking “using any means or facility of interstate or foreign commerce” and inserting “has been”; and

(B) by inserting “using any means or facility of interstate or foreign commerce or” after “child pornography”.

(c) **CLARIFICATION OF THE DEFINITION OF “SEXUALLY EXPLICIT CONDUCT”.**—Section 2256(2) of title 18, United States Code, is amended—

(1) in subparagraph (A)(v)—

(A) by inserting “anus,” before “genitals”; and

(B) by inserting a comma after “genitals”; and

(2) in subparagraph (B)(iii)—

(A) by inserting “anus,” before “genitals”; and

(B) by inserting a comma after “genitals”.

#### SEC. 8. REPORTS.

Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the progress of the Department of Justice in implementing the amendments made by sections 3 through 5, and shall include an assessment of the funding levels for the Child Pornography Victims Reserve.

Mr. MARINO (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the amendment.

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

There was no objection.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ABOLISH HUMAN TRAFFICKING ACT OF 2017

Mr. MARINO. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary, Committee on Foreign Affairs, Committee on Energy and Commerce, and Committee on Homeland Security be discharged from further consideration of the bill (S. 1311) to provide assistance in abolishing human trafficking in the United States, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 1311

*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 “Abolish Human Trafficking Act of 2017”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Preserving Domestic Trafficking Victims’ Fund.

Sec. 3. Mandatory restitution for victims of commercial sexual exploitation.

Sec. 4. Victim-witness assistance in sexual exploitation cases.

Sec. 5. Victim protection training for the Department of Homeland Security.

Sec. 6. Implementing a victim-centered approach to human trafficking.

Sec. 7. Direct services for child victims of human trafficking.

Sec. 8. Holistic training for Federal law enforcement officers and prosecutors.

Sec. 9. Best practices in delivering justice for victims of trafficking.

Sec. 10. Improving the national strategy to combat human trafficking.

Sec. 11. Specialized human trafficking training and technical assistance for service providers.

Sec. 12. Enhanced penalties for human trafficking, child exploitation, and repeat offenders.

Sec. 13. Targeting organized human trafficking perpetrators.

Sec. 14. Investigating complex human trafficking networks.

Sec. 15. Combating sex tourism.

Sec. 16. Human Trafficking Justice Coordinators.

Sec. 17. Interagency Task Force to Monitor and Combat Human Trafficking.

Sec. 18. Additional reporting on crime.

Sec. 19. Making the Presidential Survivor Council permanent.

Sec. 20. Strengthening the national human trafficking hotline.

Sec. 21. Ending Government partnerships with the commercial sex industry.

Sec. 22. Understanding the effects of severe forms of trafficking in persons.

Sec. 23. Combating trafficking in persons.

Sec. 24. Grant accountability.

Sec. 25. HERO Act improvements.

#### SEC. 2. PRESERVING DOMESTIC TRAFFICKING VICTIMS’ FUND.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the Domestic Trafficking Victims’ Fund established under section 3014 of title 18, United States Code—

(1) is intended to supplement, and not supplant, any other funding for domestic trafficking victims; and

(2) has achieved the objective described in paragraph (1) since the establishment of the Fund.

(b) **ENSURING FULL FUNDING.**—Section 3014 of title 18, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “September 30, 2019” and inserting “September 30, 2023”; and

(2) in subsection (e)(1), in the matter preceding subparagraph (A), by striking “2019” and inserting “2023”;

(3) in subsection (f), by inserting “, including the mandatory imposition of civil remedies for satisfaction of an unpaid fine as au-

thorized under section 3613, where appropriate” after “criminal cases”; and

(4) in subsection (h)(3), by inserting “and child victims of a severe form of trafficking (as defined in section 103 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7102))” after “child pornography victims”.

#### SEC. 3. MANDATORY RESTITUTION FOR VICTIMS OF COMMERCIAL SEXUAL EXPLOITATION.

(a) **AMENDMENT.**—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

##### “§ 2429. Mandatory restitution

“(a) Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

“(b)(1) The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim’s losses, as determined by the court under paragraph (3), and shall additionally require the defendant to pay the greater of the gross income or value to the defendant of the victim’s services, if the services constitute commercial sex acts as defined under section 1591.

“(2) An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

“(3) As used in this subsection, the term ‘full amount of the victim’s losses’ has the same meaning as provided in section 2259(b)(3).

“(c) The forfeiture of property under this section shall be governed by the provisions of section 413 (other than subsection (d) of such section) of the Controlled Substances Act (21 U.S.C. 853).

“(d) As used in this section, the term ‘victim’ means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim’s estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named such representative or guardian.”.

(b) **TABLE OF SECTIONS.**—The table of sections for chapter 117 of title 18, United States Code, is amended by inserting after the item relating to section 2428 the following:

“2429. Mandatory restitution.”.

#### SEC. 4. VICTIM-WITNESS ASSISTANCE IN SEXUAL EXPLOITATION CASES.

(a) **AVAILABILITY OF DOJ APPROPRIATIONS.**—Section 524(c)(1)(B) of title 28, United States Code, is amended by inserting “, chapter 110 of title 18” after “chapter 77 of title 18”.

(b) **AMENDMENT TO TITLE 31.**—Section 9705(a)(2)(B)(v) of title 31, United States Code, is amended by inserting “, chapter 109A of title 18 (relating to sexual abuse), chapter 110 of title 18 (relating to child sexual exploitation), or chapter 117 of title 18 (relating to transportation for illegal sexual activity and related crimes)” after “(relating to human trafficking)”.

#### SEC. 5. VICTIM PROTECTION TRAINING FOR THE DEPARTMENT OF HOMELAND SECURITY.

(a) **IN GENERAL.**—Title IX of the Justice for Victims of Trafficking Act of 2015 (6 U.S.C. 641 et seq.) is amended by adding at the end the following:

##### “SEC. 906. VICTIM PROTECTION TRAINING FOR THE DEPARTMENT OF HOMELAND SECURITY.

“(a) **DIRECTIVE TO DHS LAW ENFORCEMENT OFFICIALS AND TASK FORCES.**—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall issue a directive to—

“(A) all Federal law enforcement officers and relevant personnel employed by the Department who may be involved in the investigation of human trafficking offenses; and

“(B) members of all task forces led by the Department that participate in the investigation of human trafficking offenses.

“(2) REQUIRED INSTRUCTIONS.—The directive required to be issued under paragraph (1) shall include instructions on—

“(A) the investigation of individuals who patronize or solicit human trafficking victims as being engaged in severe trafficking in persons and how such individuals should be investigated for their roles in severe trafficking in persons; and

“(B) how victims of sex or labor trafficking often engage in criminal acts as a direct result of severe trafficking in persons and such individuals are victims of a crime and affirmative measures should be taken to avoid arresting, charging, or prosecuting such individuals for any offense that is the direct result of their victimization.

“(b) VICTIM SCREENING PROTOCOL.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall issue a screening protocol for use during all anti-trafficking law enforcement operations in which the Department is involved.

“(2) REQUIREMENTS.—The protocol required to be issued under paragraph (1) shall—

“(A) require the individual screening of all adults and children who are suspected of engaging in commercial sex acts, child labor that is a violation of law, or work in violation of labor standards to determine whether each individual screened is a victim of human trafficking;

“(B) require affirmative measures to avoid arresting, charging, or prosecuting human trafficking victims for any offense that is the direct result of their victimization;

“(C) be developed in consultation with relevant interagency partners and nongovernmental organizations that specialize in the prevention of human trafficking or in the identification and support of victims of human trafficking and survivors of human trafficking; and

“(D) include—

“(i) procedures and practices to ensure that the screening process minimizes trauma or revictimization of the person being screened; and

“(ii) guidelines on assisting victims of human trafficking in identifying and receiving restorative services.

“(c) MANDATORY TRAINING.—The training described in sections 902 and 904 shall include training necessary to implement—

“(1) the directive required under subsection (a); and

“(2) the protocol required under subsection (b).”

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Justice for Victims of Trafficking Act of 2015 (Public Law 114–22; 129 Stat. 227) is amended by inserting after the item relating to section 905 the following:

“Sec. 906. Victim protection training for the Department of Homeland Security.”

#### SEC. 6. IMPLEMENTING A VICTIM-CENTERED APPROACH TO HUMAN TRAFFICKING.

Section 107(b)(2) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(2)) is amended—

(1) in subparagraph (B)(ii); by striking the period at the end and inserting “; and”; and

(2) by adding at the end the following:

“(D) PRIORITY.—In selecting recipients of grants under this paragraph that are only

available for law enforcement operations or task forces, the Attorney General may give priority to any applicant that files an attestation with the Attorney General stating that—

“(i) the grant funds—

“(I) will be used to assist in the prevention of severe forms of trafficking in persons in accordance with Federal law;

“(II) will be used to strengthen efforts to investigate and prosecute those who knowingly benefit financially from participation in a venture that has engaged in any act of human trafficking;

“(III) will be used to take affirmative measures to avoid arresting, charging, or prosecuting victims of human trafficking for any offense that is the direct result of their victimization; and

“(IV) will not be used to require a victim of human trafficking to collaborate with law enforcement officers as a condition of access to any shelter or restorative services; and

“(ii) the applicant will provide dedicated resources for anti-human trafficking law enforcement for a period that is longer than the duration of the grant received under this paragraph.”

#### SEC. 7. DIRECT SERVICES FOR CHILD VICTIMS OF HUMAN TRAFFICKING.

Section 214(b) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13002(b)) is amended—

(1) in the heading by inserting “CHILD VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS AND” before “VICTIMS OF CHILD PORNOGRAPHY”; and

(2) by inserting “victims of a severe form of trafficking (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)(A))) who were under the age of 18 at the time of the offense and” before “victims of child pornography”.

#### SEC. 8. HOLISTIC TRAINING FOR FEDERAL LAW ENFORCEMENT OFFICERS AND PROSECUTORS.

All training required under the Combat Human Trafficking Act of 2015 (42 U.S.C. 14044g) and section 105(c)(4) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)(4)) shall—

(1) emphasize that an individual who knowingly solicits or patronizes a commercial sex act from a person who was a minor (consistent with section 1591(c) of title 18, United States Code) or was subject to force, fraud, or coercion is guilty of an offense under chapter 77 of title 18, United States Code, and is a party to a human trafficking offense;

(2) develop specific curriculum for—

(A) under appropriate circumstances, arresting and prosecuting buyers of commercial sex, child labor that is a violation of law, or forced labor as a form of primary prevention; and

(B) investigating and prosecuting individuals who knowingly benefit financially from participation in a venture that has engaged in any act of human trafficking; and

(3) specify that any comprehensive approach to eliminating human trafficking shall include a demand reduction component.

#### SEC. 9. BEST PRACTICES IN DELIVERING JUSTICE FOR VICTIMS OF TRAFFICKING.

Not later than 180 days after the date of enactment of this Act, the Attorney General shall issue guidance to all offices and components of the Department of Justice—

(1) emphasizing that an individual who knowingly solicits or patronizes a commercial sex act from a person who was a minor (consistent with section 1591(c) of title 18, United States Code) or was subject to force, fraud, or coercion is guilty of an offense under chapter 77 of title 18, United States

Code, and is a party to a severe form of trafficking in persons, as that term is defined in section 103(9) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9));

(2) recommending and implementing best practices for the collection of special assessments under section 3014 of title 18, United States Code, as added by section 101 of the Justice for Victims of Trafficking Act of 2015 (Public Law 114–22; 129 Stat. 228), including a directive that civil liens are an authorized collection method and remedy under section 3613 of title 18, United States Code; and

(3) clarifying that commercial sexual exploitation is a form of gender-based violence.

#### SEC. 10. IMPROVING THE NATIONAL STRATEGY TO COMBAT HUMAN TRAFFICKING.

Section 606(b) of the Justice for Victims of Trafficking Act of 2015 (42 U.S.C. 14044h(b)) is amended by adding at the end the following:

“(6) A national strategy to prevent human trafficking and reduce demand for human trafficking victims.”

#### SEC. 11. SPECIALIZED HUMAN TRAFFICKING TRAINING AND TECHNICAL ASSISTANCE FOR SERVICE PROVIDERS.

(a) IN GENERAL.—Section 111 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14044f) is amended—

(1) in the heading, by striking “LAW ENFORCEMENT TRAINING PROGRAMS” and inserting “SPECIALIZED HUMAN TRAFFICKING TRAINING AND TECHNICAL ASSISTANCE FOR SERVICE PROVIDERS”;;

(2) in subsection (a)(2), by striking “means a State or a local government,” and inserting the following: “means—

“(A) a State or unit of local government;

“(B) a federally recognized Indian tribal government, as determined by the Secretary of the Interior;

“(C) a victim service provider;

“(D) a nonprofit or for-profit organization (including a tribal nonprofit or for-profit organization);

“(E) a national organization; or

“(F) an institution of higher education (including tribal institutions of higher education).”;

(3) by striking subsection (b) and inserting the following:

“(b) GRANTS AUTHORIZED.—The Attorney General may award grants to eligible entities to—

“(1) provide training to identify and protect victims of trafficking;

“(2) improve the quality and quantity of services offered to trafficking survivors; and

“(3) improve victim service providers’ partnerships with Federal, State, tribal, and local law enforcement agencies and other relevant entities.”; and

(4) in subsection (c)—

(A) in paragraph (2), by striking “or” at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by inserting after paragraph (3) the following:

“(4) provide technical assistance on the range of services available to victim service providers who serve trafficking victims;

“(5) develop and distribute materials, including materials identifying best practices in accordance with Federal law and policies, to support victim service providers working with human trafficking victims;

“(6) identify and disseminate other publicly available materials in accordance with Federal law to help build capacity of service providers;

“(7) provide training at relevant conferences, through webinars, or through other mechanisms in accordance with Federal law; or

“(8) assist service providers in developing additional resources such as partnerships

with Federal, State, tribal, and local law enforcement agencies and other relevant entities in order to access a range of available services in accordance with Federal law.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of contents in section 2 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162; 119 Stat. 2960) is amended by striking the item relating to section 111 and inserting the following:

“Sec. 111. Grants for specialized human trafficking training and technical assistance for service providers.”.

**SEC. 12. ENHANCED PENALTIES FOR HUMAN TRAFFICKING, CHILD EXPLOITATION, AND REPEAT OFFENDERS.**

Part I of title 18, United States Code, is amended—

(1) in chapter 77—

(A) in section 1583(a), in the flush text following paragraph (3), by striking “not more than 20 years” and inserting “not more than 30 years”;

(B) in section 1587, by striking “four years” and inserting “10 years”; and

(C) in section 1591(d), by striking “20 years” and inserting “25 years”; and

(2) in section 2426—

(A) in subsection (a), by striking “twice” and inserting “3 times”; and

(B) in subsection (b)(1)(B) by striking “paragraph (1)” and inserting “subsection (A)”.

**SEC. 13. TARGETING ORGANIZED HUMAN TRAFFICKING PERPETRATORS.**

Section 521(c) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking “and” at the end;

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

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

“(3) a Federal offense involving human trafficking, sexual abuse, sexual exploitation, or transportation for prostitution or any illegal sexual activity; and”; and

(4) in paragraph (4), as so redesignated, by striking “(1) or (2)” and inserting “(1), (2), or (3)”.

**SEC. 14. INVESTIGATING COMPLEX HUMAN TRAFFICKING NETWORKS.**

Section 2516 of title 18, United States Code, is amended—

(1) in subsection (1)(c)—

(A) by inserting “section 1582 (vessels for slave trade), section 1583 (enticelement into slavery),” after “section 1581 (peonage),”; and

(B) by inserting “section 1585 (seizure, detention, transportation or sale of slaves), section 1586 (service on vessels in slave trade), section 1587 (possession of slaves aboard vessel), section 1588 (transportation of slaves from United States),” after “section 1584 (involuntary servitude),”; and

(2) in subsection (2)—

(A) by striking “kidnapping human” and inserting “kidnapping, human”; and

(B) by striking “production,” and inserting “production, prostitution,”.

**SEC. 15. COMBATING SEX TOURISM.**

Section 2423 of title 18, United States Code, is amended—

(1) in subsection (b), by striking “for the purpose” and inserting “with a motivating purpose”; and

(2) in subsection (d), by striking “for the purpose of engaging” and inserting “with a motivating purpose of engaging”.

**SEC. 16. HUMAN TRAFFICKING JUSTICE COORDINATORS.**

Section 606 of the Justice for Victims of Trafficking Act of 2015 (42 U.S.C. 14044h) is amended—

(1) in subsection (b)(1)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(2) by adding at the end the following:

“(c) **HUMAN TRAFFICKING JUSTICE COORDINATORS.**—The Attorney General shall designate in each Federal judicial district not less than 1 assistant United States attorney to serve as the Human Trafficking Coordinator for the district who, in addition to any other responsibilities, works with a human trafficking victim-witness specialist and shall be responsible for—

“(1) implementing the National Strategy with respect to all forms of human trafficking, including labor trafficking and sex trafficking;

“(2) prosecuting, or assisting in the prosecution of, human trafficking cases;

“(3) conducting public outreach and awareness activities relating to human trafficking;

“(4) ensuring the collection of data required to be collected under clause (viii) of section 105(d)(7)(Q) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)(Q)), as added by section 17 of the Abolish Human Trafficking Act of 2017, is sought;

“(5) coordinating with other Federal agencies, State, tribal, and local law enforcement agencies, victim service providers, and other relevant non-governmental organizations to build partnerships on activities relating to human trafficking; and

“(6) ensuring the collection of restitution for victims is sought as required to be ordered under section 1593 of title 18, United States Code, and section 2429 of such title, as added by section 3 of the Abolish Human Trafficking Act of 2017.

“(d) **DEPARTMENT OF JUSTICE COORDINATOR.**—Not later than 60 days after the date of enactment of the Abolish Human Trafficking Act of 2017, the Attorney General shall designate an official who shall coordinate human trafficking efforts within the Department of Justice who, in addition to any other responsibilities, shall be responsible for—

“(1) coordinating, promoting, and supporting the work of the Department of Justice relating to human trafficking, including investigation, prosecution, training, outreach, victim support, grant-making, and policy activities;

“(2) in consultation with survivors of human trafficking, or anti-human trafficking organizations, producing and disseminating, including making publicly available when appropriate, replication guides and training materials for law enforcement officers, prosecutors, judges, emergency responders, individuals working in victim services, adult and child protective services, social services, and public safety, medical personnel, mental health personnel, financial services personnel, and any other individuals whose work may bring them in contact with human trafficking regarding how to—

“(A) identify signs of human trafficking;

“(B) conduct investigations in human trafficking cases;

“(C) address evidentiary issues and other legal issues; and

“(D) appropriately assess, respond to, and interact with victims and witnesses in human trafficking cases, including in administrative, civil, and criminal judicial proceedings; and

“(3) carrying out such other duties as the Attorney General determines necessary in connection with enhancing the understanding, prevention, and detection of, and response to, human trafficking.”.

**SEC. 17. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT HUMAN TRAFFICKING.**

Section 105(d)(7)(Q) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)(Q)) is amended—

(1) in clause (vi), by striking “and” at the end; and

(2) by adding at the end the following:

“(viii) the number of convictions obtained under chapter 77 of title 18, United States Code, aggregated separately by the form of offense committed with respect to the victim, including recruiting, enticing, harboring, transporting, providing, obtaining, advertising, maintaining, patronizing, or soliciting a human trafficking victim; and”.

**SEC. 18. ADDITIONAL REPORTING ON CRIME.**

Section 237(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (28 U.S.C. 534 note) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(4) incidents of assisting or promoting prostitution, child labor that is a violation of law, or forced labor of an individual under the age of 18 as described in paragraph (1); and

“(5) incidents of purchasing or soliciting commercial sex acts, child labor that is a violation of law, or forced labor with an individual under the age of 18 as described in paragraph (2).”.

**SEC. 19. MAKING THE PRESIDENTIAL SURVIVOR COUNCIL PERMANENT.**

Section 115 of the Justice for Victims of Trafficking Act of 2015 (Public Law 114-22; 129 Stat. 243) is amended by striking subsection (h).

**SEC. 20. STRENGTHENING THE NATIONAL HUMAN TRAFFICKING HOTLINE.**

(a) **REPORTING REQUIREMENT.**—Section 105(d)(3) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(d)(3)) is amended—

(1) by inserting “and providing an annual report on the case referrals received from the national human trafficking hotline by Federal departments and agencies” after “international trafficking”; and

(2) by inserting “and reporting requirements” after “Any data collection procedures”.

(b) **HOTLINE INFORMATION.**—Section 107(b)(1)(B)(ii) of such Act (22 U.S.C. 7105(b)(1)(B)(ii)) is amended by adding at the end the following: “The number of the national human trafficking hotline described in this clause shall be posted in a visible place in all Federal buildings.”.

**SEC. 21. ENDING GOVERNMENT PARTNERSHIPS WITH THE COMMERCIAL SEX INDUSTRY.**

No Federal funds or resources may be used for the operation of, participation in, or partnership with any program that involves the provision of funding or resources to an organization that—

(1) has the primary purpose of providing adult entertainment; and

(2) derives profits from the commercial sex trade.

**SEC. 22. UNDERSTANDING THE EFFECTS OF SEVERE FORMS OF TRAFFICKING IN PERSONS.**

(a) **IN GENERAL.**—Title VI of the Justice for Victims of Trafficking Act of 2015 (Public Law 114-22; 129 Stat. 258) is amended by adding at the end the following:

**“SEC. 607. UNDERSTANDING THE PHYSICAL AND PSYCHOLOGICAL EFFECTS OF SEVERE FORMS OF TRAFFICKING IN PERSONS.**

“(a) IN GENERAL.—The National Institute of Justice and the Centers for Disease Control and Prevention shall jointly conduct a study on the short-term and long-term physical and psychological effects of serious harm (as that term is defined in section 1589(c)(2) and section 1591(e)(4) of title 18, United States Code, as amended by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110-457; 122 Stat. 5044)) in order to determine the most effective types of services for individuals who are identified as victims of these crimes, including victims in cases that were not investigated or prosecuted by any law enforcement agency, and how new or current treatment and programming options should be tailored to address the unique needs and barriers associated with these victims.

“(b) REPORT.—Not later than 3 years after the date of enactment of the Abolish Human Trafficking Act of 2017, the National Institute of Justice and the Centers for Disease Control and Prevention shall make available to the public the results, including any associated recommendations, of the study conducted under subsection (a).”

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Justice for Victims of Trafficking Act of 2015 (Public Law 114-22; 129 Stat. 227) is amended by inserting after the item relating to section 606 the following:

“Sec. 607. Understanding the physical and psychological effects of severe forms of trafficking in persons.”

**SEC. 23. COMBATING TRAFFICKING IN PERSONS.**

(a) TRAFFICKING VICTIMS PREVENTION ACT OF 2000 PROGRAMS.—Section 113 of the Trafficking Victims Prevention Act of 2000 (22 U.S.C. 7110) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “2014 through 2017” and inserting “2018 through 2022.”; and

(B) in paragraph (2), by striking “2014 through 2017” and inserting “2018 through 2022.”; and

(2) in subsection (i), by striking “2014 through 2017” and inserting “2018 through 2022.”

(b) REINSTATEMENT AND REAUTHORIZATION OF GRANTS TO COMBAT CHILD SEX TRAFFICKING.—

(1) REINSTATEMENT OF EXPIRED PROVISION.—

(A) IN GENERAL.—Section 202 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044a) is amended to read as such section read on March 6, 2017.

(B) CONFORMING AMENDMENT.—Section 1241(b) of the Violence Against Women Reauthorization Act of 2013 (42 U.S.C. 14044a note) is repealed.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as though enacted on March 6, 2017.

(3) REAUTHORIZATION.—Section 202(i) of the Trafficking Victims Protection Reauthorization Act of 2005, as amended by paragraph (1), is amended to read as follows:

“(i) FUNDING.—For each of the fiscal years 2018 through 2022, the Attorney General is authorized to allocate up to \$8,000,000 of the amounts appropriated pursuant to section 113(d)(1) of the Trafficking Victims Prevention Act of 2000 (22 U.S.C. 7110(d)(1)) to carry out this section.”

**SEC. 24. GRANT ACCOUNTABILITY.**

(a) DEFINITIONS.—In this section—

(1) the term “covered agency” means an agency authorized to award grants under this Act;

(2) the term “covered grant” means a grant authorized to be awarded under this Act; and

(3) the term “covered official” means the head of a covered agency.

(b) ACCOUNTABILITY.—All covered grants shall be subject to the following accountability provisions:

(1) AUDIT REQUIREMENT.—

(A) DEFINITION.—In this paragraph, the term “unresolved audit finding” means a finding in the final audit report of the Inspector General of a covered agency that the audited grantee has utilized funds under a covered grant for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

(B) AUDITS.—Beginning in the first fiscal year beginning after the date of enactment of this Act, and in each fiscal year thereafter, the Inspector General of a covered agency shall conduct audits of recipients of covered grants to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(C) MANDATORY EXCLUSION.—A recipient of funds under a covered grant that is found to have an unresolved audit finding shall not be eligible to receive funds under a covered grant during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

(D) PRIORITY.—In awarding covered grants, a covered official shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for the covered grant.

(E) REIMBURSEMENT.—If an entity is awarded funds under a covered grant during the 2-fiscal-year period during which the entity is barred from receiving covered grants under subparagraph (C), a covered official shall—

(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(ii) seek to recoup the costs of the repayment to the fund from the recipient of the covered grant that was erroneously awarded grant funds.

(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this paragraph and each covered grant program, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—A covered grant may not be awarded to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) DISCLOSURE.—Each nonprofit organization that is awarded a covered grant and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the applicable covered official, in the application for the covered grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, a covered official shall make the information disclosed under this subparagraph available for public inspection.

(3) CONFERENCE EXPENDITURES.—

(A) LIMITATION.—No amounts made available to a covered agency to carry out a covered grant program may be used by a covered official, or by any individual or entity awarded discretionary funds through a cooperative agreement under a covered grant program, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available by the covered agency, unless the covered official provides prior written authorization that the funds may be expended to host the conference.

(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

(C) REPORT.—

(i) DEPARTMENT OF JUSTICE.—The Deputy Attorney General shall submit an annual report to the appropriate committees of Congress on all conference expenditures approved under this paragraph.

(ii) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The Deputy Secretary of Health and Human Services shall submit to the appropriate committees of Congress an annual report on all conference expenditures approved under this paragraph.

(iii) DEPARTMENT OF HOMELAND SECURITY.—The Deputy Secretary of Homeland Security shall submit to the appropriate committees of Congress an annual report on all conference expenditures approved under this paragraph.

(4) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this Act, each covered official shall submit to the appropriate committees of Congress an annual certification—

(A) indicating whether—

(i) all audits issued by the Office of the Inspector General of the applicable covered agency under paragraph (1) have been completed and reviewed by the appropriate official;

(ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and

(iii) all reimbursements required under paragraph (1)(E) have been made; and

(B) that includes a list of any recipients of a covered grant excluded under paragraph (1) from the previous year.

(c) PREVENTING DUPLICATIVE GRANTS.—

(1) IN GENERAL.—Before a covered official awards a covered grant, the covered official shall compare potential awards under the covered grant program with other covered grants awarded to determine if duplicate grant awards are awarded for the same purpose.

(2) REPORT.—If a covered official awards duplicate covered grants to the same applicant for the same purpose the covered official shall submit to the appropriate committees of Congress a report that includes—

(A) a list of all duplicate covered grants awarded, including the total dollar amount of any duplicate covered grants awarded; and

(B) the reason the covered official awarded the duplicate covered grants.

**SEC. 25. HERO ACT IMPROVEMENTS.**

(a) IN GENERAL.—Section 890A of the Homeland Security Act of 2002 (6 U.S.C. 473) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “Homeland Security Investigations,” after “Customs Enforcement.”; and

(B) by striking paragraph (2) and inserting the following:

“(2) PURPOSE.—The Center shall provide investigative assistance, training, and equipment to support domestic and international investigations of cyber-related crimes by the Department.”;



(2) in subsection (b)—

(A) in paragraph (2)(C), by inserting after “personnel” the following: “, which shall include participating in training for Homeland Security Investigations personnel conducted by Internet Crimes Against Children Task Forces”; and

(B) in paragraph (3)—

(i) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting “in child exploitation investigations” after “Enforcement”; and

(II) in clause (i), by inserting “child” before “victims”;

(ii) in subparagraph (C), by inserting “child exploitation” after “number of”; and

(iii) in subparagraph (D), by inserting “child exploitation” after “number of”; and

(3) in subsection (c)(2)—

(A) in subparagraph (A), in the matter preceding clause (i), by inserting “and administer the Digital Forensics and Document and Media Exploitation program” after “forensics”;

(B) in subparagraph (C), by inserting “and emerging technologies” after “forensics”; and

(C) in subparagraph (D), by striking “and the National Association to Protect Children” and inserting “, the National Association to Protect Children, and other governmental entities”.

(b) HERO CHILD-RESCUE CORPS.—Section 890A of the Homeland Security Act of 2002 (6 U.S.C. 473) is amended—

(1) by redesignating subsection (e) as subsection (g);

(2) by inserting after subsection (d) the following:

“(e) HERO CHILD-RESCUE CORPS.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—There is established within the Center a Human Exploitation Rescue Operation Child-Rescue Corps Program (referred to in this section as the ‘HERO Child-Rescue Corps Program’), which shall be a Department-wide program, in collaboration with the Department of Defense and the National Association to Protect Children.

“(B) PRIVATE SECTOR COLLABORATION.—As part of the HERO Child-Rescue Corps Program, the National Association to Protect Children shall provide logistical support for program participants.

“(2) PURPOSE.—The purpose of the HERO Child-Rescue Corps Program shall be to recruit, train, equip, and employ members of the Armed Forces on active duty and wounded, ill, and injured veterans to combat and prevent child exploitation, including in investigative, intelligence, analyst, inspection, and forensic positions or any other positions determined appropriate by the employing agency.

“(3) FUNCTIONS.—The HERO Child-Rescue Program shall—

“(A) provide, recruit, train, and equip participants of the Program in the areas of digital forensics, investigation, analysis, intelligence, and victim identification, as determined by the Center and the needs of the Department; and

“(B) ensure that during the internship period, participants of the Program are assigned to investigate and analyze—

“(i) child exploitation;

“(ii) child pornography;

“(iii) unidentified child victims;

“(iv) human trafficking;

“(v) traveling child sex offenders; and

“(vi) forced child labor, including the sexual exploitation of minors.

“(f) PAID INTERNSHIP AND HIRING PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish a paid internship and hiring program for the purpose of placing participants of the

HERO Child-Rescue Corps Program (in this subsection referred to as ‘participants’) into paid internship positions, for the subsequent appointment of the participants to permanent positions, as described in the guidelines promulgated under paragraph (3).

“(2) INTERNSHIP POSITIONS.—Under the paid internship and hiring program required to be established under paragraph (1), the Secretary shall assign or detail participants to positions within United States Immigration and Customs Enforcement or any other Federal agency in accordance with the guidelines promulgated under paragraph (3).

“(3) PLACEMENT.—

“(A) IN GENERAL.—The Secretary shall promulgate guidelines for assigning or detailing participants to positions within United States Immigration and Customs Enforcement and other Federal agencies, which shall include requirements for internship duties and agreements regarding the subsequent appointment of the participants to permanent positions.

“(B) PREFERENCE.—The Secretary shall give a preference to Homeland Security Investigations in assignments or details under the guidelines promulgated under subparagraph (A).

“(4) TERM OF INTERNSHIP.—An appointment to an internship position under this subsection shall be for a term not to exceed 12 months.

“(5) RATE AND TERM OF PAY.—After completion of initial group training and upon beginning work at an assigned office, a participant appointed to an internship position under this subsection who is not receiving monthly basic pay as a member of the Armed Forces on active duty shall receive compensation at a rate that is—

“(A) not less than the minimum rate of basic pay payable for a position at level GS-5 of the General Schedule; and

“(B) not more than the maximum rate of basic pay payable for a position at level GS-7 of the General Schedule.

“(6) ELIGIBILITY.—In establishing the paid internship and hiring program required under paragraph (1), the Secretary shall ensure that the eligibility requirements for participation in the internship program are the same as the eligibility requirements for participation in the HERO Child-Rescue Corps Program.

“(7) HERO CORPS HIRING.—The Secretary shall establish within Homeland Security Investigations positions, which shall be in addition to any positions in existence on the date of enactment of this subsection, for the hiring and permanent employment of graduates of the paid internship program required to be established under paragraph (1).”; and

(3) in subsection (g), as so redesignated—

(A) by striking “There are authorized” and inserting the following:

“(1) IN GENERAL.—There are authorized”; and

(B) by adding at the end the following:

“(2) ALLOCATION.—Of the amount made available pursuant to paragraph (1) in each of fiscal years 2018 through 2022, not more than \$10,000,000 shall be used to carry out subsection (e) and not less than \$2,000,000 shall be used to carry out subsection (f).”.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 302 of the HERO Act of 2015 (Public Law 114-22; 129 Stat. 255) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

AMENDMENT OFFERED BY MR. MARINO

Mr. MARINO. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike all that follows 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 “Abolish Human Trafficking Act of 2017”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Preserving Domestic Trafficking Victims’ Fund.

Sec. 3. Mandatory restitution for victims of commercial sexual exploitation.

Sec. 4. Victim-witness assistance in sexual exploitation cases.

Sec. 5. Victim protection training for the Department of Homeland Security.

Sec. 6. Direct services for child victims of human trafficking.

Sec. 7. Holistic training for Federal law enforcement officers and prosecutors.

Sec. 8. Best practices in delivering justice for victims of trafficking.

Sec. 9. Improving the national strategy to combat human trafficking.

Sec. 10. Specialized human trafficking training and technical assistance for service providers.

Sec. 11. Enhanced penalties for human trafficking, child exploitation, and repeat offenders.

Sec. 12. Targeting organized human trafficking perpetrators.

Sec. 13. Investigating complex human trafficking networks.

Sec. 14. Combating sex tourism.

Sec. 15. Human Trafficking Justice Coordinators.

Sec. 16. Interagency Task Force to Monitor and Combat Human Trafficking.

Sec. 17. Additional reporting on crime.

Sec. 18. Strengthening the national human trafficking hotline.

Sec. 19. Ending Government partnerships with the commercial sex industry.

Sec. 20. Understanding the effects of severe forms of trafficking in persons.

Sec. 21. Combating trafficking in persons.

Sec. 22. Grant accountability.

Sec. 23. HERO Act improvements.

**SEC. 2. PRESERVING DOMESTIC TRAFFICKING VICTIMS’ FUND.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Domestic Trafficking Victims’ Fund established under section 3014 of title 18, United States Code—

(1) is intended to supplement, and not supplant, any other funding for domestic trafficking victims; and

(2) has achieved the objective described in paragraph (1) since the establishment of the Fund.

(b) ENSURING FULL FUNDING.—Section 3014 of title 18, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “September 30, 2019” and inserting “September 30, 2021”;

(2) in subsection (e)(1), in the matter preceding subparagraph (A), by striking “2019” and inserting “2023”;

(3) in subsection (f), by inserting “, including the mandatory imposition of civil remedies for satisfaction of an unpaid fine as authorized under section 3613, where appropriate” after “criminal cases”; and

(4) in subsection (h)(3), by inserting “and child victims of a severe form of trafficking (as defined in section 103 of the Victims of

Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7102))” after “child pornography victims”.

### SEC. 3. MANDATORY RESTITUTION FOR VICTIMS OF COMMERCIAL SEXUAL EXPLOITATION.

(a) AMENDMENT.—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

#### “§ 2429. Mandatory restitution

“(a) Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

“(b)(1) The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim’s losses, as determined by the court under paragraph (3), and shall additionally require the defendant to pay the greater of the gross income or value to the defendant of the victim’s services, if the services constitute commercial sex acts as defined under section 1591.

“(2) An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

“(3) As used in this subsection, the term ‘full amount of the victim’s losses’ has the same meaning as provided in section 2259(b)(3).

“(c) The forfeiture of property under this section shall be governed by the provisions of section 413 (other than subsection (d) of such section) of the Controlled Substances Act (21 U.S.C. 853).

“(d) As used in this section, the term ‘victim’ means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim’s estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named such representative or guardian.”.

(b) TABLE OF SECTIONS.—The table of sections for chapter 117 of title 18, United States Code, is amended by inserting after the item relating to section 2428 the following:

“2429. Mandatory restitution.”.

### SEC. 4. VICTIM-WITNESS ASSISTANCE IN SEXUAL EXPLOITATION CASES.

(a) AVAILABILITY OF DOJ APPROPRIATIONS.—Section 524(c)(1)(B) of title 28, United States Code, is amended by inserting “, chapter 110 of title 18” after “chapter 77 of title 18”.

(b) AMENDMENT TO TITLE 31.—Section 9705(a)(2)(B)(v) of title 31, United States Code, is amended by inserting “, chapter 109A of title 18 (relating to sexual abuse), chapter 110 of title 18 (relating to child sexual exploitation), or chapter 117 of title 18 (relating to transportation for illegal sexual activity and related crimes)” after “(relating to human trafficking)”.

### SEC. 5. VICTIM PROTECTION TRAINING FOR THE DEPARTMENT OF HOMELAND SECURITY.

(a) IN GENERAL.—Title IX of the Justice for Victims of Trafficking Act of 2015 (6 U.S.C. 641 et seq.) is amended by adding at the end the following:

#### “SEC. 906. VICTIM PROTECTION TRAINING FOR THE DEPARTMENT OF HOMELAND SECURITY.

“(a) DIRECTIVE TO DHS LAW ENFORCEMENT OFFICIALS AND TASK FORCES.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall issue a directive to—

“(A) all Federal law enforcement officers and relevant personnel employed by the De-

partment who may be involved in the investigation of human trafficking offenses; and

“(B) members of all task forces led by the Department that participate in the investigation of human trafficking offenses.

“(2) REQUIRED INSTRUCTIONS.—The directive required to be issued under paragraph (1) shall include instructions on—

“(A) the investigation of individuals who patronize or solicit human trafficking victims as being engaged in severe trafficking in persons and how such individuals should be investigated for their roles in severe trafficking in persons; and

“(B) how victims of sex or labor trafficking often engage in criminal acts as a direct result of severe trafficking in persons and such individuals are victims of a crime and affirmative measures should be taken to avoid arresting, charging, or prosecuting such individuals for any offense that is the direct result of their victimization.

“(b) VICTIM SCREENING PROTOCOL.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall issue a screening protocol for use during all anti-trafficking law enforcement operations in which the Department is involved.

“(2) REQUIREMENTS.—The protocol required to be issued under paragraph (1) shall—

“(A) require the individual screening of all adults and children who are suspected of engaging in commercial sex acts, child labor that is a violation of law, or work in violation of labor standards to determine whether each individual screened is a victim of human trafficking;

“(B) require affirmative measures to avoid arresting, charging, or prosecuting human trafficking victims for any offense that is the direct result of their victimization;

“(C) be developed in consultation with relevant interagency partners and nongovernmental organizations that specialize in the prevention of human trafficking or in the identification and support of victims of human trafficking and survivors of human trafficking; and

“(D) include—

“(i) procedures and practices to ensure that the screening process minimizes trauma or revictimization of the person being screened; and

“(ii) guidelines on assisting victims of human trafficking in identifying and receiving restorative services.

“(c) MANDATORY TRAINING.—The training described in sections 902 and 904 shall include training necessary to implement—

“(1) the directive required under subsection (a); and

“(2) the protocol required under subsection (b).”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Justice for Victims of Trafficking Act of 2015 (Public Law 114-22; 129 Stat. 227) is amended by inserting after the item relating to section 905 the following:

“Sec. 906. Victim protection training for the Department of Homeland Security.”.

### SEC. 6. DIRECT SERVICES FOR CHILD VICTIMS OF HUMAN TRAFFICKING.

Section 214(b) of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20304(b)) is amended—

(1) in the heading by inserting “CHILD VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS AND” before “VICTIMS OF CHILD PORNOGRAPHY”; and

(2) by inserting “victims of a severe form of trafficking (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9)(A))) who were under the age of 18 at the time of the offense and” before “victims of child pornography”.

### SEC. 7. HOLISTIC TRAINING FOR FEDERAL LAW ENFORCEMENT OFFICERS AND PROSECUTORS.

All training required under the Combat Human Trafficking Act of 2015 (34 U.S.C. 20709) and section 105(c)(4) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)(4)) shall—

(1) emphasize that an individual who knowingly solicits or patronizes a commercial sex act from a person who was a minor (consistent with section 1591(c) of title 18, United States Code) or was subject to force, fraud, or coercion is guilty of an offense under chapter 77 of title 18, United States Code, and is a party to a human trafficking offense;

(2) develop specific curriculum for—

(A) under appropriate circumstances, arresting and prosecuting buyers of commercial sex, child labor that is a violation of law, or forced labor as a form of primary prevention; and

(B) investigating and prosecuting individuals who knowingly benefit financially from participation in a venture that has engaged in any act of human trafficking; and

(3) specify that any comprehensive approach to eliminating human trafficking shall include a demand reduction component.

### SEC. 8. BEST PRACTICES IN DELIVERING JUSTICE FOR VICTIMS OF TRAFFICKING.

Not later than 180 days after the date of enactment of this Act, the Attorney General shall issue guidance to all offices and components of the Department of Justice—

(1) emphasizing that an individual who knowingly solicits or patronizes a commercial sex act from a person who was a minor (consistent with section 1591(c) of title 18, United States Code) or was subject to force, fraud, or coercion is guilty of an offense under chapter 77 of title 18, United States Code, and is a party to a severe form of trafficking in persons, as that term is defined in section 103(9) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(9));

(2) recommending and implementing best practices for the collection of special assessments under section 3014 of title 18, United States Code, as added by section 101 of the Justice for Victims of Trafficking Act of 2015 (Public Law 114-22; 129 Stat. 228), including a directive that civil liens are an authorized collection method and remedy under section 3613 of title 18, United States Code; and

(3) clarifying that commercial sexual exploitation is a form of gender-based violence.

### SEC. 9. IMPROVING THE NATIONAL STRATEGY TO COMBAT HUMAN TRAFFICKING.

Section 606(b) of the Justice for Victims of Trafficking Act of 2015 (34 U.S.C. 20711(b)) is amended by adding at the end the following:

“(6) A national strategy to prevent human trafficking and reduce demand for human trafficking victims.”.

### SEC. 10. SPECIALIZED HUMAN TRAFFICKING TRAINING AND TECHNICAL ASSISTANCE FOR SERVICE PROVIDERS.

(a) IN GENERAL.—Section 111 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (34 U.S.C. 20708) is amended—

(1) in the heading, by striking “LAW ENFORCEMENT TRAINING PROGRAMS” and inserting “SPECIALIZED HUMAN TRAFFICKING TRAINING AND TECHNICAL ASSISTANCE FOR SERVICE PROVIDERS”;

(2) in subsection (a)(2), by striking “means a State or a local government,” and inserting the following: “means—

“(A) a State or unit of local government;

“(B) a federally recognized Indian tribal government, as determined by the Secretary of the Interior;

“(C) a victim service provider;



“(D) a nonprofit or for-profit organization (including a tribal nonprofit or for-profit organization);

“(E) a national organization; or

“(F) an institution of higher education (including tribal institutions of higher education).”;

(3) by striking subsection (b) and inserting the following:

“(b) GRANTS AUTHORIZED.—The Attorney General may award grants to eligible entities to—

“(1) provide training to identify and protect victims of trafficking;

“(2) improve the quality and quantity of services offered to trafficking survivors; and

“(3) improve victim service providers’ partnerships with Federal, State, tribal, and local law enforcement agencies and other relevant entities.”; and

(4) in subsection (c)—

(A) in paragraph (2), by striking “or” at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by inserting after paragraph (3) the following:

“(4) provide technical assistance on the range of services available to victim service providers who serve trafficking victims;

“(5) develop and distribute materials, including materials identifying best practices in accordance with Federal law and policies, to support victim service providers working with human trafficking victims;

“(6) identify and disseminate other publicly available materials in accordance with Federal law to help build capacity of service providers;

“(7) provide training at relevant conferences, through webinars, or through other mechanisms in accordance with Federal law; or

“(8) assist service providers in developing additional resources such as partnerships with Federal, State, tribal, and local law enforcement agencies and other relevant entities in order to access a range of available services in accordance with Federal law.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 2 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 119 Stat. 2960) is amended by striking the item relating to section 111 and inserting the following:

“Sec. 111. Grants for specialized human trafficking training and technical assistance for service providers.”.

#### SEC. 11. ENHANCED PENALTIES FOR HUMAN TRAFFICKING, CHILD EXPLOITATION, AND REPEAT OFFENDERS.

Part I of title 18, United States Code, is amended—

(1) in chapter 77—

(A) in section 1583(a), in the flush text following paragraph (3), by striking “not more than 20 years” and inserting “not more than 30 years”;

(B) in section 1587, by striking “four years” and inserting “10 years”; and

(C) in section 1591(d), by striking “20 years” and inserting “25 years”; and

(2) in section 2426—

(A) in subsection (a), by striking “twice” and inserting “3 times”; and

(B) in subsection (b)(1)(B) by striking “paragraph (1)” and inserting “subparagraph (A)”.

#### SEC. 12. TARGETING ORGANIZED HUMAN TRAFFICKING PERPETRATORS.

Section 521(c) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking “and” at the end;

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

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

“(3) a Federal offense involving human trafficking, sexual abuse, sexual exploitation, or transportation for prostitution or any illegal sexual activity; and”; and

(4) in paragraph (4), as so redesignated, by striking “(1) or (2)” and inserting “(1), (2), or (3)”.

#### SEC. 13. INVESTIGATING COMPLEX HUMAN TRAFFICKING NETWORKS.

Section 2516 of title 18, United States Code, is amended—

(1) in subsection (1)(c)—

(A) by inserting “section 1582 (vessels for slave trade), section 1583 (enticement into slavery),” after “section 1581 (peonage).”; and

(B) by inserting “section 1585 (seizure, detention, transportation or sale of slaves), section 1586 (service on vessels in slave trade), section 1587 (possession of slaves aboard vessel), section 1588 (transportation of slaves from United States),” after “section 1584 (involuntary servitude).”; and

(2) in subsection (2)—

(A) by striking “kidnapping human” and inserting “kidnapping, human”; and

(B) by striking “production,” and inserting “production, prostitution.”.

#### SEC. 14. COMBATING SEX TOURISM.

Section 2423 of title 18, United States Code, is amended—

(1) in subsection (b), by striking “for the purpose” and inserting “with a motivating purpose”; and

(2) in subsection (d), by striking “for the purpose of engaging” and inserting “with a motivating purpose of engaging”.

#### SEC. 15. HUMAN TRAFFICKING JUSTICE COORDINATORS.

Section 606 of the Justice for Victims of Trafficking Act of 2015 (34 U.S.C. 20711) is amended—

(1) in subsection (b)(1)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(2) by adding at the end the following:

“(c) HUMAN TRAFFICKING JUSTICE COORDINATORS.—The Attorney General shall designate in each Federal judicial district not less than 1 assistant United States attorney to serve as the Human Trafficking Coordinator for the district who, in addition to any other responsibilities, works with a human trafficking victim-witness specialist and shall be responsible for—

“(1) implementing the National Strategy with respect to all forms of human trafficking, including labor trafficking and sex trafficking;

“(2) prosecuting, or assisting in the prosecution of, human trafficking cases;

“(3) conducting public outreach and awareness activities relating to human trafficking;

“(4) ensuring the collection of data required to be collected under clause (viii) of section 105(d)(7)(Q) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)(Q)), as added by section 17 of the Abolish Human Trafficking Act of 2017, is sought;

“(5) coordinating with other Federal agencies, State, tribal, and local law enforcement agencies, victim service providers, and other relevant non-governmental organizations to build partnerships on activities relating to human trafficking; and

“(6) ensuring the collection of restitution for victims is sought as required to be ordered under section 1593 of title 18, United States Code, and section 2429 of such title, as added by section 3 of the Abolish Human Trafficking Act of 2017.

“(d) DEPARTMENT OF JUSTICE COORDINATOR.—Not later than 60 days after the date of enactment of the Abolish Human Trafficking Act of 2017, the Attorney General shall designate an official who shall coordinate human trafficking efforts within the Department of Justice who, in addition to any other responsibilities, shall be responsible for—

“(1) coordinating, promoting, and supporting the work of the Department of Justice relating to human trafficking, including investigation, prosecution, training, outreach, victim support, grant-making, and policy activities;

“(2) in consultation with survivors of human trafficking, or anti-human trafficking organizations, producing and disseminating, including making publicly available when appropriate, replication guides and training materials for law enforcement officers, prosecutors, judges, emergency responders, individuals working in victim services, adult and child protective services, social services, and public safety, medical personnel, mental health personnel, financial services personnel, and any other individuals whose work may bring them in contact with human trafficking regarding how to—

“(A) identify signs of human trafficking;

“(B) conduct investigations in human trafficking cases;

“(C) address evidentiary issues and other legal issues; and

“(D) appropriately assess, respond to, and interact with victims and witnesses in human trafficking cases, including in administrative, civil, and criminal judicial proceedings; and

“(3) carrying out such other duties as the Attorney General determines necessary in connection with enhancing the understanding, prevention, and detection of, and response to, human trafficking.”.

#### SEC. 16. INTERAGENCY TASK FORCE TO MONITOR AND COMBAT HUMAN TRAFFICKING.

Section 105(d)(7)(Q) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)(Q)) is amended—

(1) in clause (vi), by striking “and” at the end; and

(2) by adding at the end the following:

“(viii) the number of convictions obtained under chapter 77 of title 18, United States Code, aggregated separately by the form of offense committed with respect to the victim, including recruiting, enticing, harboring, transporting, providing, obtaining, advertising, maintaining, patronizing, or soliciting a human trafficking victim; and”.

#### SEC. 17. ADDITIONAL REPORTING ON CRIME.

Section 237(b) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (28 U.S.C. 534 note) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(4) incidents of assisting or promoting prostitution, child labor that is a violation of law, or forced labor of an individual under the age of 18 as described in paragraph (1); and

“(5) incidents of purchasing or soliciting commercial sex acts, child labor that is a violation of law, or forced labor with an individual under the age of 18 as described in paragraph (2).”.

#### SEC. 18. STRENGTHENING THE NATIONAL HUMAN TRAFFICKING HOTLINE.

(a) REPORTING REQUIREMENT.—Section 105(d)(3) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(d)(3)) is amended—

(1) by inserting “and providing an annual report on the case referrals received from the national human trafficking hotline by Federal departments and agencies” after “international trafficking”; and

(2) by inserting “and reporting requirements” after “Any data collection procedures”.

(b) **HOTLINE INFORMATION.**—Section 107(b)(1)(B)(ii) of such Act (22 U.S.C. 7105(b)(1)(B)(ii)) is amended by adding at the end the following: “The number of the national human trafficking hotline described in this clause shall be posted in a visible place in all Federal buildings.”.

#### **SEC. 19. ENDING GOVERNMENT PARTNERSHIPS WITH THE COMMERCIAL SEX INDUSTRY.**

No Federal funds or resources may be used for the operation of, participation in, or partnership with any program that involves the provision of funding or resources to an organization that—

(1) has the primary purpose of providing adult entertainment; and

(2) derives profits from the commercial sex trade.

#### **SEC. 20. UNDERSTANDING THE EFFECTS OF SEVERE FORMS OF TRAFFICKING IN PERSONS.**

(a) **IN GENERAL.**—Title VI of the Justice for Victims of Trafficking Act of 2015 (Public Law 114–22; 129 Stat. 258) is amended by adding at the end the following:

##### **“SEC. 607. UNDERSTANDING THE PHYSICAL AND PSYCHOLOGICAL EFFECTS OF SEVERE FORMS OF TRAFFICKING IN PERSONS.**

“(a) **IN GENERAL.**—The National Institute of Justice and the Centers for Disease Control and Prevention shall jointly conduct a study on the short-term and long-term physical and psychological effects of serious harm (as that term is defined in section 1589(c)(2) and section 1591(e)(4) of title 18, United States Code, as amended by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457; 122 Stat. 5044)) in order to determine the most effective types of services for individuals who are identified as victims of these crimes, including victims in cases that were not investigated or prosecuted by any law enforcement agency, and how new or current treatment and programming options should be tailored to address the unique needs and barriers associated with these victims.

“(b) **REPORT.**—Not later than 3 years after the date of enactment of the Abolish Human Trafficking Act of 2017, the National Institute of Justice and the Centers for Disease Control and Prevention shall make available to the public the results, including any associated recommendations, of the study conducted under subsection (a).”.

(b) **TABLE OF CONTENTS AMENDMENT.**—The table of contents in section 1(b) of the Justice for Victims of Trafficking Act of 2015 (Public Law 114–22; 129 Stat. 227) is amended by inserting after the item relating to section 606 the following:

“Sec. 607. Understanding the physical and psychological effects of severe forms of trafficking in persons.”.

#### **SEC. 21. COMBATING TRAFFICKING IN PERSONS.**

Section 113 of the Trafficking Victims Prevention Act of 2000 (22 U.S.C. 7110) is amended—

(1) in subsection (b)(2), by striking “2014 through 2017” and inserting “2018 through 2021”; and

(2) in subsection (i), by striking “2014 through 2017” and inserting “2018 through 2021”.

#### **SEC. 22. GRANT ACCOUNTABILITY.**

(a) **DEFINITIONS.**—In this section—

(1) the term “covered agency” means an agency authorized to award grants under this Act;

(2) the term “covered grant” means a grant authorized to be awarded under this Act; and

(3) the term “covered official” means the head of a covered agency.

(b) **ACCOUNTABILITY.**—All covered grants shall be subject to the following accountability provisions:

(1) **AUDIT REQUIREMENT.**—

(A) **DEFINITION.**—In this paragraph, the term “unresolved audit finding” means a finding in the final audit report of the Inspector General of a covered agency that the audited grantee has utilized funds under a covered grant for an unauthorized expenditure or otherwise unlawful cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

(B) **AUDITS.**—Beginning in the first fiscal year beginning after the date of enactment of this Act, and in each fiscal year thereafter, the Inspector General of a covered agency shall conduct audits of recipients of covered grants to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(C) **MANDATORY EXCLUSION.**—A recipient of funds under a covered grant that is found to have an unresolved audit finding shall not be eligible to receive funds under a covered grant during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

(D) **PRIORITY.**—In awarding covered grants, a covered official shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for the covered grant.

(E) **REIMBURSEMENT.**—If an entity is awarded funds under a covered grant during the 2-fiscal-year period during which the entity is barred from receiving covered grants under subparagraph (C), a covered official shall—

(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(ii) seek to recoup the costs of the repayment to the fund from the recipient of the covered grant that was erroneously awarded grant funds.

(2) **NONPROFIT ORGANIZATION REQUIREMENTS.**—

(A) **DEFINITION.**—For purposes of this paragraph and each covered grant program, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) **PROHIBITION.**—A covered grant may not be awarded to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) **DISCLOSURE.**—Each nonprofit organization that is awarded a covered grant and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the applicable covered official, in the application for the covered grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, a covered official shall make the information disclosed

under this subparagraph available for public inspection.

(3) **CONFERENCE EXPENDITURES.**—

(A) **LIMITATION.**—No amounts made available to a covered agency to carry out a covered grant program may be used by a covered official, or by any individual or entity awarded discretionary funds through a cooperative agreement under a covered grant program, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available by the covered agency, unless the covered official provides prior written authorization that the funds may be expended to host the conference.

(B) **WRITTEN APPROVAL.**—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

(C) **REPORT.**—

(i) **DEPARTMENT OF JUSTICE.**—The Deputy Attorney General shall submit an annual report to the appropriate committees of Congress on all conference expenditures approved under this paragraph.

(ii) **DEPARTMENT OF HEALTH AND HUMAN SERVICES.**—The Deputy Secretary of Health and Human Services shall submit to the appropriate committees of Congress an annual report on all conference expenditures approved under this paragraph.

(iii) **DEPARTMENT OF HOMELAND SECURITY.**—The Deputy Secretary of Homeland Security shall submit to the appropriate committees of Congress an annual report on all conference expenditures approved under this paragraph.

(4) **ANNUAL CERTIFICATION.**—Beginning in the first fiscal year beginning after the date of enactment of this Act, each covered official shall submit to the appropriate committees of Congress an annual certification—

(A) indicating whether—

(i) all audits issued by the Office of the Inspector General of the applicable covered agency under paragraph (1) have been completed and reviewed by the appropriate official;

(ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and

(iii) all reimbursements required under paragraph (1)(E) have been made; and

(B) that includes a list of any recipients of a covered grant excluded under paragraph (1) from the previous year.

(c) **PREVENTING DUPLICATIVE GRANTS.**—

(1) **IN GENERAL.**—Before a covered official awards a covered grant, the covered official shall compare potential awards under the covered grant program with other covered grants awarded to determine if duplicate grant awards are awarded for the same purpose.

(2) **REPORT.**—If a covered official awards duplicate covered grants to the same applicant for the same purpose the covered official shall submit to the appropriate committees of Congress a report that includes—

(A) a list of all duplicate covered grants awarded, including the total dollar amount of any duplicate covered grants awarded; and

(B) the reason the covered official awarded the duplicate covered grants.

#### **SEC. 23. HERO ACT IMPROVEMENTS.**

(a) **IN GENERAL.**—Section 890A of the Homeland Security Act of 2002 (6 U.S.C. 473) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “Homeland Security Investigations,” after “Customs Enforcement,”; and

(B) by striking paragraph (2) and inserting the following:

“(2) **PURPOSE.**—The Center shall provide investigative assistance, training, and equipment to support domestic and international

investigations of cyber-related crimes by the Department.”;

(2) in subsection (b)—

(A) in paragraph (2)(C), by inserting after “personnel” the following: “, which shall include paid participating in training for Homeland Security Investigations personnel conducted by Internet Crimes Against Children Task Forces”; and

(B) in paragraph (3)—

(i) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting “in child exploitation investigations” after “Enforcement”; and

(II) in clause (i), by inserting “child” before “victims”;

(ii) in subparagraph (C), by inserting “child exploitation” after “number of”; and

(iii) in subparagraph (D), by inserting “child exploitation” after “number of”; and

(3) in subsection (c)(2)—

(A) in subparagraph (A), in the matter preceding clause (i), by inserting “and administer the Digital Forensics and Document and Media Exploitation program” after “forensics”;

(B) in subparagraph (C), by inserting “and emerging technologies” after “forensics”; and

(C) in subparagraph (D), by striking “and the National Association to Protect Children” and inserting “, the National Association to Protect Children, and other governmental entities”.

(b) HERO CHILD-RESCUE CORPS.—Section 890A of the Homeland Security Act of 2002 (6 U.S.C. 473) is amended—

(1) by redesignating subsection (e) as subsection (g);

(2) by inserting after subsection (d) the following:

“(e) HERO CHILD-RESCUE CORPS.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—There is established within the Center a Human Exploitation Rescue Operation Child-Rescue Corps Program (referred to in this section as the ‘HERO Child-Rescue Corps Program’), which shall be a Department-wide program, in collaboration with the Department of Defense and the National Association to Protect Children.

“(B) PRIVATE SECTOR COLLABORATION.—As part of the HERO Child-Rescue Corps Program, the National Association to Protect Children shall provide logistical support for program participants.

“(2) PURPOSE.—The purpose of the HERO Child-Rescue Corps Program shall be to recruit, train, equip, and employ members of the Armed Forces on active duty and wounded, ill, and injured veterans to combat and prevent child exploitation, including in investigative, intelligence, analyst, inspection, and forensic positions or any other positions determined appropriate by the employing agency.

“(3) FUNCTIONS.—The HERO Child-Rescue Program shall—

“(A) provide, recruit, train, and equip participants of the Program in the areas of digital forensics, investigation, analysis, intelligence, and victim identification, as determined by the Center and the needs of the Department; and

“(B) ensure that during the internship period, participants of the Program are assigned to investigate and analyze—

“(i) child exploitation;

“(ii) child pornography;

“(iii) unidentified child victims;

“(iv) human trafficking;

“(v) traveling child sex offenders; and

“(vi) forced child labor, including the sexual exploitation of minors.

“(f) PAID INTERNSHIP AND HIRING PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish a paid internship and hiring program for the purpose of placing participants of the HERO Child-Rescue Corps Program (in this subsection referred to as ‘participants’) into paid internship positions, for the subsequent appointment of the participants to permanent positions, as described in the guidelines promulgated under paragraph (3).

“(2) INTERNSHIP POSITIONS.—Under the paid internship and hiring program required to be established under paragraph (1), the Secretary shall assign or detail participants to positions within United States Immigration and Customs Enforcement or any other Federal agency in accordance with the guidelines promulgated under paragraph (3).

“(3) PLACEMENT.—

“(A) IN GENERAL.—The Secretary shall promulgate guidelines for assigning or detailing participants to positions within United States Immigration and Customs Enforcement and other Federal agencies, which shall include requirements for internship duties and agreements regarding the subsequent appointment of the participants to permanent positions.

“(B) PREFERENCE.—The Secretary shall give a preference to Homeland Security Investigations in assignments or details under the guidelines promulgated under subparagraph (A).

“(4) TERM OF INTERNSHIP.—An appointment to an internship position under this subsection shall be for a term not to exceed 12 months.

“(5) RATE AND TERM OF PAY.—After completion of initial group training and upon beginning work at an assigned office, a participant appointed to an internship position under this subsection who is not receiving monthly basic pay as a member of the Armed Forces on active duty shall receive compensation at a rate that is—

“(A) not less than the minimum rate of basic pay payable for a position at level GS-5 of the General Schedule; and

“(B) not more than the maximum rate of basic pay payable for a position at level GS-7 of the General Schedule.

“(6) ELIGIBILITY.—In establishing the paid internship and hiring program required under paragraph (1), the Secretary shall ensure that the eligibility requirements for participation in the internship program are the same as the eligibility requirements for participation in the HERO Child-Rescue Corps Program.

“(7) HERO CORPS HIRING.—The Secretary shall establish within Homeland Security Investigations positions, which shall be in addition to any positions in existence on the date of enactment of this subsection, for the hiring and permanent employment of graduates of the paid internship program required to be established under paragraph (1).”; and

(3) in subsection (g), as so redesignated—

(A) by striking “There are authorized” and inserting the following:

“(1) IN GENERAL.—There are authorized”; and

(B) by adding at the end the following:

“(2) ALLOCATION.—Of the amount made available pursuant to paragraph (1) in each of fiscal years 2019 through 2022, not more than \$10,000,000 shall be used to carry out subsection (e) and not less than \$2,000,000 shall be used to carry out subsection (f).”

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 302 of the HERO Act of 2015 (Public Law 114-22; 129 Stat. 255) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

Mr. MARINO (during the reading). Mr. Speaker, I ask unanimous consent

to dispense with the reading of the amendment.

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

There was no objection.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## TRAFFICKING VICTIMS PROTECTION ACT OF 2017

Mr. MARINO. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary, the Committee on Education and the Workforce, and the Committee on Foreign Affairs be discharged from further consideration of the bill (S. 1312) to prioritize the fight against human trafficking in the United States, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 1312

*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 “Trafficking Victims Protection Act of 2017”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings; sense of Congress.

### TITLE I—FREDERICK DOUGLASS

#### TRAFFICKING PREVENTION ACT OF 2017

Sec. 101. Training of school resource officers to recognize and respond to signs of human trafficking.

Sec. 102. Training for school personnel.

### TITLE II—JUSTICE FOR TRAFFICKING VICTIMS

Sec. 201. Injunctive relief.

Sec. 202. Improving support for missing and exploited children.

Sec. 203. Forensic and investigative assistance.

### TITLE III—SERVICES FOR TRAFFICKING SURVIVORS

Sec. 301. Extension of anti-trafficking grant programs.

Sec. 302. Establishment of Office of Victim Assistance.

Sec. 303. Implementing a victim-centered approach to human trafficking.

Sec. 304. Improving victim screening.

Sec. 305. Improving victim services.

### TITLE IV—IMPROVED DATA COLLECTION AND INTERAGENCY COORDINATION

Sec. 401. Promoting data collection on human trafficking.

Sec. 402. Crime reporting.

Sec. 403. Human trafficking assessment.

### TITLE V—TRAINING AND TECHNICAL ASSISTANCE

Sec. 501. Encouraging a victim-centered approach to training of Federal law enforcement personnel.

Sec. 502. Victim screening training.

Sec. 503. Judicial training.

Sec. 504. Training of tribal law enforcement and prosecutorial personnel.

#### TITLE VI—ACCOUNTABILITY

Sec. 601. Grant accountability.

#### TITLE VII—PUBLIC-PRIVATE PARTNER- SHIP ADVISORY COUNCIL TO END HUMAN TRAFFICKING

Sec. 701. Short title.

Sec. 702. Definitions.

Sec. 703. Public-Private Partnership Advisory Council to End Human Trafficking.

Sec. 704. Reports.

Sec. 705. Sunset.

#### SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) The crime of human trafficking involves the exploitation of adults through force, fraud, or coercion, and children for such purposes as forced labor or commercial sex.

(2) Reliable data on the prevalence of human trafficking in the United States is not available, but cases have been reported in all 50 States, the territories of the United States, and the District of Columbia.

(3) Each year, thousands of individuals may be trafficked within the United States, according to recent estimates from victim advocates.

(4) More accurate and comprehensive data on the prevalence of human trafficking is needed to properly combat this form of modern slavery in the United States.

(5) Victims of human trafficking can include men, women, and children who are diverse with respect to race, ethnicity, and nationality, among other factors.

(6) Since the enactment of the Trafficking Victims Protection Act of 2000 (Public Law 106-386; 114 Stat. 1464), human traffickers have launched increasingly sophisticated schemes to increase the scope of their activities and the number of their victims.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress supports additional efforts to raise awareness of and oppose human trafficking.

#### TITLE I—FREDERICK DOUGLASS TRAFFICKING PREVENTION ACT OF 2017

#### SEC. 101. TRAINING OF SCHOOL RESOURCE OFFI- CERS TO RECOGNIZE AND RESPOND TO SIGNS OF HUMAN TRAFFICKING.

Section 1701(b)(12) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)(12)) is amended by inserting “, including the training of school resource officers in the prevention of human trafficking offenses” before the semicolon at the end.

#### SEC. 102. TRAINING FOR SCHOOL PERSONNEL.

Section 41201(f) of the Violence Against Women Act of 1994 (42 U.S.C. 14043c(f)) is amended by striking “2014 through 2018” and inserting “2019 through 2022”.

#### TITLE II—JUSTICE FOR TRAFFICKING VICTIMS

#### SEC. 201. INJUNCTIVE RELIEF.

(a) IN GENERAL.—Chapter 77 of title 18, United States Code, is amended by inserting after section 1595 the following:

##### “§ 1595A. Civil injunctions

“(a) IN GENERAL.—Whenever it shall appear that any person is engaged or is about to engage in any act that constitutes or will constitute a violation of this chapter, chapter 110, or chapter 117, or a conspiracy under section 371 to commit a violation of this chapter, chapter 110, or chapter 117, the Attorney General may bring a civil action in a district court of the United States seeking an order to enjoin such act.

“(b) ACTION BY COURT.—The court shall proceed as soon as practicable to the hearing

and determination of a civil action brought under subsection (a), and may, at any time before final determination, enter such a restraining order or prohibition, or take such other action, as is warranted to prevent a continuing and substantial injury to the United States or to any person or class of persons for whose protection the civil action is brought.

“(c) PROCEDURE.—

“(1) IN GENERAL.—A proceeding under this section shall be governed by the Federal Rules of Civil Procedure, except that, if an indictment has been returned against the respondent, discovery shall be governed by the Federal Rules of Criminal Procedure.

“(2) SEALED PROCEEDINGS.—If a civil action is brought under subsection (a) before an indictment is returned against the respondent or while an indictment against the respondent is under seal—

“(A) the court shall place the civil action under seal; and

“(B) when the indictment is unsealed, the court shall unseal the civil action unless good cause exists to keep the civil action under seal.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the First Amendment to the Constitution of the United States.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 77 of title 18, United States Code, is amended by inserting after the item relating to section 1595 the following:

“1595A. Civil injunctions.”.

#### SEC. 202. IMPROVING SUPPORT FOR MISSING AND EXPLOITED CHILDREN.

(a) FINDINGS.—Section 402 of the Missing Children’s Assistance Act (42 U.S.C. 5771) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) each year tens of thousands of children run away, or are abducted or removed, from the control of a parent having legal custody without the consent of that parent, under circumstances which immediately place the child in grave danger;”;

(2) by striking paragraphs (4) and (5);

(3) in paragraph (6) by inserting “, including child sex trafficking and sextortion” after “exploitation”;

(4) in paragraph (8) by adding “and” at the end;

(5) by striking paragraph (9);

(6) by amending paragraph (10) to read as follows:

“(10) a key component of such programs is the National Center for Missing and Exploited Children that—

“(A) serves as a nonprofit, national resource center and clearinghouse to provide assistance to victims, families, child-serving professionals, and the general public;

“(B) works with the Department of Justice, the Federal Bureau of Investigation, the United States Marshals Service, the Department of the Treasury, the Department of State, U.S. Immigration and Customs Enforcement, the United States Secret Service, the United States Postal Inspection Service, other agencies, and nongovernmental organizations in the effort to find missing children and to prevent child victimization; and

“(C) coordinates with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, Puerto Rico, and international organizations to transmit images and information regarding missing and exploited children to law enforcement agencies, nongovernmental organizations, and corporate partners across the United States and around the world instantly.”; and

(7) by redesignating paragraphs (6), (7), (8), and (10), as amended by this subsection, as paragraphs (4), (5), (6), and (7), respectively.

(b) DEFINITIONS.—Section 403 of the Missing Children’s Assistance Act (42 U.S.C. 5772) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) the term ‘missing child’ means any individual less than 18 years of age whose whereabouts are unknown to such individual’s parent;”;

(2) in paragraph (2) by striking “and” at the end;

(3) in paragraph (3) by striking the period at the end and inserting “; and”;

(4) by adding at the end the following:

“(4) the term ‘parent’ includes a legal guardian or other individual who may lawfully exercise parental rights with respect to the child.”.

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children’s Assistance Act (42 U.S.C. 5773) is amended—

(1) in subsection (a)—

(A) in paragraph (3) by striking “telephone line” and inserting “hotline”; and

(B) in paragraph (6)(E)—

(i) by striking “telephone line” and inserting “hotline”;;

(ii) by striking “(b)(1)(A) and” and inserting “(b)(1)(A).”; and

(iii) by inserting “, and the number and types of reports to the tipline established under subsection (b)(1)(K)(i)” before the semicolon at the end;

(2) in subsection (b)(1)—

(A) in subparagraph (A)—

(i) by striking “telephone line” each place it appears and inserting “hotline”; and

(ii) by striking “legal custodian” and inserting “parent”;

(B) in subparagraph (C)—

(i) in clause (i)—

(I) by striking “restaurant” and inserting “food”; and

(II) by striking “and” at the end;

(ii) in clause (ii) by adding “and” at the end; and

(iii) by adding at the end the following:

“(iii) innovative and model programs, services, and legislation that benefit missing and exploited children;”;

(C) by striking subparagraphs (E), (F), and (G);

(D) by amending subparagraph (H) to read as follows:

“(H) provide technical assistance and training to families, law enforcement agencies, State and local governments, elements of the criminal justice system, nongovernmental agencies, local educational agencies, and the general public—

“(i) in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children;

“(ii) to respond to foster children missing from the State child welfare system in coordination with child welfare agencies and courts handling juvenile justice and dependency matters; and

“(iii) in the identification, location, and recovery of victims of, and children at risk for, child sex trafficking;”;

(E) by amending subparagraphs (I), (J), and (K) to read as follows:

“(I) provide assistance to families, law enforcement agencies, State and local governments, nongovernmental agencies, child-serving professionals, and other individuals involved in the location and recovery of missing and abducted children nationally and, in cooperation with the Department of State, internationally;

“(J) provide support and technical assistance to child-serving professionals involved in helping to recover missing and exploited

children by searching public records databases to help in the identification, location, and recovery of such children, and help in the location and identification of potential abductors and offenders;

“(K) provide forensic and direct on-site technical assistance and consultation to families, law enforcement agencies, child-serving professionals, and nongovernmental organizations in child abduction and exploitation cases, including facial reconstruction of skeletal remains and similar techniques to assist in the identification of unidentified deceased children.”;

(F) by striking subparagraphs (L) and (M);

(G) by amending subparagraph (N) to read as follows:

“(N) provide training, technical assistance, and information to nongovernmental organizations relating to non-compliant sex offenders and to law enforcement agencies in identifying and locating such individuals.”;

(H) by striking subparagraph (P);

(I) by amending subparagraph (Q) to read as follows:

“(Q) work with families, law enforcement agencies, electronic service providers, electronic payment service providers, technology companies, nongovernmental organizations, and others on methods to reduce the existence and distribution of online images and videos of sexually exploited children—

“(i) by operating a tipline to—

“(I) provide to individuals and electronic service providers an effective means of reporting Internet-related and other instances of child sexual exploitation in the areas of—

“(aa) possession, manufacture, and distribution of child pornography;

“(bb) online enticement of children for sexual acts;

“(cc) child sex trafficking;

“(dd) sex tourism involving children;

“(ee) extra familial child sexual molestation;

“(ff) unsolicited obscene material sent to a child;

“(gg) misleading domain names; and

“(hh) misleading words or digital images on the Internet; and

“(II) make reports received through the tipline available to the appropriate law enforcement agency for its review and potential investigation;

“(ii) by operating a child victim identification program to assist law enforcement agencies in identifying victims of child pornography and other sexual crimes to support the recovery of children from sexually exploitative situations; and

“(iii) by utilizing emerging technologies to provide additional outreach and educational materials to parents and families.”;

(J) by striking subparagraph (R);

(K) by amending subparagraphs (S) and (T) to read as follows:

“(S) develop and disseminate programs and information to families, child-serving professionals, law enforcement agencies, State and local governments, nongovernmental organizations, schools, local educational agencies, child-serving organizations, and the general public on—

“(i) the prevention of child abduction and sexual exploitation;

“(ii) Internet safety, including tips for social media and cyberbullying; and

“(iii) sexting and sextortion; and

“(T) provide technical assistance and training to local educational agencies, schools, State and local law enforcement agencies, individuals, and other nongovernmental organizations that assist with finding missing and abducted children in identifying and recovering such children.”;

(L) by redesignating subparagraphs (H), (I), (J), (K), (N), (O), (Q), (S), (T), (U), and (V), as

amended by this subsection, as subparagraphs (E) through (O), respectively.

(d) GRANTS.—Section 405 of the Missing Children’s Assistance Act (42 U.S.C. 5775) is amended—

(1) in subsection (a)—

(A) in paragraph (7) by striking “(as defined in section 403(1)(A))”; and

(B) in paragraph (8)—

(i) by striking “legal custodians” and inserting “parents”; and

(ii) by striking “custodians” and inserting “parents”; and

(2) in subsection (b)(1)(A) by striking “legal custodians” and inserting “parents”.

(e) REPORTING.—The Missing Children’s Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(1) by redesignating sections 407 and 408 as section 408 and 409, respectively; and

(2) by inserting after section 406 the following:

#### “SEC. 407. REPORTING.

“(a) REQUIRED REPORTING.—As a condition of receiving funds under section 404(b), the grant recipient shall, based solely on reports received by the grantee and not involving any data collection by the grantee other than those reports, annually provide to the Administrator and make available to the general public, as appropriate—

“(1) the number of children nationwide who are reported to the grantee as missing;

“(2) the number of children nationwide who are reported to the grantee as victims of non-family abductions;

“(3) the number of children nationwide who are reported to the grantee as victims of family abductions; and

“(4) the number of missing children recovered nationwide whose recovery was reported to the grantee.

“(b) INCIDENT OF ATTEMPTED CHILD ABDUCTIONS.—As a condition of receiving funds under section 404(b), the grant recipient shall—

“(1) track the incidence of attempted child abductions in order to identify links and patterns;

“(2) provide such information to law enforcement agencies; and

“(3) make such information available to the general public, as appropriate.”.

#### SEC. 203. FORENSIC AND INVESTIGATIVE ASSISTANCE.

Section 3056(f) of title 18, United States Code, is amended—

(1) by inserting “in conjunction with an investigation” after “local law enforcement agency”; and

(2) by striking “in support of any investigation involving missing or exploited children”.

#### TITLE III—SERVICES FOR TRAFFICKING SURVIVORS

##### SEC. 301. EXTENSION OF ANTI-TRAFFICKING GRANT PROGRAMS.

(a) TRAFFICKING VICTIMS PROTECTION ACT OF 2000.—The Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.) is amended—

(1) in section 112A(b)(4) (22 U.S.C. 7109a(b)(4)), by striking “2014 through 2017” and inserting “2018 through 2021”; and

(2) in section 113 (22 U.S.C. 7110)—

(A) in subsection (d)—

(i) in the paragraph (1), by striking “\$11,000,000 for each of fiscal years 2014 through 2017” and inserting “\$45,000,000 for each of fiscal years 2018 through 2021”; and

(ii) in paragraph (3), by striking “2014 through 2017” and inserting “2018 through 2021”; and

(B) in subsection (e)—

(i) in paragraph (1), by striking “2014 through 2017” and inserting “2018 through 2021”; and

(ii) in paragraph (2), by striking “2014 through 2017” and inserting “2018 through 2021”; and

(C) in subsection (f), by striking “2014 through 2017” and inserting “2018 through 2021”.

(b) ANNUAL TRAFFICKING CONFERENCE.—Section 201(c)(2) of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044(c)(2)) is amended by striking “2017” and inserting “2021”.

(c) GRANTS TO STATE AND LOCAL LAW ENFORCEMENT FOR ANTI-TRAFFICKING PROGRAMS.—Section 204(e) of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044(e)) is amended by striking “2017” and inserting “2021”.

(d) CHILD ADVOCATES FOR UNACCOMPANIED MINORS.—Section 235(c)(6)(F) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(6)(F)) is amended—

(1) in the matter preceding clause (i), by striking “Secretary and Human Services” and inserting “Secretary of Health and Human Services”; and

(2) in clause (ii), by striking “the fiscal years 2016 and 2017” and inserting “fiscal years 2018 through 2021”.

(e) REINSTATEMENT AND REAUTHORIZATION OF GRANTS TO COMBAT CHILD SEX TRAFFICKING.—

(1) REINSTATEMENT OF EXPIRED PROVISION.—

(A) IN GENERAL.—Section 202 of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044a) is amended to read as such section read on March 6, 2017.

(B) CONFORMING AMENDMENT.—Section 1241(b) of the Violence Against Women Reauthorization Act of 2013 (42 U.S.C. 14044a note) is repealed.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as though enacted on March 6, 2017.

(3) REAUTHORIZATION.—Section 202(i) of the Trafficking Victims Protection Reauthorization Act of 2005, as amended by paragraph (1), is amended by striking “2014 through 2017” and inserting “2018 through 2021”.

#### SEC. 302. ESTABLISHMENT OF OFFICE OF VICTIM ASSISTANCE.

(a) TECHNICAL AMENDMENTS.—Subtitle D of title IV of the Homeland Security Act of 2002 (6 U.S.C. 251 et seq.) is amended—

(1) in section 442—

(A) by striking “bureau” each place such term appears, except in subsection (a)(1), and inserting “agency”; and

(B) by striking “the Bureau of Border Security” each place such term appears and inserting “U.S. Immigration and Customs Enforcement”; and

(C) in the section heading, by striking “BUREAU OF BORDER SECURITY” and inserting “U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT”;

(D) in subsection (a)—

(i) in the heading, by striking “OF BUREAU”; and

(ii) in paragraph (1), by striking “a bureau to be known as the ‘Bureau of Border Security’.” and inserting “an agency to be known as ‘U.S. Immigration and Customs Enforcement’.”;

(iii) in paragraph (3)(C), by striking “the Bureau of” before “Citizenship and Immigration Services” and inserting “U.S.”; and

(iv) in paragraph (4), by striking “the Bureau.” and inserting “the agency.”; and

(E) in subsection (b)(2)—

(i) in the matter preceding subparagraph (A), by striking “Bureau of Border Security” and inserting “U.S. Immigration and Customs Enforcement”; and

(ii) in subparagraph (B), by striking “the Bureau of” before “Citizenship and Immigration Services” and inserting “U.S.”; and

(2) in section 443(2), by striking “such bureau” and inserting “such agency”.

(b) **FORMALIZATION OF OFFICE OF VICTIM ASSISTANCE.**—Section 442 of the Homeland Security Act of 2002 (6 U.S.C. 252) is amended by adding at the end the following:

“(d) **OFFICE OF VICTIM ASSISTANCE.**—

“(1) **IN GENERAL.**—There is established in Homeland Security Investigations of U.S. Immigration and Customs Enforcement the Office of Victim Assistance.

“(2) **PURPOSE.**—The purpose of the Office of Victim Assistance shall be—

“(A) to provide national oversight to ensure that all employees of the U.S. Immigration and Customs Enforcement comply with all applicable Federal laws and policies concerning victims’ rights, access to information, advisement of legal rights, just and fair treatment of victims, and respect for victims’ privacy and dignity;

“(B) to oversee and support specially trained victim assistance personnel through guidance, training, travel, technical assistance, and equipment to support Homeland Security Investigations in domestic and international investigations with a potential or identified victim or witness.

“(3) **FUNCTIONS.**—The Office of Victim Assistance shall—

“(A) fund and provide guidance, training, travel, technical assistance, equipment, emergency funding for urgent victim needs as identified, and coordination of victim assistance personnel throughout Homeland Security Investigations to provide potential and identified victims and witnesses with access to the rights and services to which they are entitled by law;

“(B) provide training throughout the U.S. Immigration and Customs Enforcement on victim-related policies, issues, roles of victim assistance personnel, and the victim-centered approach in investigations;

“(C) provide victim assistance specialists to assess victims’ needs, provide referrals for comprehensive assistance, and work with special agents to integrate victim assistance considerations throughout the investigation and judicial processes, as needed, by locating such specialists—

“(i) where there is a human trafficking task force in which Homeland Security Investigations participates;

“(ii) where there is a task force targeting child sexual exploitation in which Homeland Security Investigations participates; and

“(iii) in each Homeland Security Investigations Special Agent in Charge Office to address victims of other Federal crimes, such as telemarketing fraud, which Homeland Security Investigations investigates;

“(D) provide forensic interview specialists in each Homeland Security Investigations Special Agent in Charge Office to conduct victim-centered and legally sufficient fact finding forensic interviews, both domestically and internationally;

“(E) provide case consultation, operational planning, coordination of services, and technical assistance and training to special agents regarding all issues related to victims and witnesses of all ages;

“(F) establish victim-related policies for Homeland Security Investigations, including policies related to human trafficking, child sexual exploitation, and other Federal crimes investigated by Homeland Security Investigations; and

“(G) collaborate with other Federal, State, local, and tribal governmental, nongovernmental, and nonprofit entities regarding policy, outreach, and training activities.

“(4) **DATA COLLECTION.**—The Office of Victim Assistance shall collect and maintain data in a manner that protects the confidentiality of the data and omits personally identifying information and subject to other Fed-

eral laws regarding victim confidentiality, including—

“(A) the sex and race of the victim;

“(B) each alleged crime that the victim was subjected to, and in the case of human trafficking, each purpose for which the victim was trafficked, such as commercial sex or forced labor; and

“(C) whether the victim was an adult or a minor child.

“(5) **AVAILABILITY OF DATA TO CONGRESS.**—The Office of Victim Assistance shall make the data collected and maintained under paragraph (4) available to the committees of Congress set forth in section 105(d)(7) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)).”

(c) **REPORTING REQUIREMENT.**—Section 105(d)(7) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)) is amended—

(1) in subparagraph (Q)(vii), by striking “and” at the end;

(2) in subparagraph (R), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(S) the data collected by Homeland Security Investigations of U.S. Immigration and Customs Enforcement under section 442(d)(4) of the Homeland Security Act of 2002.”

(d) **CONFORMING AMENDMENT.**—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2135) is amended by striking the item relating to section 442 and inserting the following:

“Sec. 442. Establishment of U.S. Immigration and Customs Enforcement.”

#### **SEC. 303. IMPLEMENTING A VICTIM-CENTERED APPROACH TO HUMAN TRAFFICKING.**

Section 107(b)(2) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(2)) is amended—

(1) in subparagraph (B)(ii), by striking the period at the end and inserting “; and”; and

(2) by adding at the end the following:

“(D) **PRIORITY.**—In selecting recipients of grants under this paragraph that are only available for law enforcement operations or task forces, the Attorney General may give priority to any applicant that files an attestation with the Attorney General stating that—

“(i) the grant funds awarded under this paragraph—

“(I) will be used to assist in the prevention of severe forms of trafficking in persons;

“(II) will be used to strengthen efforts to investigate and prosecute those who knowingly benefit financially from participation in a venture that has engaged in any act of human trafficking;

“(III) will be used to take affirmative measures to avoid arresting, charging, or prosecuting victims of human trafficking for any offense that is the direct result of their victimization; and

“(IV) will not be used to require a victim of human trafficking to collaborate with law enforcement officers as a condition of access to any shelter or restorative services; and

“(ii) the applicant will provide dedicated resources for anti-human trafficking law enforcement officers for a period that is longer than the duration of the grant received under this paragraph.”

#### **SEC. 304. IMPROVING VICTIM SCREENING.**

(a) **IN GENERAL.**—The Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.) is amended by inserting after section 107A (22 U.S.C. 7105a) the following:

“**SEC. 107B. IMPROVING DOMESTIC VICTIM SCREENING PROCEDURES.**

“(a) **VICTIM SCREENING TOOLS.**—Not later than October 1, 2018, the Attorney General

shall compile and disseminate, to all grantees who are awarded grants to provide victims’ services under subsection (b) or (f) of section 107, information about reliable and effective tools for the identification of victims of human trafficking.

“(b) **USE OF SCREENING PROCEDURES.**—Beginning not later than October 1, 2018, the Attorney General, in consultation with the Secretary of Health and Human Services, shall identify recommended practices for the screening of human trafficking victims and shall encourage the use of such practices by grantees receiving a grant to provide victim services to youth under subsection (b) or (f) of section 107.”

(b) **CLERICAL AMENDMENT.**—The table of contents for the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386) is amended by inserting after the item relating to section 107A the following:

“Sec. 107B. Improving domestic victim screening procedures.”

(c) **AMENDMENT TO TITLE 18.**—Section 1593A of title 18, United States Code, is amended by striking “section 1581(a), 1592, or 1595(a)” and inserting “this chapter”.

#### **SEC. 305. IMPROVING VICTIM SERVICES.**

Section 1402(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(3)) is amended by adding at the end the following:

“(C)(i) The Director may use not more than 1 percent of the amount to be distributed from the Fund under this paragraph in a particular fiscal year to provide and improve direct assistance services for crime victims, including victim assistance coordinators and specialists, in the Federal criminal justice system (as described in section 3771 of title 18, United States Code, and section 503 of the Victims’ Rights and Restitution Act of 1990 (42 U.S.C. 10607)) by a department or agency of the Federal Government other than the Department of Justice.

“(ii) Beginning in the first fiscal year beginning after the date of enactment of this subparagraph and every fiscal year thereafter, the Director shall solicit requests for funding under clause (i).

“(iii) Before amounts are distributed from the Fund to a department or agency for the purpose described in clause (i), the Director shall evaluate whether the activities proposed to be carried out by such department or agency would duplicate services that are provided by another department or agency of the Federal Government (including the Department of Justice) using amounts from the Fund, and impose measures to avoid such duplication to the greatest extent possible.”

#### **TITLE IV—IMPROVED DATA COLLECTION AND INTERAGENCY COORDINATION**

##### **SEC. 401. PROMOTING DATA COLLECTION ON HUMAN TRAFFICKING.**

(a) **PREVALENCE OF HUMAN TRAFFICKING.**—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the efforts of the National Institute of Justice to develop a methodology to assess the prevalence of human trafficking in the United States, including a timeline for completion of the methodology.

(b) **INNOCENCE LOST NATIONAL INITIATIVE.**—Not later than 180 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives a report on the status of the Innocence Lost National Initiative, which shall include, for each of the last 5 fiscal years, information on—

(1) the number of human traffickers who were arrested, disaggregated by—



(A) the number of individuals arrested for patronizing or soliciting an adult;

(B) the number of individuals arrested for recruitment, harboring, maintaining, or obtaining an adult;

(C) the number of individuals arrested for patronizing or soliciting a minor; and

(D) the number of individuals arrested for recruitment, harboring, maintaining, or obtaining a minor;

(2) the number of adults who were arrested on charges of prostitution;

(3) the number of minor victims who were identified;

(4) the number of minor victims who were arrested and formally petitioned by a juvenile court or criminally charged; and

(5) the placement of and social services provided to each such minor victim as part of each State operation.

(c) **AVAILABILITY OF REPORTS.**—The reports required under subsections (a) and (b) shall be posted on the website of the Department of Justice.

#### SEC. 402. CRIME REPORTING.

Section 7332(c) of the Uniform Federal Crime Reporting Act of 1988 (28 U.S.C. 534 note) is amended—

(1) in paragraph (3), by striking “in the form of annual Uniform Crime Reports for the United States” and inserting “not less frequently than annually”; and

(2) by adding at the end the following:

“(4) **INTERAGENCY COORDINATION.**—

“(A) **IN GENERAL.**—Not later than 90 days after the date of enactment of this paragraph, the Director of the Federal Bureau of Investigation shall coordinate with the head of each department or agency within the Federal Government that is subject to the mandatory reporting requirements under paragraph (2) for the purpose of ensuring successful implementation of paragraph (2).

“(B) **FOR REPORT.**—Not later than 6 months after the date of enactment of this paragraph, the head of each department or agency within the Federal Government that is subject to the mandatory reporting requirements under paragraph (2) shall provide the Director of the Federal Bureau of Investigation such information as the Director determines is necessary to complete the first report required under paragraph (5).

“(5) **ANNUAL REPORT BY FEDERAL BUREAU OF INVESTIGATION.**—Not later than 1 year after the date of enactment of this paragraph, and annually thereafter, the Director of the Federal Bureau of Investigation shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report detailing the efforts of the departments and agencies within the Federal Government to come into compliance with paragraph (2). The report shall contain a list of all departments and agencies within the Federal Government subject to paragraph (2) and whether each department or agency is in compliance with paragraph (2).”.

#### SEC. 403. HUMAN TRAFFICKING ASSESSMENT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Executive Associate Director of Homeland Security Investigations shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate, and the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives a report on human trafficking investigations undertaken by Homeland Security Investigations that includes—

(1) the number of confirmed human trafficking investigations by category, including labor trafficking, sex trafficking, and transnational and domestic human trafficking;

(2) the number of victims by category, including—

(A) whether the victim is a victim of sex trafficking or a victim of labor trafficking; and

(B) whether the victim is a minor or an adult; and

(3) an analysis of the data described in paragraphs (1) and (2) and other data available to Homeland Security Investigations that indicates any general human trafficking or investigatory trends.

#### TITLE V—TRAINING AND TECHNICAL ASSISTANCE

##### SEC. 501. ENCOURAGING A VICTIM-CENTERED APPROACH TO TRAINING OF FEDERAL LAW ENFORCEMENT PERSONNEL.

(a) **TRAINING CURRICULUM IMPROVEMENTS.**—The Attorney General, Secretary of Homeland Security, and Secretary of Labor shall periodically, but not less frequently than once every 2 years, implement improvements to the training programs on human trafficking for employees of the Department of Justice, Department of Homeland Security, and Department of Labor, respectively, after consultation with survivors of human trafficking, or trafficking victims service providers, and Federal law enforcement agencies responsible for the prevention, deterrence, and prosecution of offenses involving human trafficking (such as individuals serving as, or who have served as, investigators in a Federal agency and who have expertise in identifying human trafficking victims and investigating human trafficking cases).

(b) **ADVANCED TRAINING CURRICULUM.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Attorney General and the Secretary of Homeland Security shall develop an advanced training curriculum, to supplement the basic curriculum for investigative personnel of the Department of Justice and the Department of Homeland Security, respectively, that—

(A) emphasizes a multidisciplinary, collaborative effort by law enforcement officers who provide a broad range of investigation and prosecution options in response to perpetrators, and victim service providers, who offer services and resources for victims;

(B) provides guidance about the recruitment techniques employed by human traffickers to clarify that an individual who knowingly solicits or patronizes a commercial sex act from a person who was a minor (consistent with section 1591(c) of title 18, United States Code) or was subject to force, fraud, or coercion is guilty of an offense under chapter 77 of title 18, United States Code, and is a party to a human trafficking offense; and

(C) explains that—

(i) victims of sex or labor trafficking often engage in criminal acts as a direct result of severe trafficking in persons and such individuals are victims of a crime and affirmative measures should be taken to avoid arresting, charging, or prosecuting such individuals for any offense that is the direct result of their victimization; and

(ii) a comprehensive approach to eliminating human trafficking should include demand reduction as a component.

(2) **USE OF CURRICULUM.**—The Attorney General and the Secretary of Homeland Security shall provide training using the curriculum developed under paragraph (1) to—

(A) all law enforcement officers employed by the Department of Justice and the Department of Homeland Security, respectively, who may be involved in the investigation of human trafficking offenses; and

(B) members of task forces that participate in the investigation of human trafficking offenses.

(c) **TRAINING COMPONENTS.**—Section 107(c)(4)(B) of the Trafficking Victims Pro-

tection Act of 2000 (22 U.S.C. 7105(c)(4)(B)) is amended—

(1) in clause (ii), by striking “and” at the end;

(2) in clause (iii), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(iv) a discussion clarifying that an individual who knowingly solicits or patronizes a commercial sex act from a person who was a minor (consistent with section 1591(c) of title 18, United States Code) or was subject to force, fraud, or coercion is guilty of an offense under chapter 77 of title 18, United States Code, and is a party to a human trafficking offense.”.

##### SEC. 502. VICTIM SCREENING TRAINING.

Section 114 of the Justice for Victims of Trafficking Act of 2015 (42 U.S.C. 14044g) is amended—

(1) in subsection (c)(1)(A)—

(A) in clause (i), by striking the “and” at the end;

(B) in clause (ii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(iii) individually screening all adults and children who are suspected of engaging in commercial sex acts or who are subject to labor exploitation that may be in violation of child labor laws to determine whether each individual screened is a victim of human trafficking; and

“(iv) how—

“(I) victims of sex or labor trafficking often engage in criminal acts as a direct result of severe trafficking in persons; and

“(II) such individuals are victims of a crime and affirmative measures should be taken to avoid arresting, charging, or prosecuting such individuals for any offense that is the direct result of their victimization.”; and

(2) by adding at the end the following:

“(f) **DEPARTMENT OF JUSTICE VICTIM SCREENING PROTOCOL.**—

“(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this subsection, the Attorney General shall issue a screening protocol for use during all anti-trafficking law enforcement operations in which the Department of Justice is involved.

“(2) **REQUIREMENTS.**—The protocol required to be issued under paragraph (1) shall—

“(A) require the individual screening of all adults and children who are suspected of engaging in commercial sex acts or who are subject to labor exploitation that may be in violation of child labor laws to determine whether each individual screened is a victim of human trafficking;

“(B) require affirmative measures to avoid arresting, charging, or prosecuting human trafficking victims for any offense that is the direct result of their victimization;

“(C) require all Federal law enforcement officers and relevant department personnel who participate in human trafficking investigations to receive training on enforcement of the protocol;

“(D) be developed in consultation with State and local law enforcement agencies, the Department of Health and Human Services, survivors of human trafficking, and nongovernmental organizations that specialize in the identification, prevention, and restoration of victims of human trafficking; and

“(E) include—

“(i) procedures and practices to ensure that the screening process minimizes trauma or revictimization of the person being screened; and

“(ii) guidelines on assisting victims of human trafficking in identifying and receiving victim services.”.

**SEC. 503. JUDICIAL TRAINING.**

Section 223(b)(2) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13023(b)(2)) is amended—

(1) in subparagraph (B) by striking “and” at the end;

(2) in subparagraph (C) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(D) procedures for improving the judicial response to children who are vulnerable to human trafficking, to the extent an appropriate screening tool exists.”.

**SEC. 504. TRAINING OF TRIBAL LAW ENFORCEMENT AND PROSECUTORIAL PERSONNEL.**

The Attorney General, in consultation with the Director of the Office of Tribal Justice, shall carry out a program under which tribal law enforcement officials may receive technical assistance and training to pursue a victim-centered approach to investigating and prosecuting severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)).

**TITLE VI—ACCOUNTABILITY****SEC. 601. GRANT ACCOUNTABILITY.**

Section 1236 of the Violence Against Women Reauthorization Act of 2013 (22 U.S.C. 7113) is amended—

(1) in the matter preceding paragraph (1), by striking “All grants” and inserting the following:

“(a) IN GENERAL.—For fiscal year 2013, and each fiscal year thereafter, all grants”; and

(2) by adding at the end the following:

“(b) APPLICATION TO ADDITIONAL GRANTS.—For purposes of subsection (a), for fiscal year 2018, and each fiscal year thereafter, the term ‘grant awarded by the Attorney General under this title or an Act amended by this title’ includes a grant under any of the following:

“(1) Section 223 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13023).

“(2) The program under section 504 of the Trafficking Victims Protection Act of 2017.”.

**TITLE VII—PUBLIC-PRIVATE PARTNERSHIP ADVISORY COUNCIL TO END HUMAN TRAFFICKING****SEC. 701. SHORT TITLE.**

This title may be cited as the “Public-Private Partnership Advisory Council to End Human Trafficking Act”.

**SEC. 702. DEFINITIONS.**

In this Act:

(1) COUNCIL.—The term “Council” means the Public-Private Partnership Advisory Council to End Human Trafficking.

(2) GROUP.—The term “Group” means the Senior Policy Operating Group established under section 105(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(g)).

(3) TASK FORCE.—The term “Task Force” means the President’s Interagency Task Force to Monitor and Combat Trafficking established under section 105(a) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(a)).

**SEC. 703. PUBLIC-PRIVATE PARTNERSHIP ADVISORY COUNCIL TO END HUMAN TRAFFICKING.**

(a) ESTABLISHMENT.—There is established the Public-Private Partnership Advisory Council to End Human Trafficking, which shall provide advice and recommendations to the Group and the Task Force.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Council shall be composed of not fewer than 8 and not more than 14 representatives of nongovernmental organizations, academia, and nonprofit groups who have significant knowledge and experience in human trafficking prevention

and eradication, identification of human trafficking, and services for human trafficking victims.

(2) REPRESENTATION OF NONPROFIT AND NON-GOVERNMENTAL ORGANIZATIONS.—To the extent practicable, members of the Council shall be representatives of nonprofit groups, academia, and nongovernmental organizations who accurately reflect the diverse backgrounds related to work in the prevention, eradication, and identification of human trafficking and services for human trafficking victims in the United States and internationally.

(3) APPOINTMENT.—Not later than 180 days after the date of the enactment of this Act, the President shall appoint—

(A) 1 member of the Council, after consultation with the President Pro Tempore of the Senate;

(B) 1 member of the Council, after consultation with the Minority Leader of the Senate;

(C) 1 member of the Council, after consultation with the Speaker of the House of Representatives;

(D) 1 member of the Council, after consultation with the Minority Leader of the House of Representatives; and

(E) the remaining members of the Council.

(4) TERM; REAPPOINTMENT.—Each member of the Council—

(A) shall serve for a term of 2 years; and

(B) may be reappointed by the President to serve 1 additional 2-year term.

(5) EMPLOYEE STATUS.—Members of the Council—

(A) shall not be considered employees of the Federal Government for any purpose; and

(B) shall not receive compensation.

(c) FUNCTIONS.—The Council shall—

(1) be a nongovernmental advisory body to the Group;

(2) meet, at its own discretion or at the request of the Group, not less frequently than annually, to review Federal Government policy and programs intended to combat human trafficking, including programs relating to the provision of services for victims;

(3) serve as a point of contact, with the United States Advisory Council on Human Trafficking, for Federal agencies reaching out to human trafficking nonprofit groups and nongovernmental organizations for input on programming and policies relating to human trafficking in the United States;

(4) formulate assessments and recommendations to ensure that the policy and programming efforts of the Federal Government conform, to the extent practicable, to the best practices in the field of human trafficking prevention and rehabilitation and aftercare of human trafficking victims; and

(5) meet with the Group not less frequently than annually, and not later than 45 days before a meeting with the Task Force, to formally present the findings and recommendations of the Council.

(d) NONAPPLICABILITY OF FACA.—The Council shall not be subject to the requirements under the Federal Advisory Committee Act (5 U.S.C. App.).

**SEC. 704. REPORTS.**

Not later than 1 year after the date of the enactment of this Act and annually thereafter until the date described in section 705, the Council, in coordination with the United States Advisory Council on Human Trafficking, shall submit a report containing the findings derived from the reviews conducted pursuant to section 3(c)(2) to—

(1) the Committee on Appropriations of the Senate;

(2) the Committee on Foreign Relations of the Senate;

(3) the Committee on Homeland Security and Governmental Affairs of the Senate;

(4) the Committee on the Judiciary of the Senate;

(5) the Committee on Appropriations of the House of Representatives;

(6) the Committee on Foreign Affairs of the House of Representatives;

(7) the Committee on Homeland Security of the House of Representatives;

(8) the Committee on the Judiciary of the House of Representatives;

(9) the chair of the Task Force; and

(10) the members of the Group.

**SEC. 705. SUNSET.**

The Council shall terminate on September 30, 2020.

AMENDMENT OFFERED BY MR. MARINO

Mr. MARINO. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike all that follows 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 “Trafficking Victims Protection Act of 2017”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings; sense of Congress.

**TITLE I—FREDERICK DOUGLASS****TRAFFICKING PREVENTION ACT OF 2017**

Sec. 101. Training of school resource officers to recognize and respond to signs of human trafficking.

Sec. 102. Training for school personnel.

**TITLE II—JUSTICE FOR TRAFFICKING VICTIMS**

Sec. 201. Injunctive relief.

Sec. 202. Improving support for missing and exploited children.

Sec. 203. Forensic and investigative assistance.

**TITLE III—SERVICES FOR TRAFFICKING SURVIVORS**

Sec. 301. Extension of anti-trafficking grant programs.

Sec. 302. Implementing a victim-centered approach to human trafficking.

Sec. 303. Improving victim screening.

**TITLE IV—IMPROVED DATA COLLECTION AND INTERAGENCY COORDINATION**

Sec. 401. Promoting data collection on human trafficking.

Sec. 402. Crime reporting.

Sec. 403. Human trafficking assessment.

**TITLE V—TRAINING AND TECHNICAL ASSISTANCE**

Sec. 501. Encouraging a victim-centered approach to training of Federal law enforcement personnel.

Sec. 502. Victim screening training.

Sec. 503. Judicial training.

Sec. 504. Training of tribal law enforcement and prosecutorial personnel.

**TITLE VI—ACCOUNTABILITY**

Sec. 601. Grant accountability.

**TITLE VII—PUBLIC-PRIVATE PARTNERSHIP ADVISORY COUNCIL TO END HUMAN TRAFFICKING**

Sec. 701. Short title.

Sec. 702. Definitions.

Sec. 703. Public-Private Partnership Advisory Council to End Human Trafficking.

Sec. 704. Reports.

Sec. 705. Sunset.

**SEC. 2. FINDINGS; SENSE OF CONGRESS.**

(a) FINDINGS.—Congress finds the following:

(1) The crime of human trafficking involves the exploitation of adults through



force, fraud, or coercion, and children for such purposes as forced labor or commercial sex.

(2) Reliable data on the prevalence of human trafficking in the United States is not available, but cases have been reported in all 50 States, the territories of the United States, and the District of Columbia.

(3) Each year, thousands of individuals may be trafficked within the United States, according to recent estimates from victim advocates.

(4) More accurate and comprehensive data on the prevalence of human trafficking is needed to properly combat this form of modern slavery in the United States.

(5) Victims of human trafficking can include men, women, and children who are diverse with respect to race, ethnicity, and nationality, among other factors.

(6) Since the enactment of the Trafficking Victims Protection Act of 2000 (Public Law 106-386; 114 Stat. 1464), human traffickers have launched increasingly sophisticated schemes to increase the scope of their activities and the number of their victims.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress supports additional efforts to raise awareness of and oppose human trafficking.

**TITLE I—FREDERICK DOUGLASS  
TRAFFICKING PREVENTION ACT OF 2017**  
**SEC. 101. TRAINING OF SCHOOL RESOURCE OFFICERS TO RECOGNIZE AND RESPOND TO SIGNS OF HUMAN TRAFFICKING.**

Section 1701(b)(12) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)(12)) is amended by inserting “, including the training of school resource officers in the prevention of human trafficking offenses” before the semicolon at the end.

**SEC. 102. TRAINING FOR SCHOOL PERSONNEL.**

Section 41201(f) of the Violence Against Women Act of 1994 (42 U.S.C. 14043c(f)) is amended by striking “2014 through 2018” and inserting “2019 through 2022”.

**TITLE II—JUSTICE FOR TRAFFICKING VICTIMS**

**SEC. 201. INJUNCTIVE RELIEF.**

(a) IN GENERAL.—Chapter 77 of title 18, United States Code, is amended by inserting after section 1595 the following:

**“§ 1595A. Civil injunctions**

“(a) IN GENERAL.—Whenever it shall appear that any person is engaged or is about to engage in any act that constitutes or will constitute a violation of this chapter, chapter 110, or chapter 117, or a conspiracy under section 371 to commit a violation of this chapter, chapter 110, or chapter 117, the Attorney General may bring a civil action in a district court of the United States seeking an order to enjoin such act.

“(b) ACTION BY COURT.—The court shall proceed as soon as practicable to the hearing and determination of a civil action brought under subsection (a), and may, at any time before final determination, enter such a restraining order or prohibition, or take such other action, as is warranted to prevent a continuing and substantial injury to the United States or to any person or class of persons for whose protection the civil action is brought.

“(c) PROCEDURE.—

“(1) IN GENERAL.—A proceeding under this section shall be governed by the Federal Rules of Civil Procedure, except that, if an indictment has been returned against the respondent, discovery shall be governed by the Federal Rules of Criminal Procedure.

“(2) SEALED PROCEEDINGS.—If a civil action is brought under subsection (a) before an indictment is returned against the respondent or while an indictment against the respondent is under seal—

“(A) the court shall place the civil action under seal; and

“(B) when the indictment is unsealed, the court shall unseal the civil action unless good cause exists to keep the civil action under seal.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the First Amendment to the Constitution of the United States.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 77 of title 18, United States Code, is amended by inserting after the item relating to section 1595 the following:

“1595A. Civil injunctions.”.

**SEC. 202. IMPROVING SUPPORT FOR MISSING AND EXPLOITED CHILDREN.**

(a) FINDINGS.—Section 402 of the Missing Children’s Assistance Act (42 U.S.C. 5771) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) each year tens of thousands of children run away, or are abducted or removed, from the control of a parent having legal custody without the consent of that parent, under circumstances which immediately place the child in grave danger;”;

(2) by striking paragraphs (4) and (5);

(3) in paragraph (6) by inserting “, including child sex trafficking and sextortion” after “exploitation”;

(4) in paragraph (8) by adding “and” at the end;

(5) by striking paragraph (9);

(6) by amending paragraph (10) to read as follows:

“(10) a key component of such programs is the National Center for Missing and Exploited Children that—

“(A) serves as a nonprofit, national resource center and clearinghouse to provide assistance to victims, families, child-serving professionals, and the general public;

“(B) works with the Department of Justice, the Federal Bureau of Investigation, the United States Marshals Service, the Department of the Treasury, the Department of State, U.S. Immigration and Customs Enforcement, the United States Secret Service, the United States Postal Inspection Service, other agencies, and nongovernmental organizations in the effort to find missing children and to prevent child victimization; and

“(C) coordinates with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, Puerto Rico, and international organizations to transmit images and information regarding missing and exploited children to law enforcement agencies, nongovernmental organizations, and corporate partners across the United States and around the world instantly.”; and

(7) by redesignating paragraphs (6), (7), (8), and (10), as amended by this subsection, as paragraphs (4), (5), (6), and (7), respectively.

(b) DEFINITIONS.—Section 403 of the Missing Children’s Assistance Act (42 U.S.C. 5772) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) the term ‘missing child’ means any individual less than 18 years of age whose whereabouts are unknown to such individual’s parent;”;

(2) in paragraph (2) by striking “and” at the end;

(3) in paragraph (3) by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(4) the term ‘parent’ includes a legal guardian or other individual who may lawfully exercise parental rights with respect to the child.”.

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children’s Assistance Act (34 U.S.C. 11293) is amended—

(1) in subsection (a)—

(A) in paragraph (3) by striking “telephone line” and inserting “hotline”; and

(B) in paragraph (6)(E)—

(i) by striking “telephone line” and inserting “hotline”;;

(ii) by striking “(b)(1)(A) and” and inserting “(b)(1)(A).”; and

(iii) by inserting “, and the number and types of reports to the tipline established under subsection (b)(1)(K)(i)” before the semicolon at the end;

(2) in subsection (b)(1)—

(A) in subparagraph (A)—

(i) by striking “telephone line” each place it appears and inserting “hotline”; and

(ii) by striking “legal custodian” and inserting “parent”;;

(B) in subparagraph (C)—

(i) in clause (i)—

(I) by striking “restaurant” and inserting “food”; and

(II) by striking “and” at the end;

(ii) in clause (ii) by adding “and” at the end; and

(iii) by adding at the end the following:

“(iii) innovative and model programs, services, and legislation that benefit missing and exploited children;”;

(C) by striking subparagraphs (E), (F), and (G);

(D) by amending subparagraph (H) to read as follows:

“(H) provide technical assistance and training to families, law enforcement agencies, State and local governments, elements of the criminal justice system, nongovernmental agencies, local educational agencies, and the general public—

“(i) in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children;

“(ii) to respond to foster children missing from the State child welfare system in coordination with child welfare agencies and courts handling juvenile justice and dependency matters; and

“(iii) in the identification, location, and recovery of victims of, and children at risk for, child sex trafficking;”;

(E) by amending subparagraphs (I), (J), and (K) to read as follows:

“(I) provide assistance to families, law enforcement agencies, State and local governments, nongovernmental agencies, child-serving professionals, and other individuals involved in the location and recovery of missing and abducted children nationally and, in cooperation with the Department of State, internationally;

“(J) provide support and technical assistance to child-serving professionals involved in helping to recover missing and exploited children by searching public records databases to help in the identification, location, and recovery of such children, and help in the location and identification of potential abductors and offenders;

“(K) provide forensic and direct on-site technical assistance and consultation to families, law enforcement agencies, child-serving professionals, and nongovernmental organizations in child abduction and exploitation cases, including facial reconstruction of skeletal remains and similar techniques to assist in the identification of unidentified deceased children;”;

(F) by striking subparagraphs (L) and (M);

(G) by amending subparagraph (N) to read as follows:

“(N) provide training, technical assistance, and information to nongovernmental organizations relating to non-compliant sex offenders and to law enforcement agencies in identifying and locating such individuals;”

(H) by striking subparagraph (P);

(I) by amending subparagraph (Q) to read as follows:

“(Q) work with families, law enforcement agencies, electronic service providers, electronic payment service providers, technology companies, nongovernmental organizations, and others on methods to reduce the existence and distribution of online images and videos of sexually exploited children—

“(i) by operating a tipline to—

“(I) provide to individuals and electronic service providers an effective means of reporting Internet-related and other instances of child sexual exploitation in the areas of—

“(aa) possession, manufacture, and distribution of child pornography;

“(bb) online enticement of children for sexual acts;

“(cc) child sex trafficking;

“(dd) sex tourism involving children;

“(ee) extra familial child sexual molestation;

“(ff) unsolicited obscene material sent to a child;

“(gg) misleading domain names; and

“(hh) misleading words or digital images on the Internet; and

“(II) make reports received through the tipline available to the appropriate law enforcement agency for its review and potential investigation;

“(ii) by operating a child victim identification program to assist law enforcement agencies in identifying victims of child pornography and other sexual crimes to support the recovery of children from sexually exploitative situations; and

“(iii) by utilizing emerging technologies to provide additional outreach and educational materials to parents and families;”

(J) by striking subparagraph (R);

(K) by amending subparagraphs (S) and (T) to read as follows:

“(S) develop and disseminate programs and information to families, child-serving professionals, law enforcement agencies, State and local governments, nongovernmental organizations, schools, local educational agencies, child-serving organizations, and the general public on—

“(i) the prevention of child abduction and sexual exploitation;

“(ii) Internet safety, including tips for social media and cyberbullying; and

“(iii) sexting and sextortion; and

“(T) provide technical assistance and training to local educational agencies, schools, State and local law enforcement agencies, individuals, and other nongovernmental organizations that assist with finding missing and abducted children in identifying and recovering such children;” and

(L) by redesignating subparagraphs (H), (I), (J), (K), (N), (O), (Q), (S), (T), (U), and (V), as amended by this subsection, as subparagraphs (E) through (O), respectively.

(d) GRANTS.—Section 405 of the Missing Children's Assistance Act (34 U.S.C. 11294) is amended—

(1) in subsection (a)—

(A) in paragraph (7) by striking “(as defined in section 403(1)(A))”; and

(B) in paragraph (8)—

(i) by striking “legal custodians” and inserting “parents”; and

(ii) by striking “custodians” and inserting “parents”; and

(2) in subsection (b)(1)(A) by striking “legal custodians” and inserting “parents”.

(e) REPORTING.—The Missing Children's Assistance Act (34 U.S.C. 11291 et seq.) is amended—

(1) by redesignating sections 407 and 408 as section 408 and 409, respectively; and

(2) by inserting after section 406 the following:

#### “SEC. 407. REPORTING.

“(a) REQUIRED REPORTING.—As a condition of receiving funds under section 404(b), the grant recipient shall, based solely on reports received by the grantee and not involving any data collection by the grantee other than those reports, annually provide to the Administrator and make available to the general public, as appropriate—

“(1) the number of children nationwide who are reported to the grantee as missing;

“(2) the number of children nationwide who are reported to the grantee as victims of non-family abductions;

“(3) the number of children nationwide who are reported to the grantee as victims of family abductions; and

“(4) the number of missing children recovered nationwide whose recovery was reported to the grantee.

“(b) INCIDENCE OF ATTEMPTED CHILD ABDUCTIONS.—As a condition of receiving funds under section 404(b), the grant recipient shall—

“(1) track the incidence of attempted child abductions in order to identify links and patterns;

“(2) provide such information to law enforcement agencies; and

“(3) make such information available to the general public, as appropriate.”.

#### SEC. 203. FORENSIC AND INVESTIGATIVE ASSISTANCE.

Section 3056(f) of title 18, United States Code, is amended—

(1) by inserting “in conjunction with an investigation” after “local law enforcement agency”; and

(2) by striking “in support of any investigation involving missing or exploited children”.

### TITLE III—SERVICES FOR TRAFFICKING SURVIVORS

#### SEC. 301. EXTENSION OF ANTI-TRAFFICKING GRANT PROGRAMS.

(a) TRAFFICKING VICTIMS PROTECTION ACT OF 2000.—The Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.) is amended—

(1) in section 112A(b)(4) (22 U.S.C. 7109a(b)(4)), by striking “2014 through 2017” and inserting “2018 through 2021”; and

(2) in section 113(d) (22 U.S.C. 7110(d))—

(A) in the paragraph (1), by striking “\$11,000,000 for each of fiscal years 2014 through 2017” and inserting “\$77,000,000 for each of fiscal years 2018 through 2021”; and

(B) in paragraph (3), by striking “2014 through 2017” and inserting “2018 through 2021”; and

(b) ANNUAL TRAFFICKING CONFERENCE.—Section 201(c)(2) of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044(c)(2)) is amended by striking “2017” and inserting “2021”.

(c) GRANTS TO STATE AND LOCAL LAW ENFORCEMENT FOR ANTI-TRAFFICKING PROGRAMS.—Section 204(e) of the Trafficking Victims Protection Reauthorization Act of 2005 (42 U.S.C. 14044(c)(e)) is amended by striking “2017” and inserting “2021”.

(d) CHILD ADVOCATES FOR UNACCOMPANIED MINORS.—Section 235(c)(6)(F) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232(c)(6)(F)) is amended—

(1) in the matter preceding clause (i), by striking “Secretary and Human Services” and inserting “Secretary of Health and Human Services”; and

(2) in clause (ii), by striking “the fiscal years 2016 and 2017” and inserting “fiscal years 2018 through 2021”.

(e) REINSTATEMENT AND REAUTHORIZATION OF GRANTS TO COMBAT CHILD SEX TRAFFICKING.—

(1) REINSTATEMENT OF EXPIRED PROVISION.—

(A) IN GENERAL.—Section 202 of the Trafficking Victims Protection Reauthorization Act of 2005 (34 U.S.C. 20702) is amended to read as such section read on March 6, 2017.

(B) CONFORMING AMENDMENT.—Section 1241(b) of the Violence Against Women Reauthorization Act of 2013 (34 U.S.C. 20702 note) is repealed.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as though enacted on March 6, 2017.

(3) REAUTHORIZATION.—Section 202(i) of the Trafficking Victims Protection Reauthorization Act of 2005, as amended by paragraph (1), is amended by striking “2014 through 2017” and inserting “2018 through 2021”.

#### SEC. 302. IMPLEMENTING A VICTIM-CENTERED APPROACH TO HUMAN TRAFFICKING.

Section 107(b)(2) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(2)) is amended—

(1) in subparagraph (B)(ii), by striking the period at the end and inserting “; and”; and

(2) by adding at the end the following:

“(D) PRIORITY.—In selecting recipients of grants under this paragraph that are only available for law enforcement operations or task forces, the Attorney General may give priority to any applicant that files an attestation with the Attorney General stating that—

“(i) the grant funds awarded under this paragraph—

“(I) will be used to assist in the prevention of severe forms of trafficking in persons;

“(II) will be used to strengthen efforts to investigate and prosecute those who knowingly benefit financially from participation in a venture that has engaged in any act of human trafficking;

“(III) will be used to take affirmative measures to avoid arresting, charging, or prosecuting victims of human trafficking for any offense that is the direct result of their victimization; and

“(IV) will not be used to require a victim of human trafficking to collaborate with law enforcement officers as a condition of access to any shelter or restorative services; and

“(ii) the applicant will provide dedicated resources for anti-human trafficking law enforcement officers for a period that is longer than the duration of the grant received under this paragraph.”.

#### SEC. 303. IMPROVING VICTIM SCREENING.

(a) IN GENERAL.—The Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.) is amended by inserting after section 107A (22 U.S.C. 7105a) the following:

#### “SEC. 107B. IMPROVING DOMESTIC VICTIM SCREENING PROCEDURES.

“(a) VICTIM SCREENING TOOLS.—Not later than October 1, 2018, the Attorney General shall compile and disseminate, to all grantees who are awarded grants to provide victims' services under subsection (b) or (f) of section 107, information about reliable and effective tools for the identification of victims of human trafficking.

“(b) USE OF SCREENING PROCEDURES.—Beginning not later than October 1, 2018, the Attorney General, in consultation with the Secretary of Health and Human Services, shall identify recommended practices for the screening of human trafficking victims and shall encourage the use of such practices by grantees receiving a grant to provide victim services to youth under subsection (b) or (f) of section 107.”.

(b) CLERICAL AMENDMENT.—The table of contents for the Victims of Trafficking and Violence Protection Act of 2000 (Public Law

106-386) is amended by inserting after the item relating to section 107A the following:

“Sec. 107B. Improving domestic victim screening procedures.”.

(C) AMENDMENT TO TITLE 18.—Section 1593A of title 18, United States Code, is amended by striking “section 1581(a), 1592, or 1595(a)” and inserting “this chapter”.

#### **TITLE IV—IMPROVED DATA COLLECTION AND INTERAGENCY COORDINATION**

##### **SEC. 401. PROMOTING DATA COLLECTION ON HUMAN TRAFFICKING.**

(A) PREVALENCE OF HUMAN TRAFFICKING.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress a report on the efforts of the National Institute of Justice to develop a methodology to assess the prevalence of human trafficking in the United States, including a timeline for completion of the methodology.

(B) INNOCENCE LOST NATIONAL INITIATIVE.—Not later than 180 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives a report on the status of the Innocence Lost National Initiative, which shall include, for each of the last 5 fiscal years, information on—

(1) the number of human traffickers who were arrested, disaggregated by—

(A) the number of individuals arrested for patronizing or soliciting an adult;

(B) the number of individuals arrested for recruitment, harboring, maintaining, or obtaining an adult;

(C) the number of individuals arrested for patronizing or soliciting a minor; and

(D) the number of individuals arrested for recruitment, harboring, maintaining, or obtaining a minor;

(2) the number of adults who were arrested on charges of prostitution;

(3) the number of minor victims who were identified;

(4) the number of minor victims who were arrested and formally petitioned by a juvenile court or criminally charged; and

(5) the placement of and social services provided to each such minor victim as part of each State operation.

(C) AVAILABILITY OF REPORTS.—The reports required under subsections (a) and (b) shall be posted on the website of the Department of Justice.

##### **SEC. 402. CRIME REPORTING.**

Section 7332(c) of the Uniform Federal Crime Reporting Act of 1988 (28 U.S.C. 534 note) is amended—

(1) in paragraph (3), by striking “in the form of annual Uniform Crime Reports for the United States” and inserting “not less frequently than annually”; and

(2) by adding at the end the following:

“(4) INTERAGENCY COORDINATION.—

“(A) IN GENERAL.—Not later than 90 days after the date of enactment of this paragraph, the Director of the Federal Bureau of Investigation shall coordinate with the head of each department or agency within the Federal Government that is subject to the mandatory reporting requirements under paragraph (2) for the purpose of ensuring successful implementation of paragraph (2).

“(B) FOR REPORT.—Not later than 6 months after the date of enactment of this paragraph, the head of each department or agency within the Federal Government that is subject to the mandatory reporting requirements under paragraph (2) shall provide the Director of the Federal Bureau of Investigation such information as the Director deter-

mines is necessary to complete the first report required under paragraph (5).

“(5) ANNUAL REPORT BY FEDERAL BUREAU OF INVESTIGATION.—Not later than 1 year after the date of enactment of this paragraph, and annually thereafter, the Director of the Federal Bureau of Investigation shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report detailing the efforts of the departments and agencies within the Federal Government to come into compliance with paragraph (2). The report shall contain a list of all departments and agencies within the Federal Government subject to paragraph (2) and whether each department or agency is in compliance with paragraph (2).”.

##### **SEC. 403. HUMAN TRAFFICKING ASSESSMENT.**

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Executive Associate Director of Homeland Security Investigations shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate, and the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives a report on human trafficking investigations undertaken by Homeland Security Investigations that includes—

(1) the number of confirmed human trafficking investigations by category, including labor trafficking, sex trafficking, and transnational and domestic human trafficking;

(2) the number of victims by category, including—

(A) whether the victim is a victim of sex trafficking or a victim of labor trafficking; and

(B) whether the victim is a minor or an adult; and

(3) an analysis of the data described in paragraphs (1) and (2) and other data available to Homeland Security Investigations that indicates any general human trafficking or investigatory trends.

#### **TITLE V—TRAINING AND TECHNICAL ASSISTANCE**

##### **SEC. 501. ENCOURAGING A VICTIM-CENTERED APPROACH TO TRAINING OF FEDERAL LAW ENFORCEMENT PERSONNEL.**

(A) TRAINING CURRICULUM IMPROVEMENTS.—The Attorney General, Secretary of Homeland Security, and Secretary of Labor shall periodically, but not less frequently than once every 2 years, implement improvements to the training programs on human trafficking for employees of the Department of Justice, Department of Homeland Security, and Department of Labor, respectively, after consultation with survivors of human trafficking, or trafficking victims service providers, and Federal law enforcement agencies responsible for the prevention, deterrence, and prosecution of offenses involving human trafficking (such as individuals serving as, or who have served as, investigators in a Federal agency and who have expertise in identifying human trafficking victims and investigating human trafficking cases).

(B) ADVANCED TRAINING CURRICULUM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General and the Secretary of Homeland Security shall develop an advanced training curriculum, to supplement the basic curriculum for investigative personnel of the Department of Justice and the Department of Homeland Security, respectively, that—

(A) emphasizes a multidisciplinary, collaborative effort by law enforcement officers who provide a broad range of investigation and prosecution options in response to perpetrators, and victim service providers, who offer services and resources for victims;

(B) provides guidance about the recruitment techniques employed by human traffickers to clarify that an individual who knowingly solicits or patronizes a commercial sex act from a person who was a minor (consistent with section 1591(c) of title 18, United States Code) or was subject to force, fraud, or coercion is guilty of an offense under chapter 77 of title 18, United States Code, and is a party to a human trafficking offense; and

(C) explains that—

(i) victims of sex or labor trafficking often engage in criminal acts as a direct result of severe trafficking in persons and such individuals are victims of a crime and affirmative measures should be taken to avoid arresting, charging, or prosecuting such individuals for any offense that is the direct result of their victimization; and

(ii) a comprehensive approach to eliminating human trafficking should include demand reduction as a component.

(2) USE OF CURRICULUM.—The Attorney General and the Secretary of Homeland Security shall provide training using the curriculum developed under paragraph (1) to—

(A) all law enforcement officers employed by the Department of Justice and the Department of Homeland Security, respectively, who may be involved in the investigation of human trafficking offenses; and

(B) members of task forces that participate in the investigation of human trafficking offenses.

(C) TRAINING COMPONENTS.—Section 107(c)(4)(B) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(c)(4)(B)) is amended—

(1) in clause (ii), by striking “and” at the end;

(2) in clause (iii), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(iv) a discussion clarifying that an individual who knowingly solicits or patronizes a commercial sex act from a person who was a minor (consistent with section 1591(c) of title 18, United States Code) or was subject to force, fraud, or coercion is guilty of an offense under chapter 77 of title 18, United States Code, and is a party to a human trafficking offense.”.

##### **SEC. 502. VICTIM SCREENING TRAINING.**

Section 114 of the Justice for Victims of Trafficking Act of 2015 (34 U.S.C. 20709) is amended—

(1) in subsection (c)(1)(A)—

(A) in clause (i), by striking the “and” at the end;

(B) in clause (ii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(iii) individually screening all adults and children who are suspected of engaging in commercial sex acts or who are subject to labor exploitation that may be in violation of child labor laws to determine whether each individual screened is a victim of human trafficking; and

“(iv) how—

“(I) victims of sex or labor trafficking often engage in criminal acts as a direct result of severe trafficking in persons; and

“(II) such individuals are victims of a crime and affirmative measures should be taken to avoid arresting, charging, or prosecuting such individuals for any offense that is the direct result of their victimization.”;

and

(2) by adding at the end the following:

“(f) DEPARTMENT OF JUSTICE VICTIM SCREENING PROTOCOL.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Attorney General shall issue a screening protocol for use during all anti-

trafficking law enforcement operations in which the Department of Justice is involved.

“(2) REQUIREMENTS.—The protocol required to be issued under paragraph (1) shall—

“(A) require the individual screening of all adults and children who are suspected of engaging in commercial sex acts or who are subject to labor exploitation that may be in violation of child labor laws to determine whether each individual screened is a victim of human trafficking;

“(B) require affirmative measures to avoid arresting, charging, or prosecuting human trafficking victims for any offense that is the direct result of their victimization;

“(C) require all Federal law enforcement officers and relevant department personnel who participate in human trafficking investigations to receive training on enforcement of the protocol;

“(D) be developed in consultation with State and local law enforcement agencies, the Department of Health and Human Services, survivors of human trafficking, and nongovernmental organizations that specialize in the identification, prevention, and restoration of victims of human trafficking; and

“(E) include—

“(i) procedures and practices to ensure that the screening process minimizes trauma or revictimization of the person being screened; and

“(ii) guidelines on assisting victims of human trafficking in identifying and receiving victim services.”.

#### SEC. 503. JUDICIAL TRAINING.

Section 223(b)(2) of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20333(b)(2)) is amended—

(1) in subparagraph (B) by striking “and” at the end;

(2) in subparagraph (C) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(D) procedures for improving the judicial response to children who are vulnerable to human trafficking, to the extent an appropriate screening tool exists.”.

#### SEC. 504. TRAINING OF TRIBAL LAW ENFORCEMENT AND PROSECUTORIAL PERSONNEL.

The Attorney General, in consultation with the Director of the Office of Tribal Justice, shall carry out a program under which tribal law enforcement officials may receive technical assistance and training to pursue a victim-centered approach to investigating and prosecuting severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)).

### TITLE VI—ACCOUNTABILITY

#### SEC. 601. GRANT ACCOUNTABILITY.

Section 1236 of the Violence Against Women Reauthorization Act of 2013 (22 U.S.C. 7113) is amended—

(1) in the matter preceding paragraph (1), by striking “All grants” and inserting the following:

“(a) IN GENERAL.—For fiscal year 2013, and each fiscal year thereafter, all grants”; and

(2) by adding at the end the following:

“(b) APPLICATION TO ADDITIONAL GRANTS.—For purposes of subsection (a), for fiscal year 2018, and each fiscal year thereafter, the term ‘grant awarded by the Attorney General under this title or an Act amended by this title’ includes a grant under any of the following:

“(1) Section 223 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20333).

“(2) The program under section 504 of the Trafficking Victims Protection Act of 2017.”.

### TITLE VII—PUBLIC-PRIVATE PARTNERSHIP ADVISORY COUNCIL TO END HUMAN TRAFFICKING

#### SEC. 701. SHORT TITLE.

This title may be cited as the “Public-Private Partnership Advisory Council to End Human Trafficking Act”.

#### SEC. 702. DEFINITIONS.

In this Act:

(1) COUNCIL.—The term “Council” means the Public-Private Partnership Advisory Council to End Human Trafficking.

(2) GROUP.—The term “Group” means the Senior Policy Operating Group established under section 105(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(g)).

(3) TASK FORCE.—The term “Task Force” means the President’s Interagency Task Force to Monitor and Combat Trafficking established under section 105(a) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(a)).

#### SEC. 703. PUBLIC-PRIVATE PARTNERSHIP ADVISORY COUNCIL TO END HUMAN TRAFFICKING.

(a) ESTABLISHMENT.—There is established the Public-Private Partnership Advisory Council to End Human Trafficking, which shall provide advice and recommendations to the Group and the Task Force.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Council shall be composed of not fewer than 8 and not more than 14 representatives of nongovernmental organizations, academia, and nonprofit groups who have significant knowledge and experience in human trafficking prevention and eradication, identification of human trafficking, and services for human trafficking victims.

(2) REPRESENTATION OF NONPROFIT AND NON-GOVERNMENTAL ORGANIZATIONS.—To the extent practicable, members of the Council shall be representatives of nonprofit groups, academia, and nongovernmental organizations who accurately reflect the diverse backgrounds related to work in the prevention, eradication, and identification of human trafficking and services for human trafficking victims in the United States and internationally.

(3) APPOINTMENT.—Not later than 180 days after the date of the enactment of this Act, the President shall appoint—

(A) 1 member of the Council, after consultation with the President Pro Tempore of the Senate;

(B) 1 member of the Council, after consultation with the Minority Leader of the Senate;

(C) 1 member of the Council, after consultation with the Speaker of the House of Representatives;

(D) 1 member of the Council, after consultation with the Minority Leader of the House of Representatives; and

(E) the remaining members of the Council.

(4) TERM; REAPPOINTMENT.—Each member of the Council—

(A) shall serve for a term of 2 years; and

(B) may be reappointed by the President to serve 1 additional 2-year term.

(5) EMPLOYEE STATUS.—Members of the Council—

(A) shall not be considered employees of the Federal Government for any purpose; and

(B) shall not receive compensation.

(c) FUNCTIONS.—The Council shall—

(1) be a nongovernmental advisory body to the Group;

(2) meet, at its own discretion or at the request of the Group, not less frequently than annually, to review Federal Government policy and programs intended to combat human trafficking, including programs relating to the provision of services for victims;

(3) serve as a point of contact, with the United States Advisory Council on Human Trafficking, for Federal agencies reaching out to human trafficking nonprofit groups and nongovernmental organizations for input on programming and policies relating to human trafficking in the United States;

(4) formulate assessments and recommendations to ensure that the policy and programming efforts of the Federal Government conform, to the extent practicable, to the best practices in the field of human trafficking prevention and rehabilitation and aftercare of human trafficking victims; and

(5) meet with the Group not less frequently than annually, and not later than 45 days before a meeting with the Task Force, to formally present the findings and recommendations of the Council.

(d) NONAPPLICABILITY OF FACA.—The Council shall not be subject to the requirements under the Federal Advisory Committee Act (5 U.S.C. App.).

#### SEC. 704. REPORTS.

Not later than 1 year after the date of the enactment of this Act and annually thereafter until the date described in section 705, the Council, in coordination with the United States Advisory Council on Human Trafficking, shall submit a report containing the findings derived from the reviews conducted pursuant to section 703(c)(2) to—

(1) the Committee on Appropriations of the Senate;

(2) the Committee on Foreign Relations of the Senate;

(3) the Committee on Homeland Security and Governmental Affairs of the Senate;

(4) the Committee on the Judiciary of the Senate;

(5) the Committee on Appropriations of the House of Representatives;

(6) the Committee on Foreign Affairs of the House of Representatives;

(7) the Committee on Homeland Security of the House of Representatives;

(8) the Committee on the Judiciary of the House of Representatives;

(9) the chair of the Task Force; and

(10) the members of the Group.

#### SEC. 705. SUNSET.

The Council shall terminate on September 30, 2020.

Mr. MARINO (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the amendment.

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

There was no objection.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

### TIFFANY JOSLYN JUVENILE ACCOUNTABILITY BLOCK GRANT PROGRAM REAUTHORIZATION ACT OF 2017

Mr. MARINO. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 68) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize the Juvenile Accountability Block Grant program, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 68

*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 “Tiffany Joslyn Juvenile Accountability Block Grant Program Reauthorization Act of 2017”.

#### SEC. 2. REAUTHORIZATION OF JUVENILE ACCOUNTABILITY BLOCK GRANT PROGRAM.

Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee et seq.) is amended—

(1) in section 1801(b)—

(A) in paragraph (1), by striking “graduated sanctions” and inserting “graduated sanctions and incentives”;

(B) in paragraph (3), by striking “hiring juvenile court judges, probation officers, and court-appointed defenders and special advocates, and”;

(C) by striking paragraphs (4) and (7), and redesignating paragraphs (5) through (17) as paragraphs (4) through (15), respectively; and

(D) in paragraph (11), as so redesignated, by striking “research-based bullying, cyberbullying, and gang prevention programs” and inserting “interventions such as researched-based anti-bullying, anti-cyberbullying, and gang prevention programs, as well as mental health services and trauma-informed practices”;

(2) in section 1802—

(A) in subsection (d)(3), by inserting after “individualized sanctions” the following: “, incentives.”;

(B) in subsection (e)(1)(B), by striking “graduated sanctions” and inserting “graduated sanctions and incentives”;

(C) in subsection (f)—

(i) in paragraph (2)—

(I) by inserting after “A sanction may include” the following: “a range of court-approved interventions, such as”; and

(II) by inserting after “a fine,” the following: “a restorative justice program.”; and

(ii) by inserting after paragraph (2) the following:

“(3) INCENTIVES.—The term ‘incentives’ means individualized, goal-oriented, and graduated responses to a juvenile offender’s compliance with court orders and case disposition terms designed to reinforce or modify the skills and behaviors of the juvenile offender. An incentive may include a certificate of achievement, a letter of recommendation, a family or program activity, a meeting or special outing with a community leader, a reduction in community service hours, a reduced curfew or home restriction, a decrease in required court appearances, or a decrease in the term of court-ordered supervision.”;

(3) in section 1810(a), by striking “\$350,000,000 for each of fiscal years 2006 through 2009” and inserting “\$25,000,000 for each of fiscal years 2018 through 2022”; and

(4) by adding at the end the following:

#### “SEC. 1811. GRANT ACCOUNTABILITY.

“(a) DEFINITION OF APPLICABLE COMMITTEES.—In this section, the term ‘applicable committees’ means—

“(1) the Committee on the Judiciary of the Senate; and

“(2) the Committee on the Judiciary of the House of Representatives.

“(b) ACCOUNTABILITY.—All grants awarded by the Attorney General under this part shall be subject to the following accountability provisions:

“(1) AUDIT REQUIREMENT.—

“(A) DEFINITION.—In this paragraph, the term ‘unresolved audit finding’ means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months after the date on which the final audit report is issued.

“(B) AUDIT.—Beginning in the first fiscal year beginning after the date of enactment of this section, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants awarded by the Attorney General under this part to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

“(C) MANDATORY EXCLUSION.—A recipient of grant funds under this part that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this part during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

“(D) PRIORITY.—In awarding grants under this part, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this part.

“(E) REIMBURSEMENT.—If an entity is awarded grant funds under this part during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

“(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

“(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

“(2) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this section, the Attorney General shall submit to the applicable committees an annual certification—

“(A) indicating whether—

“(i) all audits issued by the Inspector General of the Department of Justice under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

“(ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and

“(iii) all reimbursements required under paragraph (1)(E) have been made; and

“(B) that includes a list of any grant recipients excluded under paragraph (1) from the previous year.

“(c) PREVENTING DUPLICATIVE GRANTS.—

“(1) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this part, the Attorney General shall compare potential grant awards with other grants awarded under this part by the Attorney General to determine if duplicate grant awards are awarded for the same purpose.

“(2) REPORT.—If the Attorney General awards duplicate grants under this part to the same applicant for the same purpose, the Attorney General shall submit to the applicable committees a report that includes—

“(A) a list of all duplicate grants awarded under this part, including the total dollar amount of any duplicate grants awarded; and

“(B) the reason the Attorney General awarded the duplicate grants.”.

#### SEC. 3. SENSE OF CONGRESS.

It is the sense of the Congress that the use of best practices is encouraged for all activities for which grants under part R of title I

of the Omnibus Crime Control and Safe Streets Act of 1968 may be used.

#### SEC. 4. USE OF AMOUNTS MADE AVAILABLE FOR DEPARTMENT OF JUSTICE, GENERAL ADMINISTRATION TO CARRY OUT JUVENILE ACCOUNTABILITY BLOCK GRANT PROGRAM.

In each of fiscal years 2018 through 2022, the Attorney General shall use up to \$25,000,000 of the amounts made available for Department of Justice, General Administration, to carry out part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee et seq.).

AMENDMENT OFFERED BY MR. MARINO

Mr. MARINO. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike all that follows after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Tiffany Joslyn Juvenile Accountability Block Grant Program Reauthorization Act of 2017”.

#### SEC. 2. REAUTHORIZATION OF JUVENILE ACCOUNTABILITY BLOCK GRANT PROGRAM.

Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee et seq.) is amended—

(1) in section 1801(b)—

(A) in paragraph (1), by striking “graduated sanctions” and inserting “graduated sanctions and incentives”;

(B) in paragraph (3), by striking “hiring juvenile court judges, probation officers, and court-appointed defenders and special advocates, and”;

(C) by striking paragraphs (4) and (7), and redesignating paragraphs (5) through (17) as paragraphs (4) through (15), respectively; and

(D) in paragraph (11), as so redesignated, by striking “research-based bullying, cyberbullying, and gang prevention programs” and inserting “interventions such as researched-based anti-bullying, anti-cyberbullying, and gang prevention programs, as well as mental health services and trauma-informed practices”;

(2) in section 1802—

(A) in subsection (d)(3), by inserting after “individualized sanctions” the following: “, incentives.”;

(B) in subsection (e)(1)(B), by striking “graduated sanctions” and inserting “graduated sanctions and incentives”;

(C) in subsection (f)—

(i) in paragraph (2)—

(I) by inserting after “A sanction may include” the following: “a range of court-approved interventions, such as”; and

(II) by inserting after “a fine,” the following: “a restorative justice program.”; and

(ii) by inserting after paragraph (2) the following:

“(3) INCENTIVES.—The term ‘incentives’ means individualized, goal-oriented, and graduated responses to a juvenile offender’s compliance with court orders and case disposition terms designed to reinforce or modify the skills and behaviors of the juvenile offender. An incentive may include a certificate of achievement, a letter of recommendation, a family or program activity, a meeting or special outing with a community leader, a reduction in community service hours, a reduced curfew or home restriction, a decrease in required court appearances, or a decrease in the term of court-ordered supervision.”;

(3) in section 1810(a), by striking “\$350,000,000 for each of fiscal years 2006 through 2009” and inserting “\$30,000,000 for fiscal year 2020”; and

(4) by adding at the end the following:

**“SEC. 1811. GRANT ACCOUNTABILITY.**

“(a) DEFINITION OF APPLICABLE COMMITTEES.—In this section, the term ‘applicable committees’ means—

“(1) the Committee on the Judiciary of the Senate; and

“(2) the Committee on the Judiciary of the House of Representatives.

“(b) ACCOUNTABILITY.—All grants awarded by the Attorney General under this part shall be subject to the following accountability provisions:

“(1) AUDIT REQUIREMENT.—

“(A) DEFINITION.—In this paragraph, the term ‘unresolved audit finding’ means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months after the date on which the final audit report is issued.

“(B) AUDIT.—Beginning in the first fiscal year beginning after the date of enactment of this section, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants awarded by the Attorney General under this part to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

“(C) MANDATORY EXCLUSION.—A recipient of grant funds under this part that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this part during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

“(D) PRIORITY.—In awarding grants under this part, the Attorney General shall give priority to eligible applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this part.

“(E) REIMBURSEMENT.—If an entity is awarded grant funds under this part during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

“(i) deposit an amount equal to the amount of the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

“(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

“(2) ANNUAL CERTIFICATION.—Beginning in the first fiscal year beginning after the date of enactment of this section, the Attorney General shall submit to the applicable committees an annual certification—

“(A) indicating whether—

“(i) all audits issued by the Inspector General of the Department of Justice under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;

“(ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and

“(iii) all reimbursements required under paragraph (1)(E) have been made; and

“(B) that includes a list of any grant recipients excluded under paragraph (1) from the previous year.

“(c) PREVENTING DUPLICATIVE GRANTS.—

“(1) IN GENERAL.—Before the Attorney General awards a grant to an applicant under this part, the Attorney General shall compare potential grant awards with other grants awarded under this part by the Attorney General to determine if duplicate grant awards are awarded for the same purpose.

“(2) REPORT.—If the Attorney General awards duplicate grants under this part to

the same applicant for the same purpose, the Attorney General shall submit to the applicable committees a report that includes—

“(A) a list of all duplicate grants awarded under this part, including the total dollar amount of any duplicate grants awarded; and

“(B) the reason the Attorney General awarded the duplicate grants.”.

**SEC. 3. SENSE OF CONGRESS.**

It is the sense of the Congress that the use of best practices is encouraged for all activities for which grants under part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 may be used.

**SEC. 4. EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE.**

Section 609Y(a) of the Justice Assistance Act of 1984 (34 U.S.C. 50112(a)) is amended by striking “September 30, 2021” and inserting “September 30, 2023”.

Mr. MARINO (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the amendment.

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

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**UNITED STATES PAROLE COMMISSION EXTENSION ACT OF 2018**

Mr. MARINO. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 6896) to provide for the continued performance of the functions of the United States Parole Commission, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 6896

*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 “United States Parole Commission Extension Act of 2018”.

**SEC. 2. AMENDMENT OF SENTENCING REFORM ACT OF 1984.**

For purposes of section 235(b) of the Sentencing Reform Act of 1984 (18 U.S.C. 3551 note; Public Law 98–473; 98 Stat. 2032), as such section relates to chapter 311 of title 18, United States Code, and the United States Parole Commission, each reference in such section to “31 years” or “31-year period” shall be deemed a reference to “33 years” or “33-year period”, respectively.

**SEC. 3. PAROLE COMMISSION REPORT.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the United States Parole Commission shall report to the Committees on the Judiciary of the Senate and House of Representatives the following for fiscal year 2018:

(1) The number of offenders in each type of case over which the Commission has jurisdiction, including the number of Sexual or Violent Offender Registry offenders and Tier Levels offenders.

(2) The number of hearings, record reviews and National Appeals Board considerations conducted by the Commission in each type of case over which the Commission has jurisdiction.

(3) The number of hearings conducted by the Commission by type of hearing in each type of case over which the Commission has jurisdiction.

(4) The number of record reviews conducted by the Commission by type of consideration in each type of case over which the Commission has jurisdiction.

(5) The number of warrants issued and executed compared to the number requested in each type of case over which the Commission has jurisdiction.

(6) The number of revocation determinations by the Commission in each type of case over which the Commission has jurisdiction.

(7) The distribution of initial offenses, including violent offenses, for offenders in each type of case over which the Commission has jurisdiction.

(8) The distribution of subsequent offenses, including violent offenses, for offenders in each type of case over which the Commission has jurisdiction.

(9) The percentage of offenders paroled or re-paroled compared with the percentage of offenders continued to expiration of sentence (less any good time) in each type of case over which the Commission has jurisdiction.

(10) The percentage of cases (except probable cause hearings and hearings in which a continuance was ordered) in which the primary and secondary examiner disagreed on the appropriate disposition of the case (the amount of time to be served before release), the release conditions to be imposed, or the reasons for the decision in each type of case over which the Commission has jurisdiction.

(11) The percentage of decisions within, above, or below the Commission’s decision guidelines for Federal initial hearings (28 CFR 2.20) and Federal and D.C. Code revocation hearings (28 CFR 2.21).

(12) The percentage of revocation and non-revocation hearings in which the offender is accompanied by a representative in each type of case over which the Commission has jurisdiction.

(13) The number of administrative appeals and the action of the National Appeals Board in relation to those appeals in each type of case over which the Commission has jurisdiction.

(14) The projected number of Federal offenders that will be under the Commission’s jurisdiction as of October 31, 2021.

(15) An estimate of the date on which no Federal offenders will remain under the Commission’s jurisdiction.

(16) The Commission’s annual expenditures for offenders in each type of case over which the Commission has jurisdiction.

(17) The annual expenditures of the Commission, including travel expenses and the annual salaries of the members and staff of the Commission.

(b) SUCCEEDING FISCAL YEARS.—For each of fiscal years 2019 through 2021, not later than 90 days after the end of the fiscal year, the United States Parole Commission shall report to the Committees on the Judiciary of the Senate and House of Representatives the items in paragraphs (1) through (17) of subsection (a), for the fiscal year.

(c) DISTRICT OF COLUMBIA PAROLE FAILURE RATE REPORT.—Not later than 180 days after the date of enactment of this Act, the United States Parole Commission shall report to the Committees on the Judiciary of the Senate and House of Representatives the following:

(1) The parole failure rate for the District of Columbia for the last full fiscal year immediately preceding the date of the report.



(2) The factors that cause that parole failure rate.

(3) Remedial measures that might be undertaken to reduce that parole failure rate.

#### SEC. 4. PRISON RAPE ELIMINATION STANDARDS AUDITORS.

Section 8(e)(8) of the Prison Rape Elimination Act of 2003 (34 U.S.C. 30307(e)(8)) is amended to read as follows:

“(8) STANDARDS FOR AUDITORS.—

“(A) IN GENERAL.—

“(i) BACKGROUND CHECKS FOR AUDITORS.—An individual seeking certification by the Department of Justice to serve as an auditor of prison compliance with the national standards described in subsection (a) shall, upon request, submit fingerprints in the manner determined by the Attorney General for criminal history record checks of the applicable State and Federal Bureau of Investigation repositories.

“(ii) CERTIFICATION AGREEMENTS.—Each auditor certified under this paragraph shall sign a certification agreement that includes the provisions of, or provisions that are substantially similar to, the Bureau of Justice Assistance’s Auditor Certification Agreement in use in April 2018.

“(iii) AUDITOR EVALUATION.—The PREA Management Office of the Bureau of Justice Assistance shall evaluate all auditors based on the criteria contained in the certification agreement. In the case that an auditor fails to comply with a certification agreement or to conduct audits in accordance with the PREA Auditor Handbook, audit methodology, and instrument approved by the PREA Management Office, the Office may take remedial or disciplinary action, as appropriate, including decertifying the auditor in accordance with subparagraph (B).

“(B) AUDITOR DECERTIFICATION.—

“(i) IN GENERAL.—The PREA Management Office may suspend an auditor’s certification during an evaluation of an auditor’s performance under subparagraph (A)(iii). The PREA Management Office shall promptly publish the names of auditors who have been decertified, and the reason for decertification. Auditors who have been decertified or are on suspension may not participate in audits described in subsection (a), including as an agent of a certified auditor.

“(ii) NOTIFICATION.—In the case that an auditor is decertified, the PREA Management Office shall inform each facility or agency at which the auditor performed an audit during the relevant 3-year audit cycle, and may recommend that the agency repeat any affected audits, if appropriate.

“(C) AUDIT ASSIGNMENTS.—The PREA Management Office shall establish a system, to be administered by the Office, for assigning certified auditors to Federal, State, and local facilities.

“(D) DISCLOSURE OF DOCUMENTATION.—The Director of the Bureau of Prisons shall comply with each request for documentation necessary to conduct an audit under subsection (a), which is made by a certified auditor in accordance with the provisions of the certification agreement described in subparagraph (A)(ii). The Director of the Bureau of Prisons may require an auditor to sign a confidentiality agreement or other agreement designed to address the auditor’s use of personally identifiable information, except that such an agreement may not limit an auditor’s ability to provide all such documentation to the Department of Justice, as required under section 115.401(j) of title 28, Code of Federal Regulations.”

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADJOURNMENT FROM FRIDAY, SEPTEMBER 28, 2018, TO TUESDAY, OCTOBER 2, 2018

Mr. MARINO. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Tuesday, October 2, 2018.

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

There was no objection.

#### NATIONAL RECOVERY MONTH

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

Mr. CARTER of Georgia. Mr. Speaker, I rise today to celebrate September being National Recovery Month.

Sponsored by the Substance Abuse and Mental Health Services Administration, SAMHSA, I encourage everyone to take time this month to reach out to those who they know are suffering or have suffered from mental and substance abuse disorders.

Currently, 115 people die every day from opioid abuse. Clearly, that is way too many, and, sadly, only one example of numerous types of mental and substance abuse disorders in the United States.

If you or anyone you know is struggling, there are resources available, including a Suicide Prevention Lifeline, SAMHSA’s National Helpline, and more.

SAMHSA’s website, [www.samhsa.gov](http://www.samhsa.gov), has these phone numbers, treatment center locations, grant applications for local governments, and general health information.

With hard work, smart policy decisions, and a dedicated American public, we can turn these numbers around.

#### RECOGNIZING STAFF MEMBER AUDRA WILSON

(Ms. KELLY of Illinois asked and was given permission to address the House for 1 minute.)

Ms. KELLY of Illinois. Mr. Speaker, I rise today to thank a longtime staff member, my deputy chief of staff, Audra Wilson.

After more than 5 years of service to the people of Illinois’ Second Congressional District, Audra is leaving my office to serve as the new executive director of the League of Women Voters of Illinois.

I first met Audra in 2003 while serving as a State representative. Audra has been with my congressional staff from day one. As my deputy chief of staff and district director, she has played an important role in organizing essential district programming like our jobs and health fairs, our local Black Women & Girls programming, and has skillfully maintained our local district task forces.

Audra is also my constant plus one whenever I want to grab a bite of Indian food.

I congratulate Audra and her family, especially her beautiful and brilliant daughter, Ava, my future district director in the year 2038.

Mr. Speaker, I am honored to have had the privilege to work with Audra, and on behalf of the people she served for over 5 years, I commend her and say: Job well done.

#### VICTIMS OF CONGRESSIONAL DELAY

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

Mr. POE of Texas. Mr. Speaker, one in four women will experience domestic violence during their life. Nearly three women are murdered by their spouses every day. This is violent America in our time. Violence in the family unit.

These crimes affect the spouse, the children, and the quality of life of our community.

The Violence Against Women Act, or VAWA, has helped women throughout our Nation.

Lifesaving programs and resources have given victims of domestic violence, sexual assault, stalking, and dating violence a chance for a better life.

My legislation to reauthorize the full funding of VAWA through 2019 will help victims of violence and support groups that work with battered families. But Congress has only extended VAWA for 3 months.

Women affected by domestic violence deserve better than more delay. Standing up for victims is not a partisan issue. Congress needs to fully fund and reauthorize the Violence Against Women Act because domestic violence victims are people too.

And that is just the way it is.

#### JUDGE THOMAS-ANITA HILL V. JUDGE KAVANAUGH-CHRISTINE BLASEY FORD

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the United States Senate is about to embark on a misguided journey. How can there be a vote to place Judge Kavanaugh in a lifetime appointment to the Supreme Court under this cloud?

To be sure, a person is innocent until proven guilty, but without a full and public hearing about the veracity of these very serious charges of sexual harassment, a decision today to elevate Judge Kavanaugh to the Supreme Court casts doubt on the entire process.

Allegations of sexual harassment are serious charges which deserve serious consideration. The Justices of the Supreme Court must demonstrate respect for the law and for individual rights.

To impugn the integrity of Professor Christine Blasey Ford, to elevate that of Judge Kavanaugh, is not appropriate

nor is it a credible tactic. The American people deserve more than a dismissal of Professor Ford's charges. They deserve to know the truth.

Mr. Speaker, let us take time to uncover the truth. I gave this same exact speech on October 8, 1991. The only difference was the substitution of Clarence Thomas' name for Brett Kavanaugh's and Anita Hill's for Christine Blasey Ford's.

Republicans attempted to censure me for that speech. History is repeating itself before our eyes, and women are once again being ignored instead of being believed.

We must do better than that in the United States of America and in the United States Congress.

#### URGING THE SENATE TO CONFIRM JUDGE BRETT KAVANAUGH

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

Mr. BYRNE. Mr. Speaker, I rise today to urge the Senate to confirm Judge Brett Kavanaugh. Judge Kavanaugh has a clear record as a thoughtful jurist who respects and will defend our Constitution. Those who have worked with him over the years and know him best strongly defend his record as a good man who loves his family and our country.

I am ashamed we find ourselves where we are today. It is shameful the way that Judge Kavanaugh has had his name smeared, just as it is shameful that Dr. Ford has been used as a pawn in a political game. Frankly, my heart hurts for both of them.

Our government is only as good as the people who serve in it, and I am deeply concerned that this whole series of events will encourage fewer good men and women to take up the call of government service.

Mr. Speaker, this circus must end. The Senate should vote on Judge Kavanaugh, approve him to serve on the Supreme Court, and allow our great country to move forward.

□ 1245

#### THE RULE OF LAW AND THE CONSTITUTION MUST PREVAIL

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE. Mr. Speaker, first, I would like to join my friend from Texas, as the author of the Violence Against Women Act.

In 2018, I encouraged my colleagues to step up and pass this vital legislation that now protects all who have been abused in some way from sexual assault, sexual harassment, stalking, and, yes, domestic violence.

I am saddened that the House has not seen fit to join this bill that I have authored with over 35 national non-

partisan groups and, as well, with over 150-plus Members of the United States Congress. It is time now.

Finally, sitting in the United States Senate, listening to the hearings regarding Judge Kavanaugh and Dr. Ford, let me say that I hope our colleagues will yield not to politics but to the rule of law, adhere to the American Bar Association that says pause, to the Jesuits who have taken away their endorsement, and realize that we are not the important factor, but it was the weight of the Supreme Court that requires better.

Finally, I am delighted to note that we are moving forward on juvenile justice, as we have done today—legislation that I have authored—and that we are working on behalf of the people.

But again, Mr. Speaker, it is important in the United States Senate that the rule of law and the Constitution prevail. Advice and consent must be given with knowledge.

#### NATIONAL URBAN WILDLIFE REFUGE DAY

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

Mr. WITTMAN. Mr. Speaker, I rise today to support my resolution, H. Res. 1088, a resolution recognizing this Saturday, September 29, as National Urban Wildlife Refuge Day.

Across the country, urban wildlife refuges are places for families to gather and enjoy the outdoors. Urban refuges are places where communities can come together to preserve nature, and places to inspire the next generation of hunters and anglers.

I encourage all generations, whether old or young, to go visit one of the 101 national urban wildlife refuges throughout the United States.

I thank Representative HAKEEM JEFFRIES for partnering with me on this legislation to help further emphasize the value of our Nation's urban wildlife refuges.

#### WOOD-PAWCATUCK WATERSHED

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

Mr. LANGEVIN. Mr. Speaker, I rise today to acknowledge the 50th anniversary of the Wild and Scenic Rivers Act, signed into law on October 2, 1968.

This landmark conservation bill launched a movement. It helped us recognize and protect the free-flowing rivers with "outstandingly remarkable" characteristics.

In Rhode Island and Connecticut, we have just such waterways, including the branches of the Wood and Pawcatuck Rivers.

Just this week, in cooperation with Senator JACK REED, I introduced legislation to designate the 110 miles of this river system as a Wild and Scenic

River. After 3 years of intense study, the National Park Service has found it to have areas of pristine beauty, recreational importance, and untouched wilderness.

I applaud the work of Denise Poyer, the study coordinator at the Wood-Pawcatuck Watershed Association, and all of those who have volunteered their time to protect this river.

Mr. Speaker, I look forward to working with my colleagues on the Natural Resources Committee to complete this designation.

#### CONGRATULATING JIM PAXTON

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

Mr. COMER. Mr. Speaker, I rise today to congratulate Mr. Jim Paxton of the First District of Kentucky on his retirement from the Paducah Sun newspaper.

Within the first year of his career, he quickly rose through the ranks to serve as the Paducah Sun's editor and publisher. As he and his brothers joined the generations of Paxton family members who have led and managed Paxton Media Group, they began to expand their operations into local television broadcasting with WPSD-TV and radio broadcasts, eventually owning and managing more than 35 daily and weekly newspapers throughout the Southeastern United States.

The Paducah Sun's continued success is a testament to Jim's belief that local newspapers should focus on prominently featuring news from the community, while also striking the appropriate balance of State and national coverage.

Throughout his career, Jim Paxton has established an outstanding legacy as a revered public servant and titan of western Kentucky media. He is widely respected for his pursuit of meaningful, insightful journalism, and I am thankful for his friendship and guidance throughout the years.

As he begins the next phase of his life, I join with his family and friends, as well as those he has impacted during his career, to express our dedication and gratitude for his contributions to western Kentucky.

#### NATIONAL URBAN WILDLIFE REFUGE DAY

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

Mr. JEFFRIES. Mr. Speaker, I rise today to support H. Res. 1088, a resolution recognizing September 29 as National Urban Wildlife Refuge Day, authored by Representative WITTMAN.

Earlier this year, my bill, Keep America's Refuges Operational Act, became law. That bipartisan bill reauthorized a volunteer, community partnership, and education program for our National Wildlife Refuge System.



We believe in the importance of maintaining a system of wildlands throughout this great country. That is why I am proud to join my colleague, Representative WITTMAN, in sponsoring this resolution to recognize our Nation's 101 national urban wildlife refuges.

People visit refuges to experience America's natural beauty. They help to mold the next generation of conservationists and outdoor enthusiasts by providing learning experiences and cherished memories for America's families.

Refuges have a tremendous impact for communities all over America, even in my hometown of Brooklyn. We must remain vigilant in protecting the breathtaking wildlife and beautiful environment God has given America. Urban refuges are essential in achieving that goal.

#### HONORING COLONEL ALFRED ASCH

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

Mr. MOOLENAAR. Mr. Speaker, I rise today to thank the members of the Michigan delegation and the House of Representatives for their support and unanimous passage of my legislation earlier this month to rename the Beaverton Post Office in honor of the late Colonel Alfred Asch.

Alfred was born and raised in Beaverton, and, as a young boy, he was fascinated by aviation. In September of 1941, after graduating high school, he entered the Army Corps. He flew more than 70 missions over north Africa and Europe, earning numerous decorations, while documenting his experiences in letters to Naomi, his girlfriend and wife-to-be. He continued to serve in the Air Force until 1968, and he made contributions to military and civilian flight.

His work took him away from Michigan, but he always kept his hometown in his heart. He funded a scholarship at Central Michigan University for students from Gladwin County, and proceeds from his memoir helped fund the Beaverton Activity Center.

I am proud to have the support of Colonel Asch's family and his two sons, David and Peter, who have said their father's childhood in Beaverton helped him face life's early challenges before taking on the world.

Alfred Asch was a great American and a hometown hero for Beaverton, Michigan.

#### REMEMBERING LOUISE MCINTOSH SLAUGHTER

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

Mr. TONKO. Mr. Speaker, during this 115th session of Congress, the House lost one of its most passionate souls,

the late Representative Louise McIntosh Slaughter.

She worked day in and day out with great passion and with great integrity. She understood that it was about trust that was placed into a Member of Congress by the people who have chosen you to be their voice here in Congress.

To Louise Slaughter it was important to make certain that government was transparent and accountable, so she drove the Stop Trading On Congressional Knowledge Act, which was dubbed the STOCK Act. I am so proud to have sponsored legislation today that has renamed, in her honor, the STOCK Act.

Louise Slaughter worked for transparency in this House. She knew that it was about making lives of the constituents that we represent all the stronger and all the fuller and not enriching our own lives by the trust placed in us.

It is an honor to rename the STOCK Act because of her hard work and because of her integrity.

#### HONORING LAGRANGE FIRE DEPARTMENT

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

Mr. FERGUSON. Mr. Speaker, I rise today to honor the bravery of the LAGRANGE Fire Department.

In the early hours on the morning of Labor Day, the department received a call for a house fire. As firefighters battled the blaze, the flames were so hot that their fire hose melted in two.

Firefighters were trapped in the house. Luckily, everyone made it out. But six of those firefighters suffered severe burns and injuries: Pete Trujillo, Jordan Avera, Jonathan Williamson, Josh Williams, Jim Ormsby, and Sean Guerrero. All are on the mend, but they suffered very, very severe injuries.

These brave men and women put their lives on the line every single day to keep our loved ones safe in an emergency with no expectation of recognition for their heroism. But today, I would like us all to pause and think about the tough work that they do and the danger that they put their lives in. I would like us all to thank them and extend our deepest gratitude to these firefighters and all of those around the Nation.

#### TARIFF IMPACTS

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

Mr. CLEAVER. Mr. Speaker, recently, I spent time listening to farmers, large manufacturers, and leaders of smaller companies in my district express their frustrations on how tariffs are affecting their bottom line.

I visited a steel fabrication company, an architectural aluminum design company, and a brewery. Although

these companies vary in product, they all shared one common fear: wondering what would be their fate in the presence of these ill-advised tariffs.

I listened to farmers offer feedback on how they are affected. Agriculture is one of Missouri's top industries, bringing in about \$88 billion a year. Most farmers tell me that the recently announced USDA payments are helpful, but that, ultimately, in their words, "we want trade, not aid."

I met with local chambers of commerce and business councils, and, for those I didn't even have a chance to visit, I created a survey on my website. What I learned is this: These tariffs are deeply damaging to these businesses in ways that those who promoted them perhaps never even contemplated.

Hundreds of thousands of jobs may be in jeopardy because of these tariffs. For example, Harley-Davidson, a company that I was able to bring to Kansas City during my term as mayor, suddenly announced that they were closing the plant and moving overseas. They left nearly 1,000 workers unemployed overnight. Now, just imagine, if you multiply that around the country, what kind of instability has been created.

Mr. Speaker, I hope that this administration will recognize that these tariffs are unstable to the community and then move to end this trade war today.

#### ANGELS IN ADOPTION

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

Mr. RUTHERFORD. Mr. Speaker, I rise today to recognize Mr. Brian Kelly from Jacksonville, Florida, who has been named a 2018 Angels in Adoption honoree. This Congressional Coalition on Adoption Institute award recognizes and honors outstanding individuals who have made contributions to the adoption community.

For more than 25 years, Brian Kelly has worked as an adoption attorney. Through his work at his law firm and at Jacksonville Legal Aid, Brian has touched, literally, thousands of lives promoting adoption in northeast Florida. He has also worked with the Florida bar to encourage the practice of adoption laws across the State.

In addition to his professional work, Brian has devoted his life to serving his community, whether it be serving his church or chairing the board of directors at Angelwood, a center in Jacksonville that provides services to people with developmental disabilities. Brian has dedicated countless hours in service to others.

I have had the opportunity to get to know Brian throughout his work, and I am pleased to honor him today on behalf of the many grateful families of northeast Florida. I commend Brian Kelly for this much-deserved honor of being named a 2018 Angels in Adoption honoree.

□ 1300

## YWCA

(Ms. JUDY CHU of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JUDY CHU of California. Mr. Speaker, I rise today to congratulate the YWCA USA as they celebrate their 160th anniversary.

With a mission that is dedicated to eliminating racism, empowering women, and promoting peace, justice, freedom, and dignity for all, the YWCA is exactly the kind of organization we need today. It provides leadership development programs for young women in topics ranging from economic empowerment to engaging young girls in STEM fields.

From its humble beginnings, the YWCA now operates 1,300 program sites across 47 States and the District of Columbia, serving over 2 million women, girls, and their families. It has been at the forefront of social progress, from civil rights to voting rights, to equal pay, to healthcare reform.

It is currently the largest network of providers to help victims of domestic violence or sexual assault. In my district, the YWCA in San Gabriel Valley serves nearly 4,000 people, annually, through its domestic violence program called WINGS.

Mr. Speaker, I thank the YWCA for 160 years of great work.

## RECOGNIZING CARL WEATHERS

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

Mr. ARRINGTON. Mr. Speaker, I rise today to recognize the life of a remarkable man and a fellow west Texan, retired Texas Ranger Captain Carl A. Weathers, who passed away recently.

Captain Weathers devoted his life's work to serving his country and my home State of Texas first as a soldier in the United States Army, and then with an over 40-year career in Texas law enforcement, beginning as a State trooper and rising to the rank of captain in the Texas Rangers.

Throughout their long and storied history, the Rangers have remained the best of the best in Texas law enforcement. Captain Weathers carried out the Texas Rangers' legacy in true west Texas fashion: with integrity, courage, and service to his fellow man.

Along with his dedication to the Texas Rangers, Carl was a devoted husband and family man.

To Carl's family, I join you in celebrating a life well-lived and trusting that he has heard those beautiful and powerful words from our glorious creator: "Well done, good and faithful servant."

## RECOGNIZING FORMER U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS PRINCE ZEID RA'AD AL HUSSEIN

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

Mr. COFFMAN. Mr. Speaker, I rise today to recognize the extraordinary work of the former United Nations High Commissioner for Human Rights, Prince Zeid Ra'ad Al Hussein, who left his post on September 1. His tireless efforts enabled him to become a voice for those who found themselves defenseless against those who abuse the human rights of others in order to gain and maintain power.

High Commissioner Zeid was very helpful during the debate over the passage of H. Res. 128, supporting respect for human rights and encouraging inclusive governance in Ethiopia. He not only publicly endorsed the resolution, but sent a representative during the critical negotiations to bring H. Res. 128 to the floor of the United States House of Representatives for a vote.

Mr. Speaker, former United Nations High Commissioner Prince Zeid Ra'ad Al Hussein will forever be remembered by the Ethiopian people for his role in the passage of H. Res. 128.

## VIOLENCE AGAINST WOMEN ACT

(Mrs. MIMI WALTERS of California asked and was given permission to address the House for 1 minute.)

Mrs. MIMI WALTERS of California. Mr. Speaker, as I travel through my district, the women of Orange County have expressed their support for policies that safeguard women and children, including the Violence Against Women Act. As the mother of two daughters, I share their support for this legislation and care deeply about ensuring the safety of all women.

For 24 years, the Violence Against Women Act has provided lifesaving services for survivors of domestic and dating violence, sexual assault, and stalking.

While I am pleased we passed a short-term extension of the Violence Against Women Act, we must work together towards a long-term reauthorization that will allow us to continue to protect and support survivors. We owe it to survivors to ensure this law remains in place, and I will continue to work to make this happen.

## RECOGNIZING INDUCTEES OF THE ARKANSAS BLACK HALL OF FAME

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

Mr. HILL. Mr. Speaker, it is my pleasure to rise today to congratulate the six Arkansans in the 2018 class of inductees of the Arkansas Black Hall of Fame. This year's inductees include:

Kevin Cole, a celebrated painter, printmaker, and sculptor;

Brent Jennings, a prolific award-winning actor and director;

Lieutenant General Aundre Piggee, U.S. Army deputy chief of staff for logistics at the Pentagon;

Darrell Walker, a former NBA player and current men's basketball coach at the University of Arkansas at Little Rock;

Mary Louise Williams, a legendary educator and political leader; and

Florence Price, the first African American woman recognized as a symphonic composer and to have a composition played by a major orchestra.

Mr. Speaker, I am proud to recognize these six Arkansans who will join the Hall of Fame's more than 140 members for their lasting contributions to our communities and our State. I congratulate these inductees who exemplify the spirit and dedication behind this fine honor.

## THANKING ARMY SPECIALIST RYAN WILCOX AND HOMES FOR OUR TROOPS

(Ms. TENNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TENNEY. Mr. Speaker, Army Specialist Ryan Wilcox heroically served our Nation in two combat tours.

Specialist Wilcox first deployed to Iraq as a combat engineer with the 479th Engineer Battalion. In 2007, he suffered a gunshot wound to his leg at that time.

In 2012, he returned to Active Duty in Afghanistan with the 444th Engineer Battalion. During this tour, he suffered chronic pain resulting, ultimately, in the amputation of his right leg.

Now retired, Specialist Wilcox is looking to start a new life in upstate New York with his fiancée, Sara, and their two children, Nicholas and Juliana.

This Saturday, a terrific organization known as Homes for Our Troops will donate a specially adapted home in Mexico, New York, for Specialist Wilcox and his family. This home will allow him to navigate easily throughout his home so he can focus more on his family, finishing college, and continuing his work to help fellow veterans in need.

Mr. Speaker, please join me in thanking Specialist Wilcox for his heroic service to our Nation, as well as honoring, congratulating, and thanking Homes for Our Troops for helping transform the lives of our Nation's heroes like Ryan Wilcox and his family.

## HONORING MURRAY WATSON

The SPEAKER pro tempore (Mr. COMER). Under the Speaker's announced policy of January 3, 2017, the gentleman from Texas (Mr. FLORES) is recognized for 60 minutes as the designee of the majority leader.

Mr. FLORES. Mr. Speaker, I rise today to honor Murray Watson, Jr., of Mart, Texas, who passed away on July 24, 2018.

Murray was born in 1932 in Mart, Texas, to Murray Watson, Sr., and Ethel Bryson Watson. He graduated from Mart High School in 1949, from Baylor University with a bachelor's degree in 1952, and a juris doctorate from Baylor in 1954. In 1957, he was elected to the Texas House of Representatives. In 1963, he was elected to the Texas Senate, where he served for 10 years.

During his lifetime in elected office, Murray was involved in crafting and passing many pieces of influential legislation, including the establishment of what is now known as Texas State Technical College, a vocational school based in Waco, with campuses all across our State. Murray served as the school's general counsel, and the Watson family's contributions to the school are significant. Both Murray and his wife have buildings named in their honor on the TSTC campus in Waco.

His passion for education extended long after his retirement from politics. He took a leading role in founding the Brazos Higher Education Authority and Brazos Higher Education Service Corporation, Inc., to help students fund their education. He also served as a trustee of the McLennan Community College Foundation. In 2017, he was named Baylor Lawyer of the Year for his commitment to education and his philanthropic spirit.

Murray was a member of the Rotary Club of Waco, the Austin Avenue Methodist Church, the Baylor Masonic Lodge, the Waco Scottish Rite Consistory, the Order of the Eastern Star, the Baylor Law Alumni Association, the Baylor Bear Foundation, and the Baylor Founders Club.

While Murray was committed to serving others, his role as a family man was the pride of his life. He allowed nothing to come between him and his family, including Greta, his wife of nearly 59 years, two children, a daughter-in-law, and two grandchildren. Murray also owned and operated the family's ranch and historic feed store in Mart, Texas.

Mr. Speaker, Murray's life was defined by his service to those all around him. He worked tirelessly to better our community and families all across America. He will be forever remembered as a selfless servant, a husband, a father, a grandfather, and a friend to hundreds.

My wife, Gina, and I offer our deepest and heartfelt condolences to the Watson family. We also lift up the family and friends of Murray Watson, Jr., in our prayers.

I have requested that a United States flag be flown over the Capitol to honor the life and legacy of Murray Watson, Jr.

As I close today, I urge all Americans to continue praying for our country, for our military men and women, and for our first responders.

#### HONORING SHERIFF DAVID GREENE

Mr. FLORES. Mr. Speaker, I rise today to honor Milam County Sheriff David Greene of Cameron, Texas, who passed away on July 20, 2018.

Sheriff Greene was born in 1952 in Sherman, Texas, to Oscar and Marguerite Greene. In 1996, he married Janell Rene Morin. He had three sons and was blessed with three grandsons.

Sheriff Greene dedicated his life to public service in Texas. He served as a game warden for the Texas Park and Wildlife Service for almost 30 years before becoming a Milam County constable. In 2008, David was elected Milam County sheriff and was re-elected for two additional 4-year terms.

Sheriff Greene went well beyond the call of duty in 2010 by establishing the Milam County Sheriff's Office Brown Santa program to raise money to buy Christmas gifts for underprivileged children in Milam County. This year's fundraiser was held just 8 days after Sheriff Greene's passing and was the largest in the event's history, a testament to Sheriff Greene's character and his impact on Milam County.

Mr. Speaker, Sheriff Greene's life was defined by his service to those around him. He worked tirelessly to better our community. He will be forever remembered as a selfless public servant, a husband, a father, a grandfather, and a friend.

My wife, Gina, and I offer our deepest and heartfelt condolences to the Greene family. We also lift up the family and friends of Sheriff David Greene in our prayers.

I requested that a United States flag be flown over the Capitol to honor the life and legacy of Sheriff David Greene.

As I close today, I urge all Americans to continue praying for our country, for our military men and women who protect us from external threats, and for our first responders who protect us here at home.

#### HONORING OLIVE DELUCIA

Mr. FLORES. Mr. Speaker, I rise today to honor Olive DeLucia of Bryan, Texas, who passed away on August 12, 2018.

Olive was born on June 16, 1924, in Audubon, New Jersey. As a young woman during World War II, she served in the United States Naval Reserve in the Women Accepted for Volunteer Emergency Service, more commonly known as the WAVES program.

In 1958, she moved with her husband and two sons to Bryan-College Station, Texas. Once in Texas, Olive made a career working for Texas A&M University for 30 years. While working for The Association of Former Students, our alumni association, she served as the director of class programs and later oversaw the Traveling Aggies program, which gave her the ability to visit all seven continents. She was thanked for her service to the university with the President's Distinguished Service Award and was named as a Fish Camp namesake.

Even though she was only about 5 feet tall, she had immense wisdom. I

remember the days that she would give me that look and tell me what I had done wrong or how to do things better, and I always paid attention to what Olive DeLucia told me to do.

Mr. Speaker, Olive's life was defined by her service to those around her. Her life enriched the lives of many. She will be forever remembered as a selfless servant, an Aggie, a mother, a grandmother, and a dear friend.

My wife, Gina, and I offer our deepest and heartfelt condolences to the entire DeLucia family. We also lift up the family and friends of Olive DeLucia in our prayers.

I have requested that a United States flag be flown over the Capitol to honor the life and legacy of Olive DeLucia.

As I close today, I urge all Americans to continue praying for our country, for our military men and women who protect us overseas, and for our first responders who keep us safe at home.

#### HONORING GEORGE BOYETT

Mr. FLORES. Mr. Speaker, I rise today to honor George Boyett of College Station, Texas, who passed away on September 7, 2018.

George was born in 1935 and was a native of the Brazos Valley. He graduated from Stephen F. Austin High School in 1953 and attended Texas A&M University. At Texas A&M, he was a member of the Corps of Cadets, the Ross Volunteers, and the swim team.

In 1957, he married his wife, Gaytha, at the Texas A&M All Faiths Chapel.

Upon graduation in 1958, he served our country in the United States Army for 6 years before returning to College Station while continuing to serve in the Army Reserve.

George was a successful businessman, forming local firms and companies before he was elected as a Brazos County justice of the peace in 1988. His precincts were redistricted and renumbered many times throughout his tenure, but he most recently served as the justice of the peace in precinct 3, which included much of the Texas A&M campus, before retiring in 2015.

□ 1315

During his career as a judge, George taught at the National Judicial College and the Texas Department of Public Safety. He also served as a reserve sheriff's deputy for the Burleson County Sheriff's Office and as an associate judge for the city of College Station.

His dedication to public service went far beyond law enforcement and the judiciary system. George was a dedicated volunteer within the Church of Jesus Christ of the Latter-Day Saints and the Boy Scouts of America.

After becoming an Eagle Scout as a young man, George continued his involvement in the Boy Scouts, serving at the troop, district, and council levels. He was awarded the Silver Buffalo by the Sam Houston Area Council and the National Outstanding Eagle Scout Award for his work in Boy Scouts.

Mr. Speaker, George's life was defined by his selfless service to those

around him. He worked tirelessly to better our community through his capacity as a judge and his involvement with the Boy Scouts. He will be forever remembered as a selfless servant, a mentor, a husband, a father, a grandfather, a great-grandfather, and a friend.

My wife, Gina, and I offer our deepest and heartfelt condolences to the Boyett family. We also lift up the family and friends of George Boyett in our prayers.

I have requested that a United States flag be flown over the Capitol to honor the life and legacy of George Boyett.

As I close today, I urge all Americans to continue praying for our country, for our military men and women who serve us, and for our first responders who keep us safe at home.

#### HONORING MARY FAY LUCAS ARNOLD

Mr. FLORES. Mr. Speaker, I rise today to honor Mary Fay Lucas Arnold of Bryan, Texas, who passed away on November 29, 2017.

Mary was born in east Texas on November 17, 1920, to William and Cora Terrell. In 1943, in the midst of World War II, Mary decided to serve her Nation by joining the Women's Army Corps. A few months later, she met William Everett "Bill" Lucas, and they married in January of 1944.

After the war, Bill's work took him, Mary, and their family to live in Haiti, Venezuela, and College Station, Texas. Upon retirement, Bill and Mary moved to Bryan, Texas.

Bill passed away in 1972, and Mary later married T.H. "John" Arnold.

Mary was active in serving the Bryan-College Station community. She was the assistant credit manager at Sears in Bryan and was one of the two oldest living members of the First Baptist Church in College Station. She was a member of the Order of the Eastern Star and belonged to the American Legion and the VFW Auxiliary.

Mr. Speaker, Mary's life was defined by her selfless service to those around her. She was loved by her community and, certainly, left an enduring legacy. She will be forever remembered as a veteran, community leader, wife, mother, grandmother, great-grandmother, great-great-grandmother, and a dear friend.

My wife, Gina, and I offer our deepest and heartfelt condolences to the Lucas and Arnold families. We also lift up the family and friends of Mary Fay Lucas Arnold in our prayers.

I have requested that a United States flag be flown over the Capitol to honor the life and legacy of Mary Arnold.

As I close today, I urge all Americans to continue praying for our country, for our military men and women who serve us, and for our first responders who keep us safe at home.

#### HONORING BOB BEAMON'S 100TH BIRTHDAY

Mr. FLORES. Mr. Speaker, I rise today to honor James Robert Beamon of Edge, Texas, who turned 100 years old on September 15, 2018.

Mr. Beamon, who is known as Bob to his friends, was born in Eufala, Ala-

bama. His family moved to Goliad, Texas, when he was 2 years old. In true Texas style, he would ride his horse to school with his younger brother.

As a young man in the 1930s, he attended a house dance, where he met Annie Juanita Clifton. Annie and Bob were married on December 13, 1937, and were married for 74 years.

At the outbreak of World War II, Bob was drafted into military service. Although he could have opted to defer, Bob went on to serve in the United States Navy as a gunner for the PB4Y-2 Privateer patrol plane in the 106th Squadron, the Fighting Wolverines. Bob flew 17 missions for the Navy in the war's Pacific theater before returning to the United States.

After his service, he came home and raised five children with Annie, four sons and one daughter. He worked for more than 60 years in the painting business and eventually owned his own company.

Now retired, Bob enjoys making Wahoo game boards for his family, visiting military museums, and, until recently, enjoyed hunting and fishing.

Recently, Bob celebrated his 100th birthday with dozens of friends and several generations of his family. He recounted many stories from his military service days and played with his great-grandson, Rage, who turned 1 year old also on September 15.

Mr. Speaker, I am proud to recognize Bob on this joyous occasion, and I know that his family and friends love him and are proud of him. I wish him many more years of health and happiness.

I have requested that a United States flag be flown over the United States Capitol to honor Bob Beamon's 100th birthday.

As I close today, I urge all Americans to continue praying for our country, for our military men and women who serve us, and for our first responders who keep us safe at home.

#### HONORING AIR MED 12

Mr. FLORES. Mr. Speaker, I rise today to recognize CHI St. Joseph's Hospital Air Med 12 team for their outstanding achievements in providing lifesaving services for residents of the Brazos Valley.

In May of 2005, PHI Air Medical formed Air Med 12, the first air medical program to serve the Brazos Valley. Prior to this time, the only air medical support was available from Houston, with response times of more than an hour.

For patients in the Brazos Valley, such wait times made air medical support an unrealistic solution to their health emergencies. PHI partnered with St. Joseph's Hospital, which was looking to expand services within their trauma center.

Just a few months later, in August 2005, Air Med 12 would lead a group of four helicopters into New Orleans after Hurricane Katrina. These would be the first civilian medical helicopters in the city after the storm passed. Subse-

quent hurricane response teams have used Air Med 12's leadership and example to improve medical care for storm survivors.

Disaster response is not the only way Air Med 12 has revolutionized air medical support. In 2008, three members of the Air Med 12 team were tragically lost in an accident outside of Huntsville. Since that loss, the Air Med 12 team has become involved in improving safety standards for all air medical support that include increased weather minimums, the use of night vision goggles on every flight, and national collaboration amongst air medical providers.

Air Med 12 has shaped more than just air medical support in the Brazos Valley. Their group values development of clinical education and collaboration with the Texas A&M College of Medicine's School of Rural Public Health and College of Nursing have brought a high standard of healthcare across central Texas and the Brazos Valley.

The impact of Air Med 12 cannot be understated. In 2018 alone, they have transported 23 critical pediatric patients to specialty hospitals, administered 27 units of blood to patients either directly at the scene or at rural hospitals, and, in August, completed a record number of 48 flights in one month.

Mr. Speaker, I would like to honor Air Med 12 and CHI St. Joseph's Hospital for the work they have done to provide the Brazos Valley with improved emergency medical care.

I have requested that a United States flag be flown over the United States Capitol to honor Air Med 12.

As I close today, I urge all Americans to continue praying for our country, for our military men and woman who serve us, and for our first responders who keep us safe at home.

Mr. Speaker, I yield back the balance of my time.

#### D.C. STATEHOOD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 60 minutes as the designee of the minority leader.

Ms. NORTON. Mr. Speaker, it is probably appropriate that you will be hearing on this last full day before the midterms about statehood for the District of Columbia. I am going to speak about why that is the appropriate way for us to go into midterms, as I represent 700,000 Americans who are number one—please remember this number—number one in taxes paid to support the Federal Government, but also have the distinction of having no final vote on this House floor and having no representation in the Senate of the United States.

It is very clear—if you want a history lesson, I am not going to offer that lesson in the time allotted to me this afternoon—but it is absolutely clear

that the Framers and the Founders of our country did not go to war with the slogan of "Taxation Without Representation" in order to allow that slogan to apply everywhere but in their Nation's Capital.

For that reason, we want to thank the Democrats, almost the full caucus, who have already become cosponsors of the D.C. statehood bill.

I hasten to add that I do not yet have my Republican friends. I believe that will occur. Meanwhile, Democrats have to plow ahead.

I must thank my colleagues for the support they have given me, because we are very close to 100 percent here in the House on our DC statehood bill.

I have to offer my thanks as well to Senator TOM CARPER, because he is the lead sponsor in the Senate, and he has gotten more than 60 percent of the Democrats in the Senate to support D.C. statehood.

If I could mention the last Democrat before we go home—and there will still be time before the end of this session for the few who remain off the bill—I do want to thank ERIC SWALWELL, because he is the last one before we go home. I had sent out a message: Don't go home without signing for D.C. statehood. He heard that message.

There will be a few stragglers. I mention stragglers because when I meet people who aren't on the bill, they say: Oh, my goodness, I thought I was on the bill.

So that doesn't mean that because we don't have 100 percent, we can't get 100 percent. It just means Members overlook it and haven't yet come onto the bill. So we will get to you before the end of the 115th Congress.

I also want to explain, particularly since we don't have Republican cosponsors yet, that signing onto the bill is going to help the District of Columbia, in any case, because we are the first to concede, with no Republican sponsors yet, that D.C. statehood is an uphill climb.

I am here today to say we are prepared to make that climb. I think we are showing that, as I so indicate.

Getting cosponsors is going to help us in the next Congress. We are almost sure it is going to help us to get what the Congress can give us now, even without statehood, as more people awaken to the injustice of Americans who don't have democratic representation—a small "d"—in their Congress.

□ 1330

It is going to help us get incrementally to statehood. For example, the District's local laws, even its final budget raised entirely in the District of Columbia, have to come here and be signed off by the Congress.

That is an insult to us, frankly. Most Members aren't interested, don't know anything about DC's local laws or budgets. A waste of time.

That is the kind of thing that, even without statehood, I think we can get in the short run and getting more co-

sponsors for statehood can only help us get that.

I do want to mention what my colleagues already know. There is not a poll, not a single poll, that does not show that Democrats will, in fact, be in the majority in the next Congress. That means, at the very least, the uphill climb will begin, even if statehood is not around the corner.

If ever there was an incentive for District residents to keep going in the streets, going around the Congress to get statehood co-sponsors, this chart shows it. This chart illustrates what I have just said about the District of Columbia's paying the highest Federal taxes in the United States.

If you live in California, to name a big State, if you live in New York—and I can go down the line—we do have a chart that shows where each State ranks. They are all beneath the District of Columbia.

What am I talking about? Almost \$12,000 per resident in taxes paid by the people I represent to support the government that does not give them full representation.

I don't have all the States listed here, but you can see how the line goes down until it gets to Mississippi, which has the lowest Federal taxes, whose citizens pay the lowest Federal taxes in the United States. Yet Mississippi has two Senators, I don't remember how many Representatives, paying far lower taxes to support the Federal Government than the Americans I represent, yet they have full representation in the House and the Senate.

So, some may say, well, you've got 700,000 residents. Is that a lot of people? It is more residents than two of the States. Vermont and Wyoming each has one Representative, just like D.C., except that Representative can vote on this floor, and two Senators. But Vermont and Wyoming are representative of about seven States in the United States that have about the same number of residents as the District of Columbia.

I picked these two out only because they rank below DC. We are equal in population or near equal in population to seven States.

Perhaps it can be understood when you see that ranking, not to mention the ranking on per capita taxes, why we seek statehood for the District of Columbia.

This is not the first time I have sought statehood. I did so when I first came to the Congress. In 1993, I got the first and only vote on statehood. Let me tell you the results of that vote and why it is important that that threshold has been laid.

I was new to the House, and even the most fervent advocates for statehood did not predict that the vote would be 153 for statehood, 277 against. So I come, candidly, to tell you that we have gone on the floor for statehood before, and we didn't get it.

Indeed, only 40 percent of the Democrats supported us. How could that be

when you say, Congresswoman NORTON, that you have almost all of the Democrats now on the bill? The difference, of course, is that it was a very different Congress.

For 40 years, the Democrats had control of the Congress, and that was in no small part because of Southern Democrats.

By the way, Southern Democrats voted with the District on many, many bills. And in many ways, I would welcome them back. But, of course, they were more conservative Democrats than the Democrats now in the House.

Democrats fully recognize that when we get the majority—and I say "when" and not "if," because I fully expect we will have the majority in the next Congress—that there will be some Democrats who are more conservative than I am and perhaps than the average Member of the House, and that is to be expected, if you want to be in the majority.

So I am not lamenting that we got only 40 percent in that first and only statehood vote. I am trying to make the case how votes come and why they come. We were very proud of that vote, because it was many more than had been predicted. There was dancing in the House galleries up there because the vote came far above what the press was predicting the District was going to get and what even the District and its residents were predicting.

I hasten to add that, as I have already shown, the District is already a State in all but name and representation in this Congress. For example, when time comes for appropriation, unlike the territories—and I do want to distinguish us from the territories—they are our sisters in many ways, but Puerto Rico, Guam, the Virgin Islands, and the rest don't pay Federal income taxes, so note that difference. Some of them—in fact, almost none of them have come forward to request statehood.

There is now some interest in statehood by Puerto Rico. But the reason that most of the territories don't come forward and ask for statehood is very clear. There is a quid pro quo for them. In exchange for not paying Federal taxes, they don't have the votes in Congress. We pay Federal taxes, and we have no vote in Congress, making us unique in the union.

So, my friends, or at least virtually all my friends, in the territories don't even ask for statehood. Sometimes they say, yes, we want statehood, but they understand that, for them, it is more difficult.

It is certainly true that, this late in the history of the United States, one has to wonder why the word "territory" is there and to hope for equality for the residents of the territories. That has to be up to them, so I don't come here to speak for them. I only want for them to be treated equally with other Americans.

When I say the District is already a State in ways that many count as

States, I even point to how the House does its appropriation. The District gets a per capita appropriation, in other words, based on our population. So if our population is 700,000, we will get the same as others who have that population.

It is not true for the territories. Their basic complaint is that they do get Federal funding, but they don't get the per capita funding that States get.

There is a reason D.C. gets that per capita funding. It is because of tax funding we give to support our government.

So the government has recognized the District's contributions in some ways. It simply has not given us the representation that a democratic country owes all its citizens.

Some may believe that the reason the District does not have statehood is that it needs help from the Federal Government. Far from it. It is the District that helps the Federal Government because of the strength of the city's local economy. That local economy outstrips in its strength many of the local economies of the States.

For example, the District's own local budget is more than \$12 billion. That is larger than the budget of 12 States that already have full representation in this Congress. These days it is hard to find a sizable surplus in the States, but the District's surplus is almost \$200 billion. That is money that the District puts away in taxes and other revenue it gets, mostly from its own citizens. That would make it, just that surplus, the envy of the country.

The District's per capita income is higher than the per capita income of any State. This is not a poor city asking for help from the Federal Government. This is a city that helps the Federal Government with taxes paid without representation.

That taxation without representation is, of course, the largest grievance. But it is also true that Republicans, who fancy themselves the local control party in the Congress, try their very best here in the House and in the Senate to take away what home rule or self-government that the District now has.

The District, in 1974, after almost 100 years, got the right to elect its own Mayor and city council. The last time it had that right, Republicans were in charge right after the Civil War when the Republicans gave the District what we call home rule.

It is Democrats who took away that local self-government. It is the Democrats, my party, who were in charge most of the years we were without local government, that took it away. Many of them were more conservative or Southern Democrats. But there is no escaping that they were Democrats, and they were often in control of this House.

So, Republicans who come to this floor on both sides to argue even against Federal intervention even that is authorized by the Constitution and

by Federal law. Isn't it amazing that the party of local control would persistently interfere with the local control that the District of Columbia has had since 1973, but that is what we see.

I just want to cite not all but to give examples of some of this interference and to indicate why I think this interference takes place, because it doesn't take place as to the laws of the District of Columbia. What this does mean is that the Congress uses the fact that the District does not have statehood to intrude itself to try to overturn some laws in the District of Columbia that they happen to disagree with.

□ 1345

Now, the District of Columbia is a big city. Like most big cities, even within the States, it is more progressive than other parts of our country.

So, although they have nothing to gain, Republicans try to make political points back home by intruding and trying to take away laws passed by the D.C. Council. I want to give examples of some of those laws and even to indicate some of the Members who helped me get rid of the attempts to overturn our laws.

For example, our laws that have legalized recreational marijuana, that makes D.C. one of nine jurisdictions. Now, that is controversial, but the Congress has done nothing about those States that have departed from Federal law and legalized marijuana. The Republican Congress has done nothing about it.

But each and every Congress, the Congress keeps the District of Columbia from commercializing marijuana. I say "commercializing" because those States are now taxing marijuana. Marijuana is consumed everywhere in the United States. Nobody gets arrested for it anymore.

So these States have simply said, "What is pro forma law shall be law, and we will tax marijuana." Well, the District of Columbia passed a law to legalize marijuana, and Republicans made an attempt to undermine that law, simply erase it. They were not very smart in the way they did it, and, thus, 2 ounces of marijuana is still legal to possess in the District of Columbia.

And it is interesting that, as marijuana laws have become more widespread in the United States, Republicans have not come back and attempted, yet again, to overturn our marijuana law.

The reason that the District was adamant about our marijuana law is the enormous disparities between who got arrested for marijuana offenses, which are misdemeanors but give you a record. They turned out to be largely African Americans. So we did not have the usual recreational marijuana reason for wanting to legalize marijuana. We had an additional reason of great importance to our city.

Republicans failed to overturn the law, but they left us without the abil-

ity to commercialize marijuana, and look what that has done. That means that as The Washington Post reported—and we call them "riders." "This amendment is a "license," quoting a drug dealer, for me to print money." Some call it the "Drug Dealer Protection Act" because, with no ability to commercialize marijuana, the drug dealers have not gone out of business here as they have in the States that have legalized and commercialized marijuana.

I want to name just a few other examples. We have a bill. Only one State—and two other localities have similar bills. It is called the "Reproductive Health Nondiscrimination Act." It says that you can't discriminate against one of your own employees or families based on the reproductive health decisions they make.

The Republicans are deep into the business of individuals by looking at such matters. For example, firing or declining to hire a woman for having had an abortion, even if it was due to rape—and maybe that is why they knew about it in the first place because I don't understand how you could even know about such private business—or declining to hire a woman for using in vitro fertilization.

Now, the reason that you have the District of Columbia and two other cities with similar laws is there have been some matters brought to the attention of their local legislature. This is an amendment, unlike the marijuana commercialization law, that I have been able to get removed, but it is an example of one that continues to come back.

One of the most troubling is the District's abortion law. Mr. Speaker, 17 States use their own local funds on abortion for poor women. Federal funds for abortions have long been barred by the Congress, so these 17 States spend their own funds, except for the District of Columbia, which to this day cannot do so. There is a local nonprofit organization which helps women because of this amendment, but you can see what I mean about intruding in the most private of affairs.

I am not asking people to support the choices made by the District of Columbia. I am certainly not asking the Congress to do that. I am asking Congress to get out of our lives, to give us equality by our own citizens in choosing our laws, however controversial.

Another example that is controversial—and I point this out because our laws sometimes are controversial and because other States have passed similarly controversial laws. It is called, "D.C.'s Death with Dignity Act."

The Congress has tried to bar, unsuccessfully, the District law that is law in six other States that allows self-administered lethal medication for people who have 6 months to live and who doctors have said are in such terrible pain or misery that these people, not the doctors, should be allowed to give themselves a lethal medication.



Talking about a private matter. I don't know where most Americans stand on this. I am told that most approve it, by the way. But I know where the people I represent stand, and I know it is up to them and only them, and it offers another reason why we fight for statehood.

Look, I have been able to keep this attempt to take away our law, our D.C. Death with Dignity Law from, in fact, becoming law. But it does give you an indication of the kind of continual fight that has to be made here for the District of Columbia, and this is in addition for all the work that I, like other Members, have to do on the national bills, the bills that are legitimately introduced in this House.

I suppose at least one more ought to be mentioned. How could I not? That is, the District has a local budget autonomy law. Republicans tried to abolish it. It gives the District the ability to have its local law go into effect without coming here to the Congress where they do nothing about it except try to use it as a bill allowing them to attach what we call "riders."

If you want to do an amendment, there has to be a bill. So they want our budget over here so that they can do amendments like the one I just discussed on marijuana. Well, we want to get rid of that by giving the District budget autonomy so that its local laws will not have to come here in the first place.

The Congress has tried to overturn the budget autonomy law and has been unsuccessful. The District went to court. The court said our local budget autonomy law was, in fact, constitutional and legal. Although the Congress has not overturned it—and we are grateful for that—the Congress does pass a law saying the District's local budget is now law anyway.

So you see how redundant that is? They don't do anything about it, but they pass a provision and say, "We made it law. DC says it is already law." But, you see, until we get to the point where they don't have anything to say about our local budget, we will not be the equal of the States.

What makes all of this interference particularly painful to the District of Columbia is how the District is viewed by those who have no axe to grind, and the best examples of those would be the rating agencies. For example, Moody's has given the District a AAA rating. I would like to quote what Moody's says about the District of Columbia and its economy and how its government is run.

"The dynamism of the District's economy has led to the largest population in 40 years and strong growth in the tax base. Financial governance"—I repeat the words—"Financial governance is exemplary. Reserves are robust."

Talking about people who have nothing to gain except seeing it as the data reports it. That was Moody's speaking about how the District's financial governance rates.

Let me quote Standard & Poor's. Here is what Standard & Poor's has to say. This is very important because it is a critique, in effect, of this Congress. By the way, they have given DC a AAA rating.

"We continue to have concerns about the role of the Federal Government in future District budgets. We view this as an ongoing factor that has a negative effect on the District's finances and as a slight offset to the District's otherwise very strong management practices."

In effect, what Standard & Poor's is saying is it costs the District money—money in how the District pays—and I use that word advisedly—the District pays in dollars and cents because of congressional interference. And how the Congress interferes affects how investors view the District's economy.

□ 1400

It is a price to be paid, literally, in dollars and cents by the residents of the District of Columbia.

Now, I do not want to be misunderstood. I do not stand here and say, if you don't give us statehood, there is nothing we can do. But I do want to illustrate what we have to do. Yes, we have been successful sometimes in being treated equally with the States.

For example, just look at last year. We had to defeat 15 attempts to overturn the District's local laws. There were three attempts that we had to defeat to eliminate the District's gun safety laws. This is the District of Columbia, where there are Members of the House and Senate, like Senator MARCO RUBIO, who continues to put in a bill that would eliminate every single gun law in the District of Columbia.

Imagine what that would mean in the Nation's Capital here, where some of the most controversial figures in the country and the world are seen on our streets, in our restaurants, and public places, if anybody can come in with a gun.

Well, we have tight gun laws in this town. I have had to fight very hard, and, yes, we have succeeded even without statehood. That is no argument against statehood. That reinforces the notion that we need statehood because those things should not have happened, should not have taken my time on the floor or the time of residents to come here to say, please, don't do this to us.

There is another favorite of the Republicans: to put private school vouchers on the District of Columbia. Let me indicate why that is particularly outrageous. The District of Columbia does, in fact, have its public school system, and it has an almost equal number of students in what are called charter schools, which are not a part of the D.C. public schools. DC has done that on their own.

When the education bill comes before the Congress, and a national charter school bill is, in fact, on the floor, some Members of Congress vote against charter schools while others favor

them, except there are Members who don't have charter schools.

We have charter schools. We have improved our public schools as well, but they are our public schools. They are paid for by our tax dollars.

However, there is always an education bill that has private school vouchers in it that we very much oppose private school vouchers because the jurisdiction has no control on how well the children are even doing in those schools. We do have that kind of control over how well children are doing in charter schools and in public schools. But if they go to any private schools—and some of these private schools are fly-by-night schools, but even those that are not private and, therefore, not subject to regulation and oversight.

So, when vouchers are a part of the education bill that comes before us every few years, vouchers for schools in the United States, that bill is voted down every time. So that makes the District of Columbia the only jurisdiction that does have private school vouchers; and we do have school vouchers, but they are for a very small number of students because most students choose our charter schools and our public schools.

As I speak, I hope I will be successful. I believe I will be successful again in getting D.C. tuition access grants.

Now, DC is unusual because the District does not have a university system. It simply has one public university. I have been able to get tuition assistance grants so that our youngsters go to universities and colleges in every State, all 50 States. And it is interesting, I do have a lot of support for this bill because there is not a Member that doesn't have D.C. students going to college in their States.

The Federal Government pays for the difference between what the student pays and the higher cost that would otherwise be charged as out-of-state tuition, DC students pay the same in-state tuition, and that has been a help. And it is help from the Federal Government, and it is supported by many Members in this Congress who know that their own public universities have benefited from it.

I don't maintain that we don't get anything from the Federal Government. I have already indicated that we get the same per capita as the states, and I don't indicate that if I don't have statehood I can't get any bills passed. People will come to the District of Columbia today and they will find, on both waterfronts, the Southeast waterfront, the Southwest waterfront—the Southeast waterfront is called Capital Riverfront; the Southwest waterfront, The Wharf. There are, essentially, whole new neighborhoods on those waterfronts. And, yes, I got those without statehood.

But I dare Republicans to say, well, since you can get things like that for your District without statehood, what are you crying about? I am crying

about taxes without representation is what I am crying about.

Yes, I know we can get funds, for example, for things my legislation for the Arlington Memorial Bridge, which brings people from the south to the Nation's Capital.

Yes, I am grateful that, even in a Republican Congress, I have been able to get the Wharf bill passed. I have been able to get the Southeast waterfront bill, or Capital Riverfront as it is called, passed, that we got money for the Arlington Memorial Bridge.

And I bring those up because I don't want to hear, well, if you are able to get things done, what is your problem?

My problem is what I have been discussing here. It is undoing what our city has done, undemocratically, and it is failure to give us the same representation in the Congress of the United States as every other taxpaying American.

Yes, sometimes I have to do the very unusual. There is a tax bill, for example, that just went through here. It is interesting to note it is not very popular with the American people, and I certainly was against it. I couldn't vote for it or against it.

But if there is a bill going through here and I can find a way to get my District in it, I am going to try and get in it. So there are parts of this bill that promote incentives and investment in some of our low-income parts of the city, that promote private and affordable housing in the District of Columbia, so I am in the tax bill.

But I opposed the tax bill. In that way, I am like many other Democrats who voted "no" on this floor but, yet, tried to get in the bill and did get in the bill. That is how the Congress works.

Finally, nothing makes the case for D.C. statehood better than this chart showing the District war casualties in the 20th century when we fought our major wars: in World War I, more casualties than three States. Korean War, by that time it had gone up to more casualties than 8 States. By World War II, we were seeing more casualties than four States. Remember, the District is smaller than most States. And the Vietnam War, perhaps the very worst, more casualties than 10 States.

Since then, we have eliminated the draft, but this chart and these tombstones make the best case for equal treatment for the residents of the District of Columbia. Even as I speak, the residents of this city have volunteered and serve in a volunteer army.

These statistics illustrate the United States when we had a draft. So we don't have a draft now, and, yet, District residents are found in every part of the country—forgive me—every part of the world where our troops are.

It is time that our country recognized our city and its residents and, particularly, those who now serve, those who served before them, and those who have died in service of their country.

We are now in the 21st century. It seems impossible we have gotten here: 217 years since the District of Columbia has been the Nation's Capital; 217 years of inequality in your own country; 217 years of paying taxes without representation; 217 years of going to war without benefit of equal treatment even by those who served.

This is why, for those reasons, the residents, the American citizens I represent, cannot possibly give up on seeking equal treatment: first, by perfecting what is called home rule, or self-government; but certainly, by becoming a State like every other State, by no longer being treated, as Frederick Douglass said, as aliens, not citizens, but subjects.

We are Americans. That is why we insist that the American citizens in the District of Columbia become citizens of the 51st State of the United States of America.

Mr. Speaker, I yield back the balance of my time.

#### APPOINTMENT OF INDIVIDUALS TO THE LIBRARY OF CONGRESS TRUST FUND BOARD

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 1 of the Library of Congress Trust Fund Board Act (2 U.S.C. 154), and the order of the House of January 3, 2017, of the following individuals on the part of the House to the Library of Congress Trust Fund Board for a 5-year term:

Mr. Lawrence Peter Fisher, Chevy Chase, Maryland

Mr. Gregory Paul Ryan, Hillsborough, California

#### APPOINTMENT OF MEMBER TO THE BOARD OF TRUSTEES OF THE HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 20 U.S.C. 2004(b) and the order of the House of January 3, 2017, of the following Member on the part of the House to the Board of Trustees of the Harry S. Truman Scholarship Foundation:

Ms. GRANGER, Texas

#### RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,

Washington, DC, September 28, 2018.

Speaker PAUL RYAN,  
House of Representatives,  
Washington, DC.

DEAR SPEAKER RYAN: After a great deal of thought and prayer, I have decided to accept West Virginia Governor Jim Justice's appointment to immediately take the oath of office to serve as a Justice on the West Virginia Supreme Court of Appeals. During this

time of crisis, I hope to help restore the public's trust and confidence in our state's highest court.

In order to ensure justice is administered fairly and without bias or conflict, I must resign my seat in the "People's House" of the United States Congress so I may begin serving the citizens of West Virginia as a Justice on the "People's Court."

I wish to sincerely thank the people of West Virginia's 3rd Congressional District for the distinct honor and opportunity they provided me to serve and represent them these past four years.

My outstanding congressional staff, district field staff and constituents service representatives are available, ready and committed to continue assisting the citizens of southern West Virginia until a new Member of Congress is elected.

Please accept this letter as my resignation effective at midnight, September 30, 2018.

Sincerely,

EVAN H. JENKINS,  
Member of Congress.

HOUSE OF REPRESENTATIVES,  
Washington, DC, September 28, 2018.

Governor JIM JUSTICE,  
State of West Virginia,  
Charleston, WV.

DEAR GOVERNOR JUSTICE: After a great deal of thought and prayer, I have decided to accept West Virginia Governor Jim Justice's appointment to immediately take the oath of office to serve as a Justice on the West Virginia Supreme Court of Appeals. During this time of crisis, I hope to help restore the public's trust and confidence in our state's highest court.

In order to ensure justice is administered fairly and without bias or conflict, I must resign my seat in the "People's House" of the United States Congress so I may begin serving the citizens of West Virginia as a Justice on the "People's Court."

I wish to sincerely thank the people of West Virginia's 3rd Congressional District for the distinct honor and opportunity they provided me to serve and represent them these past four years.

My outstanding congressional staff, district field staff and constituents service representatives are available, ready and committed to continue assisting the citizens of southern West Virginia until a new Member of Congress is elected.

Please accept this letter as my resignation effective at midnight, September 30, 2018.

Sincerely,

EVAN H. JENKINS,  
Member of Congress.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1768. An act to reauthorize and amend the National Earthquake Hazards Reduction Program, and for other purposes; to the Committee on Science, Space, and Technology; in addition, to the Committee on Natural Resources; and the Committee on Transportation and Infrastructure for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 3170. An act 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; to the Committee on the Judiciary.



## ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4854. An act to amend the DNA Analysis Backlog Elimination Act of 2000 to provide additional resources to State and local prosecutors, and for other purposes.

## SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 791. An act to amend the Small Business Act to expand intellectual property education and training for small businesses, and for other purposes.

S. 1668. An act to rename a waterway in the State of New York as the "Joseph Sanford Jr. Channel".

S. 2554. An act to ensure that health insurance issuers and group health plans do not prohibit pharmacy providers from providing certain information to enrollees.

S. 2559. An act to amend title 17, United States Code, to implement the Marrakesh Treaty, and for other purposes.

S. 3479. An act 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.

## BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on September 27, 2018, she presented to the President of the United States, for his approval, the following bill:

H.R. 6157. 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.

## ADJOURNMENT

Ms. NORTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until Tuesday, October 2, 2018, at 12:30 p.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6392. A communication from the President of the United States, transmitting designation of funding as an emergency requirement, pursuant to Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019, div. C, Sec. 113(b) (H. Doc. No. 115—159); to the Committee on Appropriations and ordered to be printed.

6393. A communication from the President of the United States, transmitting designation for Overseas Contingency Operations/Global War on Terrorism all funding so designated by the Congress, pursuant to Depart-

ment of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019, div. A, Sec. 9023 (H. Doc. No. 115—158); to the Committee on Appropriations and ordered to be printed.

6394. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus SAS Airplanes [Docket No.: FAA-2018-0765; Product Identifier 2018-NM-105-AD; Amendment 39-19379; AD 2018-17-25] (RIN: 2120-AA64) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6395. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus SAS Airplanes [Docket No.: FAA-2018-0506; Product Identifier 2018-NM-045-AD; Amendment 39-19378; AD 2018-17-24] (RIN: 2120-AA64) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6396. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus SAS Airplanes [Docket No.: FAA-2018-0454; Product Identifier 2017-NM-056-AD; Amendment 39-19387; AD 2018-18-08] (RIN: 2120-AA64) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6397. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus SAS Airplanes [Docket No.: FAA-2018-0789; Product Identifier 2018-NM-120-AD; Amendment 39-19395; AD 2018-18-16] (RIN: 2120-AA64) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6398. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A.) Airplanes [Docket No.: FAA-2018-0493; Product Identifier 2017-NM-141-AD; Amendment 39-19389; AD 2018-18-10] (RIN: 2120-AA64) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6399. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Defense and Space S.A. (Formerly Known as Construcciones Aeronauticas, S.A. (CASA)) Airplanes [Docket No.: FAA-2018-0552; Product Identifier 2018-NM-049-AD; Amendment 39-19402; AD 2018-19-02] (RIN: 2120-AA64) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6400. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Helicopters [Docket No.: FAA-2018-0418; Product Identifier 2017-SW-016-AD;

Amendment 39-19390; AD 2018-18-11] (RIN: 2120-AA64) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6401. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Helicopters [Docket No.: FAA-2018-0384; Product Identifier 2017-SW-061-AD; Amendment 39-19401; AD 2018-19-01] (RIN: 2120-AA64) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6402. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Helicopters [Docket No.: FAA-2018-0613; Product Identifier 2018-SW-041-AD; Amendment 39-19391; AD 2018-18-12] (RIN: 2120-AA64) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6403. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd and Co KG Turboprop Engines [Docket No.: FAA-2017-1050; Product Identifier 2017-NE-39-AD; Amendment 39-19393; AD 2018-18-14] (RIN: 2120-AA64) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6404. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd and Co KG Tay 620-15 Engines [Docket No.: FAA-2018-0235; Product Identifier 2018-NE-08-AD; Amendment 39-19367; AD 2018-17-13] (RIN: 2120-AA64) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6405. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2018-0112; Product Identifier 2017-NM-161-AD; Amendment 39-19392; AD 2018-18-13] (RIN: 2120-AA64) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6406. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab AB, Saab Aeronautics (Formerly Known as Saab AB, Saab Aerosystems) Airplanes [Docket No.: FAA-2018-0271; Product Identifier 2017-NM-111-AD; Amendment 39-19396; AD 2018-18-17] (RIN: 2120-AA64) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6407. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Airplanes [Docket No.: FAA-2018-0448; Product Identifier 2017-NM-129-AD; Amendment 39-19403; AD 2018-19-03] (RIN: 2120-AA64) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6408. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. Turbo-prop and Turboshift Engines [Docket No.: FAA-2018-0479; Product Identifier 2016-NE-23-AD; Amendment 39-19369; AD 2018-17-15] (RIN: 2120-AA64) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6409. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company Turbofan Engines [Docket No.: FAA-2018-0777; Product Identifier 2018-NE-28-AD; Amendment 39-19366; AD 2018-17-12] (RIN: 2120-AA64) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6410. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Learjet, Inc. Airplanes [Docket No.: FAA-2018-0327; Product Identifier 2018-CE-001-AD; Amendment 39-19404; AD 2018-19-04] (RIN: 2120-AA64) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6411. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus SAS Airplanes [Docket No.: FAA-2018-0364; Product Identifier 2017-NM-154-AD; Amendment 39-19398; AD 2018-18-19] (RIN: 2120-AA64) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6412. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus SAS Airplanes [Docket No.: FAA-2018-0396; Product Identifier 2017-NM-156-AD; Amendment 39-19400; AD 2018-18-21] (RIN: 2120-AA64) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6413. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus SAS Airplanes [Docket No.: FAA-2018-0365; Product Identifier 2017-NM-155-AD; Amendment 39-19399; AD 2018-18-20] (RIN: 2120-AA64) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6414. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Linstrandt Propane Cylinders [Docket No.: FAA-2018-0754; Product Identifier 2018-CE-028-AD; Amendment 39-19365; AD 2018-17-11] (RIN: 2120-AA64) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6415. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Direc-

tives; ATR-GIE Avions de Transport Regional Airplanes [Docket No.: FAA-2018-0391; Product Identifier 2017-NM-165-AD; Amendment 39-19384; AD 2018-18-05] (RIN: 2120-AA64) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6416. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus SAS Airplanes [Docket No.: FAA-2018-0361; Product Identifier 2017-NM-160-AD; Amendment 39-19373; AD 2018-17-19] (RIN: 2120-AA64) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6417. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus SAS Airplanes [Docket No.: FAA-2018-0169; Product Identifier 2017-NM-095-AD; Amendment 39-19372; AD 2018-17-18] (RIN: 2120-AA64) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6418. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule amendments — Airworthiness Directives; General Electric Company Turbofan Engines [Docket No.: FAA-2017-0792; Product Identifier 2017-NE-28-AD; Amendment 39-19336; AD 2018-15-04] (RIN: 2120-AA64) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6419. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GE Aviation Czech s.r.o. Turboprop Engines [Docket No.: FAA-2018-0723; Product Identifier 2018-NE-17-AD; Amendment 39-19350; AD 2018-16-10] (RIN: 2120-AA64) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6420. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class D Airspace and Class E Airspace, and Revocation of Class E Airspace; New Smyrna Beach, FL [Docket No.: FAA-2018-0328; Airspace Docket No.: 18-ASO-7] (RIN: 2120-AA66) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6421. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Lyons, KS [Docket No.: FAA-2018-0139; Airspace Docket No.: 18-ACE-1] (RIN: 2120-AA66) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6422. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Crows Landing, CA [Docket No.: FAA-2017-1088; Airspace Docket No.: 17-AWP-25] (RIN: 2120-AA66) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6423. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31211; Amdt. No.: 3815] received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

6424. A letter from the Paralegal Specialist, FTA, Department of Transportation, transmitting the Department's final rule — Capital Leases [Docket No.: FTA-2018-0006] (RIN: 2132-AB34) received September 24, 2018, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

## DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the following action was taken by the Speaker:

The Committee on Transportation and Infrastructure discharged from further consideration H.R. 5175 referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LEWIS of Minnesota (for himself and Mr. SCOTT of Virginia):

H.R. 6964. A bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on Education and the Workforce; considered and passed.

By Mr. TIPTON:

H.R. 6965. A bill to direct the Secretary of the Interior to convey the Mancos Project features to the Mancos Water Conservancy District in the State of Colorado; to the Committee on Natural Resources.

By Mr. PALAZZO (for himself and Mr. PETERSON):

H.R. 6966. A bill to establish a regulatory system for marine aquaculture in the United States exclusive economic zone, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LIPINSKI:

H.R. 6967. A bill to amend the Federal Water Pollution Control Act to prohibit sewage dumping into the Great Lakes, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BISHOP of Utah:

H.R. 6968. A bill to direct the Secretary of the Interior to convey certain Bureau of Land Management land in Daggett County, Utah, to the State of Utah for public purposes; to the Committee on Natural Resources.

By Mr. EMMER (for himself and Mrs. WALORSKI):

H.R. 6969. A bill to amend the Internal Revenue Code of 1986 to provide that floor plan financing includes the financing of certain trailers and campers; to the Committee on Ways and Means.

By Mr. FITZPATRICK (for himself and Mr. SUOZZI):

H.R. 6970. A bill to amend the Internal Revenue Code of 1986 to require public disclosure of individual tax returns of candidates for President and Vice President of the United States; to the Committee on Ways and Means.

By Mr. FITZPATRICK:

H.R. 6971. A bill to prohibit immediate family members of heads of certain agencies and departments from soliciting or otherwise raising funds from certain foreign entities; to the Committee on Oversight and Government Reform.

By Ms. MAXINE WATERS of California (for herself, Mrs. CAROLYN B. MALONEY of New York, Mr. CLAY, Mr. AL GREEN of Texas, Ms. MOORE, and Mr. CLEAVER):

H.R. 6972. A bill to require the Consumer Financial Protection Bureau to meet its statutory purpose, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EMMER:

H.R. 6973. A bill to provide temporary safe harbor for the tax treatment of hard forks of convertible virtual currency in the absence of administrative guidance; to the Committee on Ways and Means.

By Mr. EMMER:

H.R. 6974. A bill to provide a safe harbor from licensing and registration for certain non-controlling blockchain developers and providers of blockchain services; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MAST:

H.R. 6975. A bill to amend title 10, United States Code, to allow States and units of local government to purchase equipment suitable for school security activities through the Department of Defense; to the Committee on Armed Services.

By Mrs. WATSON COLEMAN:

H.R. 6976. A bill to amend the Internal Revenue Code of 1986 to deny the deduction for executive compensation unless the employer maintains profit-sharing distributions for employees; to the Committee on Ways and Means.

By Mr. NOLAN:

H.R. 6977. A bill to amend the Richard B. Russell National School Lunch Act to prohibit the stigmatization of children who are unable to pay for meals; to the Committee on Education and the Workforce.

By Mr. CHABOT (for himself and Mr. SCOTT of Virginia):

H.R. 6978. A bill to regulate certain State taxation of interstate commerce, and for other purposes; to the Committee on the Judiciary.

By Mr. BISHOP of Utah (for himself, Mr. CURTIS, and Mr. STEWART):

H.R. 6979. A bill to approve the settlement of the water rights claims of the Navajo Nation in Utah, and for other purposes; to the Committee on Natural Resources.

By Mr. BLUM (for himself and Ms. JUDY CHU of California):

H.R. 6980. A bill to amend title XVIII of the Social Security Act to provide coverage for custom fabricated breast prostheses following a mastectomy; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUDD:

H.R. 6981. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income of certain amounts received as pensions by retired law enforcement officers who volunteer as school resource officers; to the Committee on Ways and Means.

By Mr. CHABOT (for himself, Mr. SHERMAN, Mr. FORTENBERRY, Mr. ENGEL, Mr. SMITH of New Jersey, Mr. GRIJALVA, and Ms. MCCOLLUM):

H.R. 6982. A bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2021, and for other purposes; to the Committee on Foreign Affairs.

By Mr. CONAWAY (for himself, Mr. JONES, and Ms. STEFANIK):

H.R. 6983. A bill to amend the Internal Revenue Code of 1986 to make public the names and addresses of foreign persons contributing \$50,000 or more to certain tax-exempt organizations and to require disclosure of foreign campaign contributions; to the Committee on Ways and Means.

By Mr. CORREA:

H.R. 6984. A bill to add suicide prevention resources to school identification cards; to the Committee on Education and the Workforce.

By Mr. CURTIS:

H.R. 6985. A bill to establish an Inter-country Adoption Advisory Committee, and for other purposes; to the Committee on Foreign Affairs.

By Mr. DUFFY:

H.R. 6986. A bill to amend titles XVIII and XIX of the Social Security Act with respect to nursing facility requirements, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ESHOO:

H.R. 6987. A bill to amend the Communications Act of 1934 to provide for certain requirements relating to charges for internet, television, and voice services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GRIJALVA (for himself, Mr. HURD, Mr. MCKINLEY, and Mr. LANCE):

H.R. 6988. A bill to reauthorize the Museum and Library Services Act; to the Committee on Education and the Workforce.

By Mr. GROTHMAN:

H.R. 6989. A bill to restrict certain Federal assistance benefits to individuals verified to be citizens of the United States; to the Committee on Oversight and Government Reform.

By Mr. HIMES:

H.R. 6990. A bill to create portable retirement and investment accounts for all Americans, and for other purposes; to the Committee on Ways and Means.

By Mr. HUFFMAN (for himself, Mr. CONNOLLY, Ms. JACKSON LEE, Mr. CARBAJAL, and Mr. MCGOVERN):

H.R. 6991. A bill to provide for the upgrade of the vehicle fleet of the United States Postal Service, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KATKO (for himself, Mr. MOOLENAAR, and Mr. CUELLAR):

H.R. 6992. A bill to reauthorize the Chemical Facility Anti-Terrorism Standards Program of the Department of Homeland Security; to the Committee on Homeland Security,

and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KILDEE (for himself and Mr. BRENDAN F. BOYLE of Pennsylvania):

H.R. 6993. A bill to amend title 38, United States Code, to furnish hospital care and medical services to veterans and dependents who were stationed at military installations at which the veterans and dependents were exposed to perfluorooctanoic acid or other per- and polyfluoroalkyl substances, to provide for a presumption of service connection for certain veterans who were stationed at military installations at which the veterans were exposed to such substances, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KILDEE (for himself and Mr. BRENDAN F. BOYLE of Pennsylvania):

H.R. 6994. A bill to amend title 38, United States Code, to furnish hospital care and medical services to veterans, members of the reserve components of the Armed Forces, and dependents who were stationed at Wurtsmith Air Force Base in Oscoda, Michigan, and were exposed to volatile organic compounds, to provide for a presumption of service connection for those veterans and members of the reserve components, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KILMER (for himself, Mr. THOMPSON of Pennsylvania, and Mr. KIND):

H.R. 6995. A bill to direct the Secretary of Education to establish a prize competition on programs to prepare high school students for careers in in-demand industry sectors or occupations; to the Committee on Education and the Workforce.

By Mr. LATTA (for himself, Mr. STIVERS, Mr. RYAN of Ohio, Mr. TIPTON, and Mr. RENACCI):

H.R. 6996. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to deliver notice of the denial of claims for benefits under the laws administered by the Secretary by certified mail, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MCCAUL:

H.R. 6997. A bill to amend the Homeland Security Act of 2002 to authorize provision to a foreign government of financial assistance for foreign country operations to address individuals who may pose a national security, border security, or terrorist threat to the United States before such a threat reaches the United States, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEADOWS (for himself, Mr. LAMBORN, Mr. SCHNEIDER, Mr. DONOVAN, Mr. FITZPATRICK, Mr. MOONEY of West Virginia, Mr. RATCLIFFE, Mr. WEBER of Texas, Mr. DESJARLAIS, Mr. GAETZ, and Mr. ZELDIN):

H.R. 6998. A bill to support security and law enforcement training and cooperation between the United States and Israel; to the Committee on Foreign Affairs.

By Mr. MEADOWS:

H.R. 6999. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain the sale of land and/or other qualified real property interests in sales for conservation purposes; to the Committee on Ways and Means.

By Mrs. NOEM:

H.R. 7000. A bill to amend the Internal Revenue Code of 1986 to provide for increased

economic opportunities for Native American tribes, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. O'HALLERAN:

H.R. 7001. A bill to amend title XVIII of the Social Security Act to provide for a combined Medicare part B and D drug out-of-pocket costs limitation; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHWEIKERT:

H.R. 7002. A bill to amend the Electronic Signatures in Global and National Commerce Act to clarify the applicability of such Act to electronic records, electronic signatures, and smart contracts created, stored, or secured on or through a blockchain, to provide uniform national standards regarding the legal effect, validity, and enforceability of such records, signatures, and contracts, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SCHWEIKERT (for himself, Mr. WEBSTER of Florida, Mr. MESSER, and Mr. FORTENBERRY):

H.R. 7003. A bill to amend the Public Health Service Act to establish a health insurance Federal Invisible Risk Sharing Program; to the Committee on Energy and Commerce.

By Mr. AUSTIN SCOTT of Georgia:

H.R. 7004. A bill to amend the Motor Carrier Safety Improvement Act of 1999 with respect to the definition of agricultural commodities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. SHEA-PORTER (for herself, Mr. CARTWRIGHT, Mr. DEFazio, Mr. NOLAN, and Mr. THOMPSON of Mississippi):

H.R. 7005. A bill to authorize the Secretary of the Interior to identify and declare wildlife disease emergencies and to coordinate rapid response to these emergencies, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN:

H.R. 7006. A bill to address the concept of "Too Big To Fail" with respect to certain financial entities; to the Committee on Financial Services.

By Mrs. TORRES:

H.R. 7007. A bill to require the Administrator of the Environmental Protection Agency to study State efforts to regulate certain uses of nitrous oxide, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. WAGNER (for herself and Ms. BASS):

H.R. 7008. A bill to amend the Trafficking Victims Protection Act of 2000 to modify the Trafficking in Persons report to include research on the relationship between human trafficking and skewed sex ratios in national or subnational populations in which there is evidence of sex-selective practices, including, but not limited to, infanticide, gender-biased neglect, or other forms of gender-based violence or discrimination; to the Committee on Foreign Affairs.

By Mr. WALDEN:

H. Res. 1099. A resolution providing for the concurrence by the House in the Senate

amendment to H.R. 6, with an amendment; considered and agreed to.

By Ms. BONAMICI (for herself, Mr. GUTHRIE, Mr. KRISHNAMOORTHY, Mr. BARLETTA, Mr. THOMPSON of Pennsylvania, Mr. COURTNEY, Mr. VELA, Mr. FITZPATRICK, Mr. BROWN of Maryland, Ms. JACKSON LEE, Mr. LOWENTHAL, and Mr. MITCHELL):

H. Res. 1100. A resolution designating September 2018 as "National Workforce Development Month" and recognizing the necessity of investing in workforce development to support workers and to help employers succeed in a global economy; to the Committee on Education and the Workforce.

By Mr. WILSON of South Carolina (for himself, Mr. CONNOLLY, and Mr. CURBELO of Florida):

H. Res. 1101. A resolution affirming the historical relationship between the United States and the Kingdom of Morocco, condemning the recent provocative actions of the Polisario Front and its foreign supporters, and encouraging efforts by the United Nations to reach a peaceful resolution of the Western Sahara conflict; to the Committee on Foreign Affairs.

By Mr. EMMER (for himself, Mr. SOTO, Mr. SCHWEIKERT, Mr. POLIS, and Mr. MCHENRY):

H. Res. 1102. A resolution expressing support for digital currencies and blockchain technology; to the Committee on Energy and Commerce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUFFY (for himself and Mr. AL GREEN of Texas):

H. Res. 1103. A resolution expressing support for designation of July as National Sarcoma Awareness Month; to the Committee on Oversight and Government Reform.

By Mr. AL GREEN of Texas (for himself, Mr. POE of Texas, Mrs. DINGELL, Mr. MEEKS, Ms. VELÁZQUEZ, Ms. NOR-TON, Mr. JOHNSON of Georgia, Ms. CLARKE of New York, Ms. JACKSON LEE, Ms. MOORE, Mr. BROWN of Maryland, Mr. ESPAILLAT, Ms. KUSTER of New Hampshire, Ms. TITUS, Mr. VELA, Mr. THOMPSON of Mississippi, Mrs. BEATTY, Mrs. LAWRENCE, Mrs. WATSON COLEMAN, Ms. LOFGREN, Ms. ADAMS, Ms. BASS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Mr. CLAY, Mr. CLEAVER, Mr. DANNY K. DAVIS of Illinois, Mrs. DEMINGS, Ms. FUDGE, Mr. EVANS, Mr. ELLISON, Mr. HASTINGS, Mr. JEFFRIES, Ms. KELLY of Illinois, Mr. LAWSON of Florida, Mr. LEWIS of Georgia, Mr. RICHMOND, Mr. RUSH, Ms. SEWELL of Alabama, Mr. VEASEY, Mrs. BUSTOS, Mr. MCNERNEY, Ms. CLARK of Massachusetts, Mr. GRIJALVA, Mr. PAYNE, Mr. CÁRDENAS, Mr. ENGEL, Ms. JAYAPAL, Mr. RASKIN, Ms. LEE, Ms. PLASKETT, and Mr. VARGAS):

H. Res. 1104. A resolution supporting the goals and ideals of October as "National Domestic Violence Awareness Month" and expressing the sense of the House of Representatives that Congress should continue to raise awareness of domestic violence and its devastating effects on individuals, families, and communities, and support programs designed to end domestic violence in the United States; to the Committee on Education and the Workforce.

By Mrs. LOVE (for herself, Mr. STEWART, Mr. CURTIS, and Mr. BISHOP of Utah):

H. Res. 1105. A resolution designating Salt Lake City, Utah, as the western center of the

centennial commemoration of the 19th amendment to the Constitution, in coordination with Better Days 2020, and designating Cheyenne, Wyoming, Denver, Colorado, Helena, Montana, and Seneca Falls, New York, as sister cities in those celebrations; to the Committee on the Judiciary.

By Mr. PAYNE (for himself, Ms. CLARKE of New York, Mr. SOTO, Ms. JACKSON LEE, Mr. MCEACHIN, Mr. RASKIN, Mr. MEEKS, Mr. TAKANO, and Mr. THOMPSON of Mississippi):

H. Res. 1106. A resolution supporting the designation of October 6, 2018, as National Ostomy Awareness Day; to the Committee on Oversight and Government Reform.

By Mr. REICHERT (for himself and Mr. PASCRELL):

H. Res. 1107. A resolution supporting the designation of National Secure Your Load Day; to the Committee on Transportation and Infrastructure.

By Mr. SCHWEIKERT (for himself, Mr. POLIS, and Mr. EMMER):

H. Res. 1108. A resolution expressing the sense of the House of Representatives that blockchain has incredible potential that must be nurtured through support for research and development and a thoughtful and innovation-friendly regulatory approach; to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SUOZZI:

H. Res. 1109. A resolution expressing support for the designation of the second Monday in October as "Columbus Day"; to the Committee on Oversight and Government Reform.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. LEWIS of Minnesota:

H.R. 6964.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Mr. TIPTON:

H.R. 6965.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. PALAZZO:

H.R. 6966.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Mr. LIPINSKI:

H.R. 6967.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the U.S. Constitution.

By Mr. BISHOP of Utah:

H.R. 6968.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, clause 2

By Mr. EMMER:

H.R. 6969.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 1 and 18

By Mr. FITZPATRICK:

H.R. 6970.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. FITZPATRICK:

H.R. 6971.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Ms. MAXINE WATERS of California:

H.R. 6972.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 (the Commerce Clause).

By Mr. EMMER:

H.R. 6973.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution

By Mr. EMMER:

H.R. 6974.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution

By Mr. MAST:

H.R. 6975.

Congress has the power to enact this legislation pursuant to the following:

The Necessary and Proper Clause in Article I, Section 8, Clause 18 of the United States Constitution.

By Mrs. WATSON COLEMAN:

H.R. 6976.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

By Mr. NOLAN:

H.R. 6977.

Congress has the power to enact this legislation pursuant to the following:

Article One, Section 8, Clause 18 of the United States Constitution, "The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. CHABOT:

H.R. 6978.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this legislation rests is enumerated in Article I, Section 8, Clause 1,

the Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

and

Article I, Section 8, Clause 3,

the Congress shall have the power to regulate commerce with foreign nations, and among several states, and with the Indian Tribes.

By Mr. BISHOP of Utah:

H.R. 6979.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 and Article I, Section 8, Clause 18

By Mr. BLUM:

H.R. 6980.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. BUDD:

H.R. 6981.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. CHABOT:

H.R. 6982.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and Article I, Section 8, Clause 18

By Mr. CONAWAY:

H.R. 6983.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8.

By Mr. CORREA:

H.R. 6984.

Congress has the power to enact this legislation pursuant to the following:

(1) The U.S. Constitution including Article 1, Section 8.

By Mr. CURTIS:

H.R. 6985.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. DUFFY:

H.R. 6986.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. ESHOO:

H.R. 6987.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

Article I, Section 8, Clause 18

By Mr. GRIJALVA:

H.R. 6988.

Congress has the power to enact this legislation pursuant to the following:

U.S. Const. art. I, §§1 and 8.

By Mr. GROTHMAN:

H.R. 6989.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. HIMES:

H.R. 6990.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, as this legislation provides for the general welfare of the United States.

By Mr. HUFFMAN:

H.R. 6991.

Congress has the power to enact this legislation pursuant to the following:

Clause 7 of Section 8, Article I of the U.S. Constitution

By Mr. KATKO:

H.R. 6992.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18—To make Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.

By Mr. KILDEE:

H.R. 6993.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. KILDEE:

H.R. 6994.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. KILMER:

H.R. 6995.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States

By Mr. LATTA:

H.R. 6996.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1:

The Congress shall have the Power . . . to pay the Debts and provide for the common Defense and general Welfare of the United States.

Article I, Section 8, Clause 18:

The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Executive the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. McCAUL:

H.R. 6997.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the U.S. Constitution, which gives Congress the power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof."

By Mr. MEADOWS:

H.R. 6998.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 Clause 11:

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

And

Article I Section 8 Clause 1:

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States;

By Mr. MEADOWS:

H.R. 6999.

Congress has the power to enact this legislation pursuant to the following:

Clause 1, Section 8 of Article 1 of the United States Constitution which reads:

The Congress shall have Power to lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts, and provide for the common Defense and General Welfare of the United States; but all Duties and Imposts and Excises shall be uniform throughout the United States.

By Mrs. NOEM:

H.R. 7000.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution.

By Mr. O'HALLERAN:

H.R. 7001.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. SCHWEIKERT:

H.R. 7002.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 3 of the United States Constitution, in that the legislation concerns the legislative powers granted to Congress by that clause to "regulate commerce . . . among the several States, Article 1; Section 8, Clause 18: The Congress shall have power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. SCHWEIKERT:

H.R. 7003.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. AUSTIN SCOTT of Georgia:

H.R. 7004.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution.

By Ms. SHEA-PORTER:

H.R. 7005.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. SHERMAN:

H.R. 7006.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution

By Mrs. TORRES:

H.R. 7007.

Congress has the power to enact this legislation pursuant to the following:

According to Article 1: Section 8: Clause 18: of the United States Constitution, seen below, this bill falls within the Constitutional Authority of the United States Congress.

Article 1: Section 8: Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mrs. WAGNER:

H.R. 7008.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

Article I, Section 8, Clause 3

Article I, Section 8, Clause 10

Amendment XIII (relating to slavery and involuntary servitude)

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 76: Mr. CLOUD.  
H.R. 559: Mr. BUDD.  
H.R. 592: Mr. HUFFMAN and Mr. GROTHMAN.  
H.R. 671: Mr. COOPER.  
H.R. 714: Mr. GROTHMAN.  
H.R. 715: Mr. GROTHMAN.  
H.R. 778: Mr. THOMPSON of Pennsylvania.  
H.R. 930: Mr. SIMPSON.  
H.R. 1017: Mr. TROTT, Ms. GRANGER, Mrs. DINGELL, Mrs. MURPHY of Florida, Ms. JUDY CHU of California, Mr. LATTA, Mr. GONZALEZ of Texas, Mr. CURBELO of Florida, Ms. GABBARD, and Mr. DUFFY.  
H.R. 1111: Ms. FUDGE.  
H.R. 1205: Mr. WALDEN.  
H.R. 1291: Mr. SWALWELL of California.  
H.R. 1300: Mr. COOPER, Mr. GARAMENDI, and Mr. CLEAVER.  
H.R. 1318: Mr. GRIFFITH and Mr. KIHUEN.  
H.R. 1437: Mr. LEWIS of Georgia.  
H.R. 1447: Mr. MICHAEL F. DOYLE of Pennsylvania and Mr. RICHMOND.  
H.R. 1456: Mr. TURNER and Ms. CLARKE of New York.  
H.R. 1467: Mr. TAKANO.  
H.R. 1515: Mr. CORREA.  
H.R. 1552: Mr. CARTER of Georgia.  
H.R. 1602: Mr. RASKIN and Mr. POCAN.  
H.R. 1612: Mr. SMITH of Washington.  
H.R. 1661: Mr. ROTHFUS and Mr. SMITH of New Jersey.  
H.R. 1906: Mr. TAKANO.  
H.R. 1957: Mr. CLAY, Ms. CASTOR of Florida, Mr. PAYNE, Mr. COURTNEY, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. LARSON of Connecticut, Mr. RICHMOND, and Mr. O'ROURKE.  
H.R. 2015: Mr. MCGOVERN.  
H.R. 2119: Mr. CLAY, Mr. RICHMOND, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. PAYNE, and Mr. LARSON of Connecticut.  
H.R. 2212: Mr. GROTHMAN and Mr. LIPINSKI.

H.R. 2315: Mr. LARSEN of Washington.  
H.R. 2355: Mr. FITZPATRICK.  
H.R. 2358: Mr. SMITH of New Jersey, Mr. YOHO, Mr. UPTON, Mrs. COMSTOCK, Mr. POSEY, Mr. WALKER, Mrs. BLACK, Mr. PAULSEN, Mr. KELLY of Pennsylvania, Mr. DAVID SCOTT of Georgia, Mr. CUELLAR, Mr. MCNERNEY, Mr. CRIST, Mr. AMODEI, and Mr. SIMPSON.  
H.R. 2431: Mr. NORMAN.  
H.R. 2472: Ms. SPEIER.  
H.R. 2476: Mr. NADLER.  
H.R. 2498: Mr. RICHMOND.  
H.R. 2640: Mr. VELA, Ms. TITUS, and Mr. CARTWRIGHT.  
H.R. 2644: Mr. TED LIEU of California.  
H.R. 2801: Mr. LOWENTHAL.  
H.R. 2902: Mr. SABLAN.  
H.R. 2911: Ms. TITUS and Mr. DUFFY.  
H.R. 2925: Mr. TED LIEU of California and Mr. KATKO.  
H.R. 2926: Ms. PINGREE.  
H.R. 2957: Mr. RUSSELL.  
H.R. 2972: Mr. TED LIEU of California.  
H.R. 3325: Mr. SMITH of Texas, Mr. FLORES, Mrs. MCMORRIS RODGERS, and Mr. BARR.  
H.R. 3378: Mr. HUFFMAN.  
H.R. 3415: Mr. BISHOP of Michigan.  
H.R. 3909: Mr. KHANNA.  
H.R. 4022: Ms. ROSEN, Ms. BROWNLEY of California, Ms. ROYBAL-ALLARD, Mr. CARTWRIGHT, and Mr. BISHOP of Georgia.  
H.R. 4099: Mr. LOBIONDO.  
H.R. 4107: Mr. TAKANO, Mr. HIGGINS of New York, Mr. WELCH, and Mr. CUMMINGS.  
H.R. 4143: Mr. RUSSELL.  
H.R. 4206: Mr. PETERS.  
H.R. 4209: Ms. LEE.  
H.R. 4265: Mr. GOTTHEIMER.  
H.R. 4271: Mr. DESAULNIER.  
H.R. 4444: Mr. KATKO.  
H.R. 4622: Ms. NORTON.  
H.R. 4647: Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. WITTMAN, Mr. COURTNEY, Mr. LIPINSKI, Ms. SPEIER, Mr. RUSH, and Mr. TURNER.  
H.R. 4732: Mr. BUCHANAN, Mr. KELLY of Pennsylvania, and Ms. BROWNLEY of California.  
H.R. 4953: Ms. KELLY of Illinois.  
H.R. 4957: Mr. TED LIEU of California.  
H.R. 5062: Mr. RASKIN.  
H.R. 5108: Mrs. DINGELL, Mr. EVANS, Mr. HASTINGS, Mr. HUFFMAN, Mr. LANGEVIN, Mr. SOTO, Mr. BLUMENAUER, Mr. LEWIS of Georgia, and Ms. MAXINE WATERS of California.  
H.R. 5129: Mr. WILSON of South Carolina.  
H.R. 5142: Mr. CLOUD.  
H.R. 5143: Mr. CLOUD.  
H.R. 5156: Mr. SARBANES.  
H.R. 5199: Mr. WEBER of Texas.  
H.R. 5306: Ms. PINGREE.  
H.R. 5409: Mr. YARMUTH.  
H.R. 5431: Mr. MCNERNEY.  
H.R. 5533: Ms. SPEIER, Mr. COSTA, Mr. LIPINSKI, and Mr. RICHMOND.  
H.R. 5541: Mr. POCAN, Ms. CLARK of Massachusetts, and Mr. HIMES.  
H.R. 5545: Ms. MATSUI and Ms. PINGREE.  
H.R. 5561: Mr. ARRINGTON, Mr. BABIN, Mr. AUSTIN SCOTT of Georgia, Mrs. COMSTOCK, Mr. VELA, Mr. LAMALFA, Ms. JACKSON LEE, Mr. GAETZ, Ms. DELBENE, Ms. BASS, Mr. CONNOLLY, Mr. VEASEY, Mr. BEYER, Mr. BRAT, Mr. QUIGLEY, Mr. BRADY of Texas, Mr. GOMERT, and Mr. JOHNSON of Louisiana.  
H.R. 5780: Mr. BRAT.  
H.R. 5814: Ms. PINGREE.  
H.R. 5856: Mr. LAMALFA.  
H.R. 5879: Mr. VELA, Ms. BASS, Mr. COURTNEY, Ms. DELAULO, Mr. LANGEVIN, Ms. TSONGAS, Mr. KHANNA, Ms. ROSEN, Ms. WASSERMAN SCHULTZ, Mr. CRIST, Mr. BACON, Mr. CONAWAY, Mr. GRAVES of Louisiana, Mr. MEADOWS, Mrs. HARTZLER, Mr. AMODEI, Ms. STEFANIK, Mr. YOHO, Mr. MCKINLEY, Mr. BROOKS of Alabama, Mr. SENSENBRENNER, Mr. SHERMAN, Mr. RICE of South Carolina, Ms. LEE, Mr. MCNERNEY, Mr. RUIZ, Mr.

SERRANO, Ms. MAXINE WATERS of California, Ms. SHEA-PORTER, Mr. SMITH of Washington, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. LONG, Mrs. BUSTOS, Mr. CAPUANO, Ms. GRANGER, Mrs. WATSON COLEMAN, Ms. CHENEY, Mr. STIVERS, Mr. BANKS of Indiana, and Mrs. ROBY.

H.R. 5911: Mr. AGUILAR, Ms. BARRAGÁN, Mr. BEYER, Mr. BLUMENAUER, Ms. BONAMICI, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. CAPUANO, Mr. CARBAJAL, Ms. CASTOR of Florida, Ms. CLARKE of New York, Ms. JUDY CHU of California, Mr. CONNOLLY, Mr. DEFazio, Ms. DEGETTE, Mrs. DEMINGS, Mr. DESAULNIER, Ms. ESHOO, Mr. FITZPATRICK, Mr. GOTTHEIMER, Mr. HIMES, Ms. JAYAPAL, Mr. JOHNSON of Georgia, Mr. KILDEE, Mr. KILMER, Ms. LEE, Mr. TED LIEU of California, Ms. LOFGREN, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MOULTON, Mr. NADLER, Mrs. NAPOLITANO, Mr. NOLAN, Ms. NORTON, Mr. PANETTA, Mr. PERLMUTTER, Ms. PINGREE, Mr. POCAN, Mr. POLIS, Mr. QUIGLEY, Mr. RASKIN, Ms. BLUNT ROCHESTER, Ms. ROYBAL-ALLARD, Mr. SANFORD, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Ms. SHEA-PORTER, Mr. SMITH of Washington, Mr. SOTO, Mr. SUOZZI, Ms. SPEIER, Mr. THOMPSON of Mississippi, Ms. TSONGAS, Ms. VELÁZQUEZ, Mr. WALZ, Ms. WASSERMAN SCHULTZ, Ms. MAXINE WATERS of California, Mr. WELCH, Ms. WILSON of Florida, Mr. LIPINSKI, Mr. RUSH, Mr. BEN RAY LUJAN of New Mexico, and Ms. CLARK of Massachusetts.

H.R. 5955: Mr. BROOKS of Alabama, Ms. HANABUSA, Mrs. ROBY, and Mrs. NAPOLITANO.  
H.R. 6016: Ms. ROSEN.  
H.R. 6028: Mr. VISCLOSKEY.  
H.R. 6033: Mr. CLAY, Mr. WALZ, Mr. COURTNEY, Mr. MICHAEL F. DOYLE of Pennsylvania, and Mr. O'ROURKE.

H.R. 6048: Mr. RASKIN.  
H.R. 6060: Ms. ESHOO and Mr. BLUMENAUER.  
H.R. 6114: Mr. LANCE, Mr. TAKANO, Mr. MCEACHIN, Mr. RICHMOND, and Mr. SEAN PATRICK MALONEY of New York.  
H.R. 6268: Mr. BURGESS.  
H.R. 6274: Mr. RASKIN.  
H.R. 6292: Mr. PANETTA.  
H.R. 6413: Mr. CICILLINE.  
H.R. 6466: Ms. SHEA-PORTER.  
H.R. 6471: Mrs. WAGNER and Mr. LONG.  
H.R. 6505: Mr. SUOZZI, Mr. KILDEE, Mr. LIPINSKI, Mr. RICHMOND, Mr. CLAY, Mr. THOMPSON of California, and Mr. LOEBACK.  
H.R. 6510: Mr. PETERSON and Mr. RUSH.  
H.R. 6525: Mr. MCNERNEY and Mr. BISHOP of Georgia.  
H.R. 6542: Mr. PETERS.  
H.R. 6557: Mr. BARTON, Mr. GOSAR, Mr. HUNTER, and Mr. MASSIE.  
H.R. 6594: Mr. DESAULNIER.  
H.R. 6622: Ms. CASTOR of Florida.  
H.R. 6629: Mr. PAYNE and Mr. KHANNA.  
H.R. 6635: Mr. RENACCI, Mr. FASO, and Mrs. LESKO.  
H.R. 6649: Ms. CASTOR of Florida, Ms. LEE, and Ms. LOFGREN.  
H.R. 6664: Ms. TENNEY and Mr. CUELLAR.  
H.R. 6681: Mr. HIGGINS of New York and Mr. TED LIEU of California.  
H.R. 6714: Mr. ROE of Tennessee.  
H.R. 6722: Ms. EDDIE BERNICE JOHNSON of Texas.  
H.R. 6772: Mr. LUETKEMEYER.  
H.R. 6793: Mr. HULTGREN, Mr. LAHOOD, Mr. DANNY K. DAVIS of Illinois, Mr. QUIGLEY, Mr. LIPINSKI, and Mr. GUTIÉRREZ.  
H.R. 6833: Mr. POLIS.  
H.R. 6840: Ms. DEGETTE and Mr. PANETTA.  
H.R. 6873: Ms. MOORE.  
H.R. 6876: Mr. THOMPSON of Mississippi.  
H.R. 6877: Mr. GIANFORTE.  
H.R. 6880: Ms. JAYAPAL.  
H.R. 6888: Mr. YOHO.  
H.R. 6890: Mr. GAETZ, Mr. NORMAN, Mr. LAMALFA, Mr. DESJARLAIS, and Mrs. MCMORRIS RODGERS.

H.R. 6898: Mr. NEWHOUSE.	H. Con. Res. 140: Mr. SWALWELL of California and Mr. DELANEY.	H. Res. 1043: Ms. SHEA-PORTER, Mr. RENACCI, and Mrs. DAVIS of California.
H.R. 6900: Ms. JAYAPAL and Mr. POCAN.	H. Res. 213: Mr. GALLEGGO.	H. Res. 1055: Mr. PERRY.
H.R. 6909: Ms. ESHOO.	H. Res. 342: Mr. KHANNA.	H. Res. 1065: Mr. POLIS.
H.R. 6927: Mrs. NAPOLITANO.	H. Res. 864: Mrs. TORRES and Mr. RUSSELL.	H. Res. 1087: Mr. BUCHANAN.
H.R. 6953: Mr. LARSEN of Washington.	H. Res. 910: Mr. WILSON of South Carolina.	H. Res. 1093: Ms. MCSALLY and Mr. VALADAO.
H.J. Res. 140: Mr. GARAMENDI, Ms. DELAURO, and Ms. PINGREE.	H. Res. 975: Ms. WILSON of Florida.	H. Res. 1095: Mr. SWALWELL of California and Mr. MCNERNEY.
H. Con. Res. 138: Mr. CASTRO of Texas, Mr. HUFFMAN, and Mr. NADLER.	H. Res. 993: Mr. KIHUEN.	
	H. Res. 1031: Ms. BONAMICI.	
	H. Res. 1035: Mr. LAMBORN.	





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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 115<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 164

WASHINGTON, FRIDAY, SEPTEMBER 28, 2018

No. 161

## Senate

The Senate met at 2 p.m. and was called to order by the Honorable JOHN BOOZMAN, a Senator from the State of Arkansas.

### PRAYER

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

Let us pray.

Infinite Spirit, Creator of Heaven and Earth, the sea, and all that lives in it, thank You for the gift of another day. We praise You that You are the same yesterday, today, and forever. Remind us of the foolishness of seeking security apart from You.

Bless our lawmakers. Protect them in their work as You give them Your peace. Be for them a light in the darkness and a shelter from life's storms. Lord, give them the wisdom to make decisions that will bring glory and honor to Your Name.

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 28, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN BOOZMAN, a Sen-

ator from the State of Arkansas, to perform the duties of the Chair.

ORRIN G. HATCH,  
President pro tempore.

Mr. BOOZMAN thereupon assumed the Chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

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

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. WICKER. Mr. President, 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.

Mrs. MURRAY. Mr. 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.

### NOMINATION OF BRETT KAVANAUGH

Mrs. MURRAY. Mr. President, like millions of people across the country, I watched the hearing yesterday with a mix of so many strong emotions.

First, I watched Dr. Ford with tears in my eyes. She was so brave, so compelling, so real. The memories that she recounted—the memories that she will never forget—were heartbreaking: the living room, the stairs, the bedroom, the music turned up loud, the bed,

Brett Kavanaugh drunk and on top of her, the feeling she had when he covered her mouth to stop her from screaming, the raucous laughter between Brett Kavanaugh and Mark Judge.

She remembered the way she felt it then and told it now: two boys laughing and having a good time while a scared 15-year-old girl lay pinned down on a bed, worried that she may die; the bathroom, listening for Brett and Mark to leave, hearing them bounce off the walls as they went back downstairs; leaving the house; the sense of relief that she escaped; and something anyone who has been a 15-year-old girl can understand, not wanting to tell her parents that she had been at a house with no adults, older boys, and beer. It was gutting.

Dr. Ford spoke for herself, but she was channeling the voice of millions of women and survivors across the country who are too often ignored, interrupted, bullied, or swept aside.

She was an inspiration, and I hope every one of my colleagues watched her speak and answer questions. She made it clear she was not there because she wanted to be but because she felt she had to be. She shared her story not because she wanted to create a spectacle or embarrass anyone but because she felt it was her civic duty to share what she knew about Judge Kavanaugh with the people making the decision about whether or not he should be on our Nation's highest Court.

The Republicans on that committee were too afraid to ask her anything themselves, but she did an amazing job keeping her composure under cross-examination by the prosecutor Republicans hired to question Dr. Ford on their behalf, and Dr. Ford made it clear over and over, politely but firmly, that she welcomed an investigation. She opened up herself to questions and scrutiny. She took a polygraph.

She remembered some details that further investigation could help expand

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



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on, like seeing Mark Judge at the supermarket a few weeks later, and she seemed not to be able to understand why nobody was digging into these details that could help uncover even more.

She said she came to be helpful. She wants to be more helpful. She did her job as a U.S. citizen, and she was simply asking for Senators to do theirs.

Then, I watched Judge Kavanaugh, and, frankly, I was appalled and dismayed by the rage on his face; the sense of entitlement he displayed; refusing to answer questions, sneering at Senators while he demanded they answer his questions; the outrage that he was even being questioned about an issue like this after all he has done for his country; not an ounce of contrition; not a modicum of shame; the attempts over and over to turn this away from the substance, the allegations from women against him, and the facts that could shine a light on them, and toward attacks on the process and a political party; the continued falsehoods and evasions and things he said that just are not credible, from his claims that he never got blackout drunk and had memory lapses during a night of drinking, despite everything we have heard from people who know him and everything we have heard from him and about him in the past about his younger days, to his claim that he and Dr. Ford didn't "travel in the same social circles," when we know that is just not true—he has said before that he was good friends with Holton-Arms girls, and we know Dr. Ford dated a good friend of Judge Kavanaugh, who introduced the two of them—to his absolutely false claims that the committee had already received all the evidence it needs, which as a judge, he knows is simply not the case, and on and on.

But the most striking thing to me was this—and this is something I hope every Senator pays close attention to because I know it is what people across the country saw vividly and repeatedly—and that is the fact that Judge Kavanaugh so clearly does not want an investigation. He does not want the facts to come out. He doesn't want other witnesses to be brought in who, if he is telling the truth, could corroborate his story and help clear his name.

He certainly doesn't want anyone to hear from the other two women who have come forward with their experiences regarding him and sexual assault and who are willing to come and testify under oath.

He wants to rush through this as quickly as he can with as little information as possible coming out. Is that how someone acts if they truly have nothing to hide? Is this how someone behaves if they truly want to clear their good name? Is this what someone truly innocent of everything he is being accused of would do?

I want to close by setting aside what I thought of the hearing yesterday for just a minute. I believe Dr. Ford. I

thought she was telling the truth. But I want to set that aside to make one more point because maybe some of my colleagues watched that hearing yesterday and didn't see it the same way I did. Maybe they saw that hearing and thought Dr. Ford was credible, and they also thought Judge Kavanaugh was credible. Maybe they thought: This is a he said, she said, and I just don't know whom or what to believe.

Here is my message to those colleagues of mine. Yesterday's hearing does not have to be the final word. There is absolutely no rush—none, zero. We have an opportunity to take a breath and slow down and let this process work the way it is supposed to.

The 11 Republicans on the Judiciary Committee may have scrambled to rush this through their phase, but we do not have to follow suit here in the Senate. We can have the FBI investigation. We can continue our own investigations. We can bring in additional, relevant witnesses in the most appropriate ways or hold additional hearings.

I know we all want this to be over. Trust me, I wish we didn't have to go through this, but we simply cannot allow a Supreme Court Justice to be jammed through like this right now. It would be a disgrace. It would damage the integrity of the Supreme Court, and it would shred whatever integrity we have left here in the Senate.

So I say to those colleagues: Even if you hate how this process has gone so far, even if you wish this had been done differently and that the information had come out about these allegations sooner, even if you think this was bungled completely, even if you want to point fingers and blame Democrats for that—fine, but we are right here, right now. We are facing one of our most important jobs as Senators, laid out in article II, section 2 of our Constitution, to provide advice and consent on Supreme Court nominations.

We can litigate how this went later. I am sure there are ways it could have gone better. We can figure that out. We should figure that out so we can do better next time, but we should not—we cannot—let anger and pique over process and politics cloud what is clearly the right thing to do here.

I hear there are conversations going on in the Judiciary Committee right now about slowing down and starting investigations. I am hopeful that those end up leading us to being able to do our jobs. No one should want those allegations hanging out there or should want the investigations to happen and information to come out while he is on the Court.

Let's slow down. Let's learn more. Let's not put a man on the Supreme Court with these allegations swirling around him while we still have the opportunity to clear this up and get it right.

Finally, I want to say one more thing right now to women and survivors who are angry, who are dispirited, who have

reached out to me and told me they are shocked; they are crying; they are in disbelief. To them, I say we all have a right to these tears, but we all have a duty not to give up. I am not giving up. I am not going to give up this fight of making sure that women who bravely come forward are not ignored, swept under the rug, or silenced by powerful men. I know that I stand with millions and millions of women and men across the country who are watching the U.S. Senate very closely right now and that they are not going to give up either.

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.

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

The PRESIDING OFFICER (Mrs. ERNST). Without objection, it is so ordered.

#### NOMINATION OF BRETT KAVANAUGH

Ms. HIRONO. Madam President, these are the remarks I would have given at this morning's Judiciary Committee markup after the perfunctory and dismissive way the chairman treated the minority members of the Judiciary Committee. I walked out in protest. Here are the remarks I would have given at the committee markup.

I am in disbelief that we are here today voting on Brett Kavanaugh's nomination to the Supreme Court. Outrageous does not begin to describe the present circumstances. Yesterday we heard from Dr. Christine Blasey Ford, who spoke with genuine and raw emotional power about being sexually assaulted by Brett Kavanaugh. Even though it was more than 30 years ago, her memory of the assault was clear and vivid. This kind of recall is typical of sexual assault survivors. She was sincere and authentic. She was 100 percent credible, and I believe her.

By contrast, Brett Kavanaugh came to this committee and refused to give us straight answers. He would not call for an FBI investigation. He repeatedly stated that the other people who were at the gathering where Dr. Ford was attacked had "rebutted her testimony." That is not true. His alleged accomplice in the attack, Mark Judge, claimed he didn't remember—a far cry from rebutting her statement. He claimed he didn't remember, refused to testify, and then went into hiding. Patrick Smyth and Leland Keyser said they simply don't remember—again, hardly a rebuttal.

Dr. Ford said yesterday:

I don't expect that P.J. and Leland would remember this evening. It was a very unremarkable party. It was not one of their more notorious parties, because nothing remarkable happened to them that evening.

In fact, even though she doesn't remember, Leland Keyser said she believes Dr. Ford's account.

In addition to making misleading statements—which is a pattern with Judge Kavanaugh—he accused Democratic Senators of coordinating a plot to sabotage his nomination. Clearly, he was speaking to an audience of one: President Trump. A nominee for the Supreme Court so rattled that he would buy into a vast conspiracy theory is astounding and dangerous. Let's not forget his exact words. Judge Kavanaugh said:

This whole two-week effort has been a calculated and orchestrated political hit fueled with apparent pent-up anger about President Trump and the 2016 election, fear that has been unfairly stoked about my judicial record, revenge on behalf of the Clintons, and millions of dollars in money from outside left-wing opposition groups.

With that nakedly political screed, Brett Kavanaugh showed us who he really is: a partisan political operative with an agenda—the very worry that kept him from confirmation to the DC Circuit for 3 years. His own words reinforced a concern that I and many of us here have that he cannot be a fair and impartial judge.

Setting aside the unvarnished political view—from a potential Supreme Court Justice, no less—the crux of the matter before us today is whether Dr. Ford was credible when she said that she is 100 percent sure that Brett Kavanaugh is the person who sexually assaulted her. On that issue, Brett Kavanaugh admitted, even without watching her testimony, that Dr. Ford did not play a part and was not part of any imagined partisan plot. So what we are left with is his own recognition that Dr. Ford has no political motive and no reason to lie. I challenge anyone who watched her testimony to claim that she did not tell us the truth.

Dr. Ford wasn't the only woman to come forward with an account of sexual misconduct against the nominee. Two other women have provided credible accounts that deserve real investigation. But whether it is one woman or three women, my Republican colleagues are letting nothing stop them from plowing through to get Brett Kavanaugh to the Supreme Court as soon as possible. Even before the committee had a chance to hear from Dr. Ford, Chairman GRASSLEY had already scheduled today's vote.

By voting to support this nominee, Republican colleagues are sending a message loud and clear: Sexual assault survivors should not come forward because we are not going to listen to you. They will not be believed, and their lives will be up-ended in the process. That is exactly what happened to Dr. Ford.

As far as I am concerned, there was never a serious effort by the committee to get to the truth. Today's vote signals to the men and boys in America that you can demean and assault women—especially if you are in a position of power and influence. There will be no consequences. It won't even prevent you from becoming a Supreme Court Justice.

Yesterday, accusations flew from the other side of the aisle about deliberate efforts to make up accusations and undermine Judge Kavanaugh's nomination, but Democrats didn't need to manufacture additional reasons to oppose Judge Kavanaugh's nomination. As I have maintained before, his record demonstrates a pattern of misstating the facts. He wasn't candid yesterday. He wasn't candid in his testimony to the committee when he testified at his 2004 and 2006 confirmation hearings or when he testified at his confirmation hearing for this nomination in 2018.

I also found his candor lacking in the judicial opinions and legal arguments he authored. For example, as my colleagues have talked about in the past, Judge Kavanaugh was not honest with the committee in 2004 and 2006 when asked about matters that he worked on, and his emails from the White House show that he was not honest about his awareness of receiving stolen documents from Manny Miranda. In a case I am familiar with—*Rice v. Cayetano*—he demonstrated what could only be called a deliberate misstatement of the facts that he presented to the U.S. Supreme Court. He had to have known that what he wrote about the politics and culture of Native Hawaiians was not true. He filed an amicus brief in that case, and at his hearing a few weeks ago, Judge Kavanaugh misstated the holdings of *Rice* and refused to correct his misstatement when I gave him a chance to clarify.

I will say that I am one of the few people in the Senate who attended the oral argument in *Rice*. I know what the Supreme Court based its decision on, and he totally misstated the Supreme Court's decision.

Advocates for our Native communities are stepping up and taking notice. The Council for Native Hawaiian Advancement and the Alaska Federation of Natives issued statements that strongly urge the Senate to reject the nomination of Brett Kavanaugh. They and other groups representing indigenous peoples have come forward to explain how Judge Kavanaugh's views of the rights of indigenous peoples are deeply flawed. These are the kinds of attitudes that he expressed in his amicus brief in *Rice v. Cayetano*.

Madam President, I ask unanimous consent that the following statements in opposition of Judge Kavanaugh's nomination or that criticize his views of indigenous people be printed in the RECORD. They are from the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and the Alaska Federation of Natives.

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

STATE OF HAWAII,  
DEPARTMENT OF HAWAII HOME LANDS,  
September 18, 2018.  
Statement of Hawaiian Homes Commission  
Chairman Jobie Masagatani on the Nomination of Brett Kavanaugh to Serve as a Justice on the U.S. Supreme Court

ALOHA CHAIRMAN GRASSLEY AND RANKING MEMBER FEINSTEIN: Having reviewed his writings and his statements in public proceedings, we find that Judge Kavanaugh neglected to recognize the history of actions by the United States government that has clearly established a trust responsibility not only on the part of the United States, but also the State of Hawaii for the lands that were set aside under Federal law in 1921 to provide for a permanent homeland for native Hawaiians (Hawaiian Homes Commission Act of 1920) and for the betterment of the conditions of native Hawaiians (Hawaii Admissions Act of 1959).

The Hawaiian Homes Commission Act set aside approximately 203,500 acres of land in what was then a Territory of the United States, the Territory of Hawaii, to assure that the indigenous, native people of Hawaii could be returned to their lands.

In the ensuing years, in the exercise of its constitutional authority, the U.S. Congress enacted more than 160 Federal laws designed to address the conditions of native Hawaiians. Additionally, upon its admission into the Union of States in 1959, the United States and the State of Hawaii agreed that the provisions of the Constitution of the State of Hawaii should reflect their respective responsibilities, including trust responsibilities, for the lands and resources designated to provide for the betterment of the conditions of native Hawaiians.

The lands and resources authorized under Federal law to be reserved for native Hawaiians in 1921 are today administered by the Hawaiian Homes Commission and the Department of Hawaiian Home Lands.

Our fiduciary duties and responsibilities to the beneficiaries of the Hawaiian Homes Commission Act are of paramount importance to existing and future generations of the indigenous, native people of Hawaii, to the State of Hawaii, and to the United States.

We cannot embrace nor endorse the views of those, like Judge Kavanaugh, who would deny our history, the Federal and State laws which have been enacted on the foundation of that history, including the right of the indigenous, native people of Hawaii to exercise self-determination under Federal law and policy.

STATE OF HAWAII,  
OFFICE OF HAWAIIAN AFFAIRS,  
September 24, 2018.

Re Nomination of Judge Brett Kavanaugh to the U.S. Supreme Court.

DEAR CHAIRMAN GRASSLEY AND RANKING MEMBER FEINSTEIN: The Office of Hawaiian Affairs (OHA) greatly appreciates this opportunity to provide comments regarding the nomination of Judge Brett Kavanaugh to be an Associate Justice of the United States Supreme Court. In particular, given that Supreme Court precedent pertaining to OHA has become the subject of questions during Judge Kavanaugh's nomination hearing, our agency is compelled to clarify the record as it pertains to our organization, our work to better the conditions of Native Hawaiians, and the rights and status of our beneficiaries as Indigenous people.

As Judiciary Committee Member Mazie Hirono indicated during Judge Kavanaugh's nomination hearing, Native Hawaiians are the original, first people of the Hawaiian Archipelago, who exercised sovereignty for at

least a thousand years prior to recorded contact with the Western world. Congress has acknowledged that “. . . prior to the arrival of the first Europeans in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient, subsistent social system based on communal land tenure with a sophisticated language, culture, and religion.” The Native Hawaiian people established and maintained the Kingdom of Hawai‘i, first as a united monarchical government, and later as a constitutional monarchy, at all times under the leadership of a Native Hawaiian head of state.

Judge Kavanaugh’s description of the Rice decision may have left some Committee Members and observers with another impression. Senator Hirono asked the nominee about an amicus brief he submitted in Rice, as well as an op-ed he wrote for *The Wall Street Journal*, in which he argued that OHA’s very purpose was inconsistent with the principles and language of the U.S. Constitution. When asked to explain these views, Judge Kavanaugh stated that by a vote of 7–2, the majority of the U.S. Supreme Court had agreed with him, and that the Court found violations of both the Fourteenth and Fifteenth Amendments.

This is erroneous.

As stated earlier, the majority’s decision was limited to the manner in which OHA’s trustees were elected under the Fifteenth Amendment. To quote U.S. Supreme Court Justice John Roberts, then an attorney representing the State of Hawai‘i in the Rice case, “. . . the majority’s opinion was very narrowly written and expressly did not call into question the Office of Hawaiian Affairs, the public trust for the benefit of Hawaiians and native Hawaiians, but only the particular voting mechanism by which the trustees are selected.” In limiting its holding to OHA’s means of electing trustees, the majority chose not to adopt arguments and conclusions made by then-practicing attorney Brett Kavanaugh, with respect to OHA’s purpose and mission.

The extreme nature of Judge Kavanaugh’s arguments, both his examples and his conclusions, may have played a role in the majority’s failure to incorporate them in Rice. For example, he compared OHA’s mission of serving Hawaii’s Indigenous people to an interracial marriage ban to maintain white supremacy. He argued that allowing Native Hawaiians to elect their own trustees to manage their trust “. . . could usher in an extraordinary racial patronage and spoils system” of national consequence. Little explanation is given as to why treatment of the Indigenous people of Hawai‘i in a manner similar to the treatment of other Indigenous people in the United States would have such dramatic consequences. At the time of his writing, Judge Kavanaugh may not have been familiar with Congress’s clear legislative understanding that its relationship with Native Hawaiians is based on its recognition of Native Hawaiians as an Indigenous people and not based on race.

Through the process of the Committee’s review of a portion of Judge Kavanaugh’s writings during his time with the Bush Administration, we learned that he continued to hold and advance extreme views against Native Hawaiian rights after Rice. Disregarding the Court’s decision not to adopt his arguments against the constitutionality of Native Hawaiian programs, Judge Kavanaugh offered the same arguments as legal advice when reviewing administration testimony on legislation. Given his reported acknowledgement of his lack of exposure to Indigenous people’s law, it is concerning that he has held so tightly to arguments hostile to Native Hawaiians.

His past actions and the recent nomination hearing leave OHA with many doubts. We

sincerely hope that if a case concerning Native Hawaiian rights comes before Judge Kavanaugh’s court, be it the D.C. Circuit or the U.S. Supreme Court, he will look more closely at the facts before the court. Facts that include the actions that Congress, the Executive, and the State of Hawai‘i have all taken, within the framework of the U.S. Constitution, in recognizing the unique status of Native Hawaiians. During his hearing, Judge Kavanaugh acknowledged Congress’s “substantial” authority to deal with matters concerning Native people, though he offered few specifics beyond that statement. Judge Kavanaugh may find it interesting that in the years following Rice, Congress and the Executive have continued to pass legislation and establish programs to benefit Native Hawaiians, regularly with the acknowledgement of the legal and political relationship OHA has articulated throughout this letter.

In closing, OHA hopes that this letter has brought some clarity to questions raised as part of the process of considering Judge Kavanaugh’s nomination. OHA hopes that the Committee understands the need we feel to clarify the record about Rice, and to address certain arguments espoused by Judge Kavanaugh prior to his taking the bench, which are not only inaccurate, but threaten the rights and resources of the beneficiaries that OHA exists to serve. Until and unless Judge Kavanaugh is able to correct the aforementioned misunderstandings and misconceptions, should a case involving the rights or political status of Native Hawaiians come before him, perhaps a recusal would be in order. Finally, OHA wishes to bring to the Committee’s attention concerns voiced by American Indian and Alaska Native groups, who share our concerns with Judge Kavanaugh’s record on Native law.

Sincerely,

COLETTE Y. MACHADO,  
*OHA Board of Trustees Chair.*

#### [From the Alaska Federation of Natives]

#### AFN OPPOSES KAVANAUGH APPOINTMENT

The Alaska Federation of Natives is the oldest and largest Native organization in Alaska. Our membership includes 186 federally recognized Indian tribes, 177 for-profit village corporations, 12 for-profit regional corporations, 12 not-for-profit regional organizations, and a number of tribal consortia that compact and contract to run federal and state programs. For over 50 years, AFN has been the principal forum and voice for Alaska Natives in addressing critical issues of law and policy, including the nomination of U.S. Supreme Court justices.

The federal judicial appointment and confirmation process is designed to thoroughly vet nominees. As such, we did not immediately weigh in on President Trump’s choice to replace retiring Justice Anthony Kennedy. However, the questions and colloquies that came out of Judge Brett Kavanaugh’s Senate Judiciary hearings last week have necessitated us taking a position. AFN joins our colleagues and friends across Indian country in strongly opposing Judge Kavanaugh for the Supreme Court because of, among other things, his views on the rights of Native peoples.

Judge Kavanaugh’s Position on the Indian Commerce Clause is Erroneous. Congress’ plenary power over Indian affairs is grounded in the Commerce Clause of the U.S. Constitution. The clause gives the Congress the power to “regulate commerce with foreign nations, and among the several states, and with the Indian tribes.” Judge Kavanaugh concedes this point. However, like Justice Clarence Thomas—the most senior justice on the Supreme Court, he challenges the clause’s application to affairs beyond trade.

This impacts Alaska Native tribes, corporations, organizations and consortia because their dealings with Congress presently extends to a host of federal programs concerning their members, resources and governments.

In the 2013 *Adoptive Couple v. Baby Girl* decision, Justice Thomas contested Congress’ authority to enact the Indian Child Welfare Act, reasoning the Indian Commerce Clause only provides federal authority over Indian trade. Because most federal laws concerning Indians lack a nexus to Justice Thomas’s narrow definition of trade, they would unlikely survive the scrutiny he urges. The result would be a wholesale reshaping of the body of law and policy that has governed Indian affairs for the past century and a half.

Legal observers tracking Judge Kavanaugh believe he is further to the right than Chief Justice John Roberts. Thus, he may agree with Justice Thomas that Congress only has plenary power to regulate direct commerce with Indian tribes, nothing more. Confirming a nominee with this viewpoint would be disastrous for Alaska, and would roll back the gains of self-determination and usher back in the losses of termination.

Judge Kavanaugh’s View of the Special Trust Responsibility is Misguided. The federal government has a special trust relationship with federally recognized Indian tribes. The relationship commands the highest moral and legal obligations, and is rooted in early federal-tribal treaties, the U.S. Constitution, federal statutes, and opinions of the U.S. Supreme Court. Judge Kavanaugh’s writings demonstrate a limited view of the federal government’s power to deal with Native peoples under this relationship. Specifically, he would only extend the special trust relationship to Indian tribes that have with his preferred history of federal dealings, including territorial removal and isolation. This, too, impacts Alaska since Alaska Native have a unique federal experience and few reservations were established.

During his Senate Judiciary Committee hearing, Judge Kavanaugh questioned the legitimacy of Native Hawaiian recognition, citing their different treatment by the federal government, and the fact that they do not live on reservations or enclaves. If he remains of the view that the special trust relationship only extends to Indian tribes with his brand of federal history, including territorial removal and isolation, he could very well rule that Congress lacks the authority to deal with Alaska Natives. This thinking could overturn much, if not all, of the Alaska Native Claims Settlement Act, as well as all other federal legislation and regulations addressing Alaska Natives, tribes, corporations and organizations. To confirm a nominee who does not understand or appreciate the position of Native Hawaiians, and who could weaken the special trust relationship Alaska Natives share with the federal government, would be imprudent.

Judge Kavanaugh’s Assessment of the Political Classification Doctrine is Troubling. The political classification doctrine announced in the 1974 *Morton v. Mancari* decision, that focusses on and Indian person’s membership in a federally recognized tribe rather than his or her ancestry to avoid strict scrutiny review of federal legislation and regulation that benefits Indians, would be extremely vulnerable if Judge Kavanaugh were to ascend to the Court. For the reasons outlined above, he would likely align himself with Justice Thomas on the issue, and the two of them would likely work to persuade their fellow justices that the relationship between an Indian person’s status politically and their race is open for interpretation. Judge Kavanaugh does not accept this well-

established legal doctrine. Confirming a nominee who is unable to grasp the necessity of federal programs based on the political classification doctrine, and articulate why they must be protected, would be unwise.

AFN strongly urges the U.S. Senate to vote against Judge Kavanaugh. The documents that have been released so far in relation to his nomination demonstrate how troubling his confirmation would be for Native peoples, particularly Alaska Natives and Native Hawaiians.

Ms. HIRONO. It is deeply troubling to have a Supreme Court nominee for a lifetime position who isn't candid with us about the facts or straight with us about the law.

In *Garza v. Hargan*, he did it again. In that 2017 case, he wrote a dissent in which he misapplied the law and treated the case as if it were about parental consent. It was not. The case, which was about whether a 17-year-old undocumented young woman could be released from immigration custody to have an abortion, did not involve the question of parental consent. But he sat there at his nomination hearing, and when I asked him about it, he said that was a case involving parental consent—a total misstatement of the issue in the case. In that case, this young woman had already received a proper judicial bypass from a Texas judge that allowed her to make her own decisions. So that had nothing to do with having to require parental consent; she had already overcome that. But that wasn't good enough for Judge Kavanaugh. He inserted his own views about legal issues not even present in the case. This is just one example of his outcome-driven approach to important cases before him.

At the hearing, I also asked him about the pattern that was revealed in his numerous dissents. In several of those cases, his own colleagues called him out for misrepresenting the facts and the law. Just last year, in *United States v. Anthem*, the majority said that Judge Kavanaugh “applies the law as he wishes it were, not as it currently is.” In a 2008 case, *Agri Processor v. NLRB*, the majority wrote that Judge Kavanaugh’s dissent “creates its own rule.” Instead of following Supreme Court rules, they said that Judge Kavanaugh’s dissent abandons the text of the applicable law altogether. It is pretty telling when your own colleagues on the court feel so strongly about your dissent that they will actually call you out on it.

When this nomination first came to the Senate, I was skeptical. I said that if the President’s nominee to the Supreme Court is anything like the nominees he has been sending to the lower Federal courts, I expect we will see a nominee handpicked by the Federalist Society and the Heritage Foundation intent on carrying out their rightwing ideology supported by the President. It turned out to be much worse than I imagined. Not only was the nominee someone who fit that description; it became clear that he was someone who lacked candor, credibility, and char-

acter. This has been displayed at every turn.

After hearing from Dr. Ford and Brett Kavanaugh yesterday, the editors of *America Magazine*—a well-respected Jesuit weekly—withdrew. They originally endorsed Judge Kavanaugh. This group withdrew their endorsement of Judge Kavanaugh. They said:

While we previously endorsed the nomination of Judge Kavanaugh on the basis of his legal credentials and his reputation as a committed textualist, it is now clear that the nomination should be withdrawn.

If Senate Republicans proceed with his nomination, they will be prioritizing policy aims over a woman’s report of an assault.

Madam President, I ask unanimous consent that a portion of a copy of this article be printed in the *RECORD*.

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

[From *America Magazine*, Sept. 27, 2018]

THE EDITORS: IT IS TIME FOR THE KAVANAUGH NOMINATION TO BE WITHDRAWN

(By The Editors)

Dr. Christine Blasey Ford’s testimony before the Senate Judiciary Committee today clearly demonstrated both the seriousness of her allegation of assault by Judge Brett M. Kavanaugh and the stakes of this question for the whole country. Judge Kavanaugh denied the accusation and emphasized in his testimony that the opposition of Democratic senators to his nomination and their consequent willingness to attack him was established long before Dr. Blasey’s allegation was known.

Evaluating the credibility of these competing accounts is a question about which people of good will can and do disagree. The editors of this review have no special insight into who is telling the truth. If Dr. Blasey’s allegation is true, the assault and Judge Kavanaugh’s denial of it mean that he should not be seated on the U.S. Supreme Court. But even if the credibility of the allegation has not been established beyond a reasonable doubt and even if further investigation is warranted to determine its validity or clear Judge Kavanaugh’s name, we recognize that this nomination is no longer in the best interests of the country. While we previously endorsed the nomination of Judge Kavanaugh on the basis of his legal credentials and his reputation as a committed textualist, it is now clear that the nomination should be withdrawn.

Ms. HIRONO. In addition, Robert Carlson, president of the American Bar Association, the ABA, issued a letter urging the Judiciary Committee of the Senate to not vote on Judge Kavanaugh’s nomination until there is an FBI investigation into Dr. Ford’s account of sexual assault. The ABA explained that “deciding to proceed without conducting an additional investigation would not only have a lasting impact on the Senate’s reputation, but it will also negatively affect the great trust necessary for the American people to have in the Supreme Court.”

I agree. Brett Kavanaugh does not have the credibility, candor, character, or, I would say, as we saw yesterday, the temperament to be on the Supreme Court. His presence on the Court under this kind of cloud will weaken the Court. I cannot support this nomination.

I would like to end the remarks I would have given at the markup but am giving on the floor now. I would like to say that my colleague Senator JEFF FLAKE has said that he would not be able to vote on the confirmation of Judge Kavanaugh without an FBI investigation into the current allegations. I support that. I have no idea whether the Republican leadership is going to allow a timeout for that kind of investigation to occur—an investigation that I and other Democratic members of the Judiciary Committee have been calling for, for what seems like months.

Of course, I would want an FBI investigation to be thorough. I do not want some kind of a peripheral investigation to give cover to Senators who are wavering. I would want an investigation by the FBI to be thorough, to be real, to provide us with the kind of information that we need to make a determination as to the credibility, candor, and character of Judge Kavanaugh.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, the Judiciary Committee had an extraordinary meeting this morning, and each of us spoke at some length about our reservations or support for the nomination of Brett Kavanaugh to be a U.S. Supreme Court Justice. At the end of that meeting, as we were about to take a vote, Senator JEFF FLAKE, our colleague, announced his decision that he would request and seek a 1-week extension of the vote so there could be an FBI investigation of some of the unanswered questions that still very seriously and urgently demand responses in fact and evidence.

That is a very promising and important step. It has to be a real investigation, not a sham or show. It has to be penetrating and impartial, which the trained professionals of the FBI can do.

I have a lot of confidence that the FBI will do its job and answer those very serious and urgent questions.

The answers are all the more pressing after the extraordinary hearing we held yesterday at the Judiciary Committee. The entire Nation watched as two people told their stories; two very, very different stories and also told in very, very different ways, but let’s be very clear. The roles of these individuals and their responsibilities were also very different.

Judge Brett Kavanaugh came before us for a job interview. He has no right to be on the U.S. Supreme Court. It is a privilege of extraordinary magnitude and significance. The position is one of the most important in our country—a lifetime appointment to the highest Court in the land.

Our responsibility in the Judiciary Committee is not to approve just anyone for that job. We should be seeking the best person, a person of intellect and integrity and temperament who will be fair and impartial, objective, and considerate.

I concluded well before the hearing yesterday—it is no secret—that I would oppose Judge Brett Kavanaugh for the U.S. Supreme Court.

My opposition was based on his extreme ideological views and judicial philosophy which were amply demonstrated at the previous hearing we had with him. My concern is, he would be a fifth vote to cut back or even overturn *Roe v. Wade* and stop women from making decisions about when they will become pregnant or have children; stop people from marrying and exercising their right to do so with the person they love; cutting back on consumer rights and workers' rights and environmental objectives; and permitting an imperial Presidency—a President who could decide unilaterally that he believes the law is unconstitutional, and therefore it should not be enforced, meaning that laws protecting millions of Americans who suffer from pre-existing conditions like diabetes and heart disease, cancer, mental illness, and, yes, pregnancy would go unprotected, and other rights under the Affordable Care Act. An imperial Presidency giving the power of that kind of unilateral authority is an anathema.

What we saw yesterday went beyond views on substantive issues, and I will be very blunt. What we saw was a man filled with anger, even rage, and self-pity, someone of arrogance, highly intensely partisan, and someone, in my view, temperamentally unfit for the U.S. Supreme Court. In fact, I fear his rancor and animus, his partisan bitterness, which came across so clearly and explicitly in his reference to a leftwing conspiracy; Democrats organized to fight him and dredge dirt to destroy his family, a conspiratorial view of the world that is not only factually totally false but also deeply dangerous and unprecedented in anything we have ever heard from any nominee for any judicial position as long as I have been here and I believe unprecedented also in the Senate's consideration of Supreme Court nominees. He indicated a partisanship that was disrespectful and dangerous.

We saw also a woman who came before us as a sexual assault survivor who was temperamentally almost exactly the opposite. Instead of hostile, she was helpful. Instead of angry, she was calm. Instead of rancorous and arrogant, she was modest and humble.

Like Judge Kavanaugh, her family has been harmed by death threats and other vile, vicious behavior that has no tolerance in a democratic society, and my heart goes out to both families. We should reject threats to both of those families, as we do to anyone else in our society, and I have sympathy for the children and the families on both sides and others who may have been affected in coming forth with truth that relates to this nomination.

The demeanor of Professor-Dr. Christine Blasey Ford was completely distinct and different. She was mesmerizing. Even now, her visage haunts me

in her profound honesty. She was credible and powerful in recounting events that caused her untold terror and anguish; events she hid because of the trauma she experienced then and because of many of the fears that cause other survivors of sexual assault to hide the same kinds of assault, the fears of blame and public shaming and character assassination and threats of retaliation and sometimes self-blame or stigma or embarrassment.

In her case, coming forward has made many of those fears a reality, tragically and unfortunately. She has endured the nightmare befallen her and her family simply to serve the public with facts and evidence she believes we should know—we in the Senate, we in America—should take into account before we make a decision on Brett Kavanaugh as the nominee.

So there are profound questions raised by her powerful testimony that need to be answered in the FBI interview. That is the reason the American Bar Association Thursday evening called for postponing a vote on Brett Kavanaugh's nomination to the Supreme Court until sexual assault and misconduct allegations made by Dr. Blasey Ford and others are fully investigated and why separately the magazine of the Jesuit Order in the United States, America, withdrew its endorsement of Judge Kavanaugh. He was educated by Jesuits at Georgetown Preparatory School in Maryland, and on Thursday, the editors said the nomination was no longer in the best interest of the country.

I want to quote further the magazine, which said:

If Senate Republicans proceed with his nomination, they will be prioritizing policy aims over a woman's report of assault. Were he to be confirmed without this allegation being firmly disproved, it would hang over future decisions on the Supreme Court for decades and further divide the country.

Approval of Brett Kavanaugh for the U.S. Supreme Court would be a cloud, it would be a stain on the U.S. Supreme Court for generations to come. We do that damage to the Nation's highest Court at our peril whether we are in agreement or disagreement with Brett Kavanaugh on his policy aims, as the magazine said.

We are talking about the fundamental integrity of an institution and our responsibility to uphold that integrity.

In her testimony yesterday, she was convincing not only because of what she knew and recalled in such precise, vivid detail—indeed, highlighting the laughter of Brett Kavanaugh as he groped her and held her down, as he lay on top of her, the laughter from both him and from Mark Judge—but after we heard her compelling and powerful story, in Judge Kavanaugh, we heard several statements that clearly contradict the facts in evidence. They are untruths.

He claimed the FBI had already investigated him because they did a

background check six times. The FBI never investigated Dr. Blasey Ford's allegations. It never investigated Deborah Ramirez's allegations. It never investigated Julie Swetnick's allegations. In fact, the ABA highlights this point.

Senator GRASSLEY said that committee investigators were willing to talk to the witnesses about their allegations, but committee investigators are no substitute for the FBI. The FBI must send those trained professionals to talk to these brave survivors who have come forward, and it must talk to Mark Judge.

I offered a motion to subpoena Mark Judge this morning before our committee. The motion was voted down.

The FBI must talk to Mark Judge, who was allegedly in that room with Brett Kavanaugh when he assaulted Dr. Blasey Ford.

We asked Judge Kavanaugh to call for an investigation by the FBI. A person who is innocent would want the FBI to investigate their claims and clear their name. That is what Dr. Blasey Ford wanted. She said so publicly.

When Brett Kavanaugh was asked, he refused to make that same call. The question is, Why? What is he hiding? What is the administration concealing in refusing to disclose more than a million pages of documents that relate to Brett Kavanaugh's service in the Bush White House as Staff Secretary? They bear on his credibility, maybe not on these specific allegations, but on his credibility.

Judge Kavanaugh claimed that polygraphs are not reliable; that the polygraph Dr. Blasey Ford took and passed was meaningless. Yet, on the DC Circuit as a judge, Brett Kavanaugh ruled otherwise. He wrote "law enforcement agencies use polygraphs to test the credibility of witnesses and criminal defendants."

As a former U.S. attorney, I know how polygraphs are used to test credibility of witnesses and criminal defendants. They may sometimes be inadmissible. They may be inadmissible generally, but they have a use. Judge Kavanaugh claimed that all four witnesses Dr. Ford identified as being present at the party have said that the sexual assault "didn't happen," but in fact, only one person has said the sexual assault didn't happen. That one person is Brett Kavanaugh. The other three parties identified by Dr. Blasey Ford said they do not remember. There is a big difference between "do not remember" and "it didn't happen."

The other woman Dr. Blasey Ford named who was there has since publicly stated that she believes Dr. Ford's account. She believes Dr. Ford, and I do too. Judge Kavanaugh tried to give himself an alibi by making it sound like he never drank on weeknights. His own high school calendar, which he provided the committee as evidence, disputes that statement.

During the hearing, he admitted that one of the entries on his calendar from

a Thursday signified that he went to a friend's house to drink.

Judge Kavanaugh repeatedly said that he had never in his life had so much to drink that he couldn't remember everything that happened, but numerous people who spent time with him during his high school, college, and law school years confirmed that he frequently drank to excess and sometimes became belligerent.

Judge Kavanaugh claimed that he always treated women "with dignity and respect"—his words—and yet he and his football friends from high school named one of my constituents, Renate Dolphin, in their yearbook pages, saying they were her "alumnus," in effect, boasting of sexual conquests and objectifying her, demeaning her. That is hardly treating a woman with dignity and respect. Judge Kavanaugh said this reference meant nothing sexual, but Renate Dolphin disagrees. In a quote to the New York Times, she said:

The insinuation is horrible, hurtful, and simply untrue. I pray their daughters are never treated that way.

He said the allegations against him were "a calculated and orchestrated political hit fueled with apparent pent-up anger about President Trump and the 2016 election." He called it "revenge on behalf of the Clintons." He issued a warning—more like a threat—that "what goes around comes around." That threat to the Judiciary Committee of the U.S. Senate is a threat to America. It is profoundly and deeply dangerous to think that litigants will come before his court with the threat that their political views will determine how he decides their cases. That is antithetical to the basic fundamental principles of this country. It contravenes the entire concept of an independent judiciary. President Trump has demonstrated his contempt for the rule of law and an independent judiciary, but a member of one of the highest courts in the country doing so is chilling. It is stunning. It is staggering.

My Republican colleagues, unfortunately, followed that example. They said we leaked her letters to the press at the last minute to derail Judge Kavanaugh's nomination. They called the allegation against Judge Kavanaugh a coordinated smear campaign. That contention is false. It implies that these courageous survivors of sexual assault are puppets or pawns orchestrated by politicians. Anybody who heard and saw Dr. Blasey Ford yesterday knows that is blatantly false. She came forward on her own initiative. She did it reluctantly, foreseeing the nightmare that would befall her and her family. She did it without encouragement from any Member of the U.S. Senate or any other political figure. That contention is an insult to her and all survivors of this horrific crime. Is Deborah Ramirez's story, too, a fabricated allegation to take down Judge Kavanaugh?

When Senator HARRIS asked Judge Kavanaugh if he had listened to Dr.

Ford's testimony, he said: "I did not." He should have. He should have listened to her testimony. He should have heard and heeded what Deborah Ramirez said about his sexual misconduct toward her and, likewise, Julie Swetnick, about the chilling acts that she alleged that he was involved in performing.

Judge Kavanaugh and my Republican colleagues say they don't dispute that Dr. Blasey Ford may have been sexually assaulted at some point but by some other person, just not Brett Kavanaugh. Maybe she was mixed up. Maybe she was confused. Those kinds of words used to describe her and other sexual assault victims demonstrate the disrespect and disregard that has shamed and silenced so many sexual assault survivors from coming forward to tell their truth, seek prosecution, and consult their parents or loved ones and seek healing. It is the reason that sexual assault is one of the most under-reported crimes in our country. One out of every three women is a survivor, but so very few come forward because of the public shaming, character assassination, and threats and rejections they fear and, in fact, they rightly foresee.

To my friends on the other side of the aisle, you cannot have it both ways. You either believe Dr. Blasey Ford or you reject her testimony. Either you accept her veracity or you don't. Dr. Blasey Ford was asked whether it was possible that she confused her attacker, whether there was mistaken identity, or whether there was maybe someone else other than Brett Kavanaugh. Firmly, unequivocally, repeatedly, she said no. Before us and the entire country, she said she was "100 percent" sure that Brett Kavanaugh was her attacker.

This detail is seared in her memory. There is no mistaken identity here. A person so brutally attacked at the age of 15 who admits to these details and also the details that she doesn't remember and insists on the details she does remember doesn't make something like that up out of whole cloth. She came forward at great personal sacrifice. I believe her. I think America believes her.

She testified that she was terrified—that is her word, "terrified"—to come forward. She was very nearly silenced by her fear. She worried if she told her story that she would be shouted down or vilified by Judge Kavanaugh's defenders and that he would never be held accountable. That fear silences too many survivors. We must prove them wrong. We must hold him accountable.

As I said at the very start, a lifetime appointment and promotion to the Supreme Court is not an entitlement. It is a privilege for the person who is best for that position.

Last Friday, President Trump said about Dr. Blasey Ford's story on Twitter:

I have no doubt that, if the attack on Dr. Ford was as bad as she says, charges would

have been immediately filed by local Law Enforcement Authorities by either her or her loving parents. I ask that she bring those filings forward so we can learn the date, time, and place!

President Trump knows better. I hope he knows better. Psychologists have noted, and it is widely known, that there are a number of reasons why survivors opt for silence, such as fear of retaliation and repercussions in the workplace or at home, feelings of self-blame. They are told to dismiss it. They are told by their parents they will be blamed, not the perpetrators. They fear they will not be believed, and they want to forget. They want to put this trauma somewhere deep and dark where it will be a source of less pain.

So Dr. Ford did not share the details of her abuse until a therapy session in 2012. She told her husband early in their relationship, but even he did not know the details of this incident until that therapy session.

That is not uncommon for people who have experienced trauma. In the last few weeks, numerous survivors of sexual assault have stepped forward with their stories to explain why they hid their own trauma. I want to take this opportunity to express my admiration for the survivors who are coming forward now with stories of terrible crimes, of impulses to stay silent, and of fears that they have conquered in coming forward.

Madam President, I ask unanimous consent that these stories be printed in the RECORD.

I will not read them all now, but I wish for the statements of Lindsey Jones of Connecticut; Tara, who asked that her last name not be used, also of Connecticut; and survivors from other parts of the country who have contacted me just over the past few days be printed in the RECORD.

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

#### LINDSEY JONES FROM CONNECTICUT

Pain, sadness, shame, self-doubt, loyalty, guilt, fear. These are some of the reasons I decided not to file a police report when I was assaulted at a house party in my teens.

The main reason, however, was that as a teenage girl I had spent my life in a culture that told me I was the least important character in the story of my life. My pain, my truth, my future were all less important than the futures and reputations of the people who assaulted me.

I believed that I must bear at least some of the responsibility for the assault because I had been drinking underage.

And a brief visit to the victim services office of my college only confirmed that belief. I believed that the symptoms of depression and post-traumatic stress following the assault was my own personal failings.

I told myself I was being dramatic, that my inability to just get on with things shouldn't negatively impact the futures of my formers friends.

I even, in a desperate attempt to convince myself that nothing truly terrible had happened, apologized for inconveniencing them and privately accusing them of assault.

You see, I could deal with what happened to me if I was at fault. If it was my fault, I



could change my behavior to make sure it never happened again.

If I stayed silent, I could pretend everything was fine and deal with my emotions in private. If I was silent, people wouldn't look at me and see either a victim or a liar.

No one would have to choose sides, everyone I knew would be spared of what side to take, my side, or the side of my rapist.

If I stayed silent and accepted all the blame, I spared myself the additional trauma of watching friends and loved ones choose the sides of the person who assaulted me.

Most importantly, if I convinced myself that nothing illegal had taken place, that it was more of a misunderstanding than an assault, if I convinced myself that it didn't matter anyway, that I didn't really care, then I wouldn't have to face my biggest fear—that no one else would really care, that I didn't really matter.

I was convinced that I could find safety in my silence, but to paraphrase the poet and activist Audre Lorde, my silence did not protect me.

It's been 15 years, and I'm still in pain. And the people who assaulted me have not faced a single consequence.

And meanwhile, especially over the last two years, I continued to find evidence that my teenage self was right—no one cares about the victims of sexual assault.

No one seems to care to the point that in 2018, men who have been credibly accused of sexual assault are leading this nation and their accusers are publicly doubted and verbally eviscerated by the media, the president, and members of the senate judiciary committee.

I am here today because I want all the unheard teenagers girls in this country, past, present, and future, including my two daughters, one of whom is here with me today, every time you speak the truth, you do your part to dismantle a toxic, victim-blaming culture, and the world is better for it. Make them hear you. Thank you Senator Blumenthal, and thank you Dr. Blasey Ford.

TARA FROM CONNECTICUT

Between the ages of 13 and 14, I was raped by a man whose children I used to babysit for.

He used the fact that I loved his children and wanted them in my life against me as he raped me while the children were around us.

I didn't tell—I thought that if I got out of the situation that it would be okay because it was my fault—especially after the first time.

I didn't tell, like he said, nobody would believe me.

They would think that I wanted it.

So I continued on and didn't tell till I got a phone call that he had possibly raped the babysitter after me.

And that was the only thing that got me to come forward and speak up.

I had already not been in the children's life and I needed to stop him from doing it again.

And so we went through and I pressed charges and he ended up getting five years.

And he got out of prison and there were no safeguards to protect anybody and he is back on the streets and I don't know today if I would have spoken up back then until recently.

If I hadn't gotten that phone call, this may still be a secret I keep.

And, you know, because of the more people coming forward—Dr. Ford, we believe you. We all need to stick together and do what's right because 1 out of 4 girls and 1 out of 6 boys—it's in everybody's family.

And I just ask the Senators to think about if it was your mother or your sister or your daughter, what would you want for them?

And nobody who is falsely accusing somebody would ask for an FBI investigation—in my opinion.

I just—I really think we all need to stick together and demand what she deserves.

EMILY MALLOY FROM NORTH CAROLINA

I remember what I was wearing like it was yesterday.

Like a broken record on repeat.

I'll never forget that outfit and what happened to me in those clothes that unforgettable night.

Blue jeans and a bright blue t-shirt. Nothing revealing. Nothing slutty. Just regular clothes you wear to a high school football game.

It was senior year. I was with one of my high school friends and we had just gotten invited to a after game party.

I wish I would have listened to my gut that night, but I ignored that voice in my head like the plague.

I was pressured into going to this party by my friend and I was staying at her house that night . . . little did I know I'd never get to her house. There we were.

Beer and loud rap music. I was surrounded by people I knew.

Yes I drank. Yes I got drunk. What happened later that night ISN'T my fault and it took me 11 years so believe that.

Three guys I knew. Three guys I trusted. Three guys lured me into a dark room. One of those guys took my innocence without my consent that night on the cold floor.

I froze. I panicked. I gave in and just let it happen.

What I was left with in the wee hours of the morning, was bruises and a tattered spirit that I'm still healing to this day.

I'm now 31.

I finally told my mom this past fall. I remember mom saying "I wish you would have told me we could have prosecuted those guys."

I just hugged her and cried . . . I knew that my chances of justices were slim to none.

ANONYMOUS FROM NEW JERSEY

A decorative emerald green bird in a nest, embellished with gold glitter

An orange shag carpet and a plaid bedspread

An ugly brown wallpaper with golden swirls

A rough wood wall in a darkened hallway between two office buildings

Look at this list. See any connections? I'm guessing that most wouldn't—even an experienced HGTV designer would have difficulty coordinating them or even using them as inspiration for a room makeover.

But I can connect them without hesitation: they're all objects—things I remember—from the times I was violated, molested, or fought through attempted sexual assaults. They are objects from four specific points in time:

A night when I was 6

An afternoon when I was 12

A night when I was newly-16

An afternoon when I was 16

It's bizarre—even to me—to see this list of things together. I've never written it before. I've never spoken openly about the incidents before. But I remember them, each of them. The incidents and the objects. Some violations play like movies in my head from time to time, even 40+ years later. Certain objects, smells, hairdos, and foods can bring a flood of memories—of the teen boys and grown men who attacked me. And each time it happens, it's like a punch to the gut. Still. Decades later.

When that happens, I want to hold the 6-year-old me and tell her that the pedophile teen was a crafty opportunist that night—and it was not her fault. I didn't report it because I didn't have the words.

I want to comfort the 12-year-old me and tell her that the 17-year-old who physically

manifested his interest in her prepubescent body should have been nowhere near her—and it was not her fault.

I didn't report it because I was told by him that it would ruin his life.

I want to tell the newly-16-year-old me that the drunken upperclassman who followed her into the bathroom at a party to was an insecure, aggressive guy who was incapable of handling rejection—and it was not her fault.

I didn't report it because I had been drinking and didn't want to get in trouble.

I want to tell the 16-year-old me that the 40-something-year-old man who pinned her against the wall, shoved his tongue down her throat, and groped her was a sick individual—and it was not her fault.

I didn't report it because I was told by the adult I confided in that the man would go to jail; and since he was a husband and a father of young children, it would ruin his life. This is the first time I've written it all out—the things that happened and why I didn't report them. And I know there are millions of unwritten stories and unspoken memories just like mine—from all over the world.

We haven't been heard, but we exist. And since the #metoo movement we've realized that we're not alone. We're not voiceless. We're not powerless. We're finally learning to say "me too."

Mr. BLUMENTHAL. Madam President, let me conclude with this thought. Dr. Blasey Ford is a profile in courage. Her name will be remembered long after many of ours are forgotten. She will be in the history books as a teacher—she is a teacher by profession—for this teaching moment for America. It is a teaching moment for all of us—for women who need perhaps that inspiration and role model to come forward and to know that they will be embraced, not rejected. They will be believed, not shunned. They will be bolstered and heeded, and their perpetrator will be held accountable. It is a teaching moment for men—all of us—that we need to do better. It is also a teaching moment for young men—high school juniors and seniors, like Brett Kavanaugh was. When he put into his yearbook that hurtful, horrible phrase about Renate Dolphin—in effect, laughing at her and ridiculing that young woman, just as he laughed and ridiculed Dr. Blasey Ford, then 15 years old, as he allegedly was on top of her, groping and trying to undress her—that laughter was the detail that continued to ring in the ears of Dr. Blasey Ford. It was the most identifiable fact about that incident, as she said yesterday: That laughter is what I hear when I see that entry in the yearbook.

So to all of us men and women in America, her profile in courage should send a message. We should be proud of her, and no one should be prouder than her two sons. I say to Dr. Blasey Ford's sons, as I did this morning in the Judiciary Committee meeting: You should be proud of your mom. She is an American woman who stood strong and spoke out and fearlessly and relentlessly insisted on America hearing her story—well, maybe not fearlessly. She had fear, but she conquered it. That is the definition of courage—not to be without fear but to act courageously in

spite of it. Grace under pressure—that is Christine Blasey Ford.

I expressed my gratitude that I think is shared by many in America for that great teaching moment yesterday. We should honor her by acting in a way that keeps faith with her honesty and bravery.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

#### PROVIDING FOR A CORRECTION IN THE ENROLLMENT OF S. 2553

Mrs. ERNST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Con. Res. 49, submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 49) providing for a correction in the enrollment of S. 2553.

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

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

The concurrent resolution (S. Con. Res. 49) was agreed to.

(The concurrent resolution is printed in today's RECORD under "Submitted Resolutions.")

Mrs. ERNST. Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. 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.

#### NOMINATION OF BRETT KAVANAUGH

Mr. WHITEHOUSE. Mr. President, I am here for my customary "Time to Wake Up" speech, but before I get into it, given the events of the day, I just want to express my satisfaction with the turn of events in the Judiciary Committee.

As the Acting President pro tempore may know, yesterday was a rather bitter day in the Judiciary Committee, with there being a lot of anger and tribal belligerence and a nominee who was full of partisanship and conspiracy theory and invective. It really was not a good day. Yet this is a funny place, and sometimes, right after we have been at our worst, something breaks that turns things in the right direction.

Something happened in the Judiciary Committee today, much due to the concerns and the fortitude of Senator FLAKE, so I want to give him primary credit. I understand the Republican leadership has agreed there will be a weeklong delay in the Kavanaugh vote on the floor and that the FBI will be given a chance to do its job and take a look at the allegations that are out there about his conduct.

This is not only a good thing for the Senate—because I think it releases a lot of pent-up pressure and anxiety and hostility—but it is also a really good thing for the process because the worst possible outcome would be that we would push this candidate through, that he would then get on the Supreme Court, and it would be subsequently shown that these allegations would have been, in fact, true and that he would not have been truthful with us about it and would have lied to the Senate. To clear as much of that cloud off of him as possible, I think, is good for us, good for the Court, good for the country—good for all. So, after a grim and battering day yesterday, I think we had a productive day today. I feel I earned my pay in the Senate over in the Judiciary Committee.

#### MISINFORMATION

Mr. WHITEHOUSE. Mr. President, what I want to talk about is a new form of political weapon that has emerged onto the political battlefield in America, and it is a political weapon for which the American system is not very well prepared yet. The new political weapon we see is systematic and deliberate misinformation, what you might call weaponized fake news.

Vladimir Putin's regime, in Russia, uses weaponized fake news all the time for political influence in the former Soviet Union and the modern European Union. Our intelligence agencies caught them using misinformation to help Trump win the 2016 American election. Some also is homegrown. In America, the original weaponized fake news was climate denial, spun up by the fossil fuel industry. The fossil fuel industry used systematic, deliberate disinformation to propagandize our politics and fend off accountability for its pollution of our atmosphere and oceans.

So, for both national security and political integrity reasons, we need to better understand this misinformation weaponry. Guess what. Science is on the case. A comprehensive array of peer-reviewed articles appeared last year in the Journal of Applied Research in Memory and Cognition and, I am sure, is on the Acting President pro tempore's bedside table for light reading. Dozens of scientists contributed to this report, and I list their names in an appendix to the speech.

Mr. President, I ask unanimous consent that my appendix be added at the end of my speech.

What they found is interesting. One piece—tellingly subtitled "Under-

standing and Coping with the 'Post-Truth' Era"—describes how "the World Economic Forum ranked the spread of misinformation online as one of the 10 most significant issues facing the world"—the top 10.

"An obvious hallmark of a post-truth world is that it empowers people to choose their own reality, where facts and objective evidence are trumped by existing beliefs and prejudices," concludes one article—not a good thing.

This is not your grandfather's misinformation. This is not "JFK and Marilyn Monroe's Love Child Found in Utah Salt Mine." This is not "Aliens Abducted My Cat." This is not fun and entertainment. This is also not people just being wrong. Indeed, "misinformation in the post-truth era can no longer be considered solely an isolated failure of individual cognition that can be corrected with appropriate communications tools," they write.

In plain English, this isn't just errors; there is something bigger going on. Scientists from Duke University agreed.

"Rather than a series of isolated falsehoods, we are confronted with a growing ecosystem of misinformation."

In this ecosystem, misinformation is put to use by determined factions.

"The melange of anti-intellectual appeals, conspiratorial thinking, pseudo-scientific claims, and sheer propaganda circulating within American society seems unrelenting," write Aaron M. McCright of Michigan State and Riley E. Dunlap of Oklahoma State.

They note: "Those who seek to promote systemic lies" are "backed by influential economic interests or powerful state actors, both domestic and foreign." Let me highlight those key phrases—"systemic lies . . . backed by influential economic interests." Like I said, it is not your grandfather's misinformation.

An author from Ohio State writes that this creates artificial polarization in our politics that is not explained by our tribal social media habits. His subtitle, too, is telling: "Disinformation Campaigns are the Problem, Not Audience Fragmentation." He notes these disinformation campaigns "are used by political strategists, private interests, and foreign powers to manipulate people for political gain."

"Strategically deployed falsehoods have played an important role in shaping Americans' attitudes toward a variety of high-profile political issues," reads another article.

In a nutshell, Americans are the subjects of propaganda warfare by powerful economic interests.

So how is all of this misinformation deployed?

"The insidious fallouts from misinformation are particularly pronounced when the misinformation is packaged as a conspiracy theory," they tell us—insidious, indeed. By wrapping deliberate misinformation in conspiracy theory, the propagandist degrades the target's defenses against correction by



legitimate information. Conspiracy theories, the articles notes, “tend to be particularly prevalent in times of economic and political crises.”

Pulling emotional strings is another technique. Emotionally weaponized fake news is reflected in “the prevalence of outraged discourse on political blogs, talk radio, and cable news.”

These powerful interests also take advantage of “the institutionalization of ‘false equivalence’ in so-called mainstream media.” They sophisticatedly leverage media conventions to their private advantage.

Another tactical observation: To be effective, the misinformation campaign does not have to convince you. It can simply barrage, confuse, and stun you.

One of these articles related the Bangor Daily News assessment of falsehoods coming from the Trump White House: “The idea isn’t to convince people of untrue things, it is to fatigue them, so that they will stay out of the political province entirely, regarding the truth as just too difficult to determine.”

This, of course, is a well-known political propaganda strategy. What the Bangor Daily News saw, the researchers note, is “mirrored by analysts of Russian propaganda and disinformation campaigns.”

McCright and Dunlap describe how weaponized fake news—what they call “the intentional promotion of misinformation”—is made into systematic propaganda by amplification of what they call the “powerful conservative echo chamber.” It is systematic, it is deliberate, and it is supported by a purposeful private apparatus.

This brings us back to what the authors call the “utility of misinformation . . . to powerful political and economic interests.” What they conclude, basically, is that the weaponization of fake news is done for profit and with purpose. It has an apparatus of amplification. It needn’t convince but simply stun or confuse. Like an insidious virus, it can carry its own conspiracy theory and emotional payload countermeasures against the ordinary antibodies that ordinarily protect us from being misled.

The scientists urge that we must examine these systematic campaigns of false misinformation “through the lens of political drivers that have created an alternative epistemology that does not conform to conventional standards of evidentiary support.”

Let’s unpack that language for a minute. Let’s begin with the fact that it is “political drivers” that are behind the scheme. This is a tool in a larger battle for political supremacy.

To help win this battle, political actors have “created an alternative epistemology,” a separate way of looking at the world; obviously, a way of looking at the world that aligns with their economic interests.

That “alternative epistemology” is untethered from the truth. It “does not conform to conventional standards of

evidentiary support.” It stands on falsehood, on prejudice, and on emotion, not on fact.

What the authors call “post-truth politics” has motive and purpose. They write: It is “a rational strategy that is deployed in pursuit of political objectives.”

In these propaganda campaigns by powerful economic interests, some stuff right now happens a lot more on one political side. Scientists track an uneven distribution of emotion-ridden fake news and misinformation. They say: “The prevalence of outraged discourse on political blogs, talk radio, and cable news is 50% greater on the political right than the political left.”

Other authors write “if the political context were to change, we might expect the distribution of misperceptions across the political spectrum to change as well,” but for now, the weaponized fake news virus predominantly infects the political rightwing and modern conservative politics.

McCright and Dunlap writes: “The Right seems especially adept at using Orwellian language to promote their ideological and material interests via what we would argue are systemic lies.”

So who does this? Weaponized fake news is not cheap. It is not cheap to test. It is not cheap to manufacture, and it is not cheap to distribute. It is also not cheap to maintain a network to put weaponized fake news out there in a way that masks the identity of the economic forces behind the network. This takes money, motive, and persistence, and that means big industrial players.

What authors call the “800-pound gorilla in the room” is “a political system that is driven by the interests of economic elites rather than the people.” That is big economic elites playing a game of masquerade and manipulation in our politics. The scheme may look like populism. Indeed, part of the masquerade is, it is designed to look like populism, but that is what is going on.

The disinformation campaign is “largely independent of the public’s wishes but serves the interests of economic elites.” The populist masquerade is part of the disinformation exercise.

These economic elites take methods developed decades ago by one industry to use for another industry today. We see this in the fossil fuel industry—weaponized fake news about climate change—climate denial we call it.

The stakes are very high, with the International Monetary Fund calculating that fossil fuel exacts a subsidy from the American people of \$700 billion per year. To protect an annual subsidy of \$700 billion per year, you can cook up a lot of mischief.

Where did the fossil fuel climate denial mischief begin? It began in the tobacco industry’s fraudulent schemes to deny the health risks of tobacco. Did Big Oil shy away from those tobacco

tactics, knowing those tactics were actually found in court to be fraud? No.

Indeed, to quote an article: “The oil industry has worked to promote doubt about climate change science using tactics pioneered by cigarette manufacturers in the 1960s.”

To protect a \$700 billion annual subsidy, you can build a bigger denial scheme even than Big Tobacco, and they did. McCright and Dunlap call this the “climate change denial countermovement.” They say its message “may be the most successful systemic lies of the last few decades.”

They continue:

Briefly, this countermovement uses money and resources from industry and conservative foundations to mobilize an array of conservative think tanks, lobbying organizations, media outlets, front groups, and Republican politicians to ignore, suppress, obfuscate, and cherry-pick scientists and their research to deny the reality and seriousness of climate change.

Other authors write that “the current polarization of the climate debate is the result of a decades-long concerted effort by conservative political operatives and think tanks to cast doubt on the overwhelming scientific consensus that the earth is warming from human greenhouse gas emissions.”

“To cast doubt” is the key phrase in that last quote. The authors emphasize that “climate science denial does not present a coherent alternative explanation of climate change. On the contrary, the arguments offered by climate denial are intrinsically incoherent. Climate-science denial is therefore best understood not as an alternative knowledge claim but as a political operation aimed at generating uncertainty in the public’s mind in order to preserve the status quo.”

How did that play out in Republican policymaking? “[W]hile climate change used to be a bipartisan issue in the 1980s, the Republican party has arguably moved from evidence-based concern to industry-funded denial.”

Let’s be clear. Climate denial is not a search for truth. As the evidence piled up that early climate change warnings were accurate, the climate denial campaign did not relent in the face of those facts. Indeed, the scientists relate, “the amount of misinformation on climate change has increased in proportion to the strength of scientific evidence that human greenhouse gas emissions are altering the Earth’s climate.”

It is a fossil fuel upgrade of the fraudulent Big Tobacco strategy. One example is the so-called Oregon Petition, a bogus petition urging the U.S. Government to reject the 1997 Kyoto Protocol on global warming. One article points out that “the Oregon Petition is an example of the so-called ‘fake-experts’ strategy that was pioneered by the tobacco industry in the 1970s and 1980s.”

Of course, since this scheme isn’t real science, it doesn’t use real scientific outlets. “[M]uch of the opposition to

mainstream climate science, like any other form of science denial, involves non-scientific outlets such as blogs.”

Another article notes that this is done on “websites that obfuscate their sponsor by mimicking the trappings of nonprofits and other more trusted sites.” Again, masquerade—even camouflage—is part of the problem. I think it goes without saying that in real science it is not necessary to mask the real proponent.

Another signal of the scheme is repetition of falsehood. “Dozens of studies document an illusory truth effect whereby repeated statements are judged truer than new ones.”

In real science, when someone realizes what they are saying is wrong, they stop saying it. In the weaponized disinformation scheme, you just keep saying it. You maybe even say it more to capitalize on this “illusory truth effect.”

This, of course, recalls the infamous Big Tobacco declaration: “Doubt is our product.” That is a quote from a tobacco memo.

The heart of the fossil fuel industry’s scheme is to undermine legitimate science with false doubts. To chip away at the scientific consensus on climate change, they chip away at the foundations of truth itself.

One author sees this as “the willingness of political actors to promote doubt as to whether truth is ultimately knowable”—think of the President’s lawyer, Giuliani, saying “truth isn’t truth”—or “whether empirical evidence is important”—think of climate denial trying to drown out the truth through repetition of false statements—third, “and whether the fourth estate has value”—think of the President attacking the legitimate media as “fake news” and the “enemy of the people.”

The scientific paper concludes: “Undermining public confidence in the institutions that produce and disseminate knowledge is a threat to which scientists must respond.”

Sadly, real science is poorly adapted to defending itself against weaponized disinformation in the public arena.

Let me conclude with what one article calls a case study in the spread of misinformation. Last year’s “Unite the Right” rally in Charlottesville, VA, which led to the murder of Heather Heyer, killed by a White supremacist speeding into a crowd, a witness recorded on film the car plowing into that crowd of people. The authors wrote: “Within hours, conspiracy theories began floating around the internet among people associated with the alt-right,” attempting to undermine and discredit the witness. Social media posts then appeared “suggesting [the driver] staged the attack, was trained by the CIA, and funded by either George Soros, Hillary Clinton, Barack Obama or the global Jewish mafia. . . . [T]hose conspiracy theories migrated into more mainstream media. Variations appeared on info wars and

Shawn Hannity’s show on Fox.” FOX News, by the way, is a common venue for fake news.

Here is what the scientists chronicle as the “Fox News effect”:

It has repeatedly been shown that people who report that they source their news from public broadcasters become better informed the more attention they report paying to the news, whereas, the reverse is true for self-reported consumers of FOX News. . . . [F]or self-reporting viewers of Fox News . . . increasing frequency of news consumption is often associated with an increased likelihood that they are misinformed about various issues.

In a nutshell, the more you watch real news, the more you know; the more you watch FOX News, the less you know—great for the elite merchants of doubt.

The effects of misinformation become measurable by looking at provable falsehoods that people are made to believe.

[A] 2011 poll showed that 51 percent of Republican primary voters thought that then-president Obama had been born abroad. . . . [Twenty percent] of respondents in a representative U.S. sample have been found to endorse the proposition that climate change is a hoax perpetrated by corrupt scientists. The idea that the Democratic Party was running a child sex ring was at one point believed or accepted as being possibly true by nearly one-third of Americans and nearly one-half of Trump voters.

All provably false. All propagated until significant numbers of people believed.

So how do we fight back? The researchers offer an array of approaches. “Russian propaganda can be ‘digitally contained’ by supporting media literacy and source criticism,” says one.

“Our recommendation,” wrote another, “is to begin by generating a list of the skills required to be a critical consumer of information.” In essence, we have to adapt new citizenship skills to protect ourselves from weaponized fake news.

Another recommendation is to teach people about the tactic of sewing doubt through disinformation. Where “typical cues for credibility have been hijacked,” understanding the tactics will help inoculate people against being taken in by the scheme.

The researchers reported:

Participants read about how the tobacco industry in the 1970s used “fake experts”—people with no scientific background, or doctors and scientists with beliefs unrepresentative of the rest of the scientific community—to create the illusion of an ongoing debate about smoking’s negative health consequences. Participants who read about the “fake experts” type of argument were less affected when later reading a passage on climate change that quoted a scientist who referred to “climate change. . . . [as] still hotly debated among scientists.”

Other authors argued that a comprehensive approach will be needed to debunk climate denial. They note that “climate denial typically masquerades as ‘pro-science’ skepticism and paints the actual science of climate change as being ‘corrupt’ or ‘post-moderate.’ It is possible that those carefully crafted

forms of misinformation will require continued human debunking as well as increased media literacy.”

Last, there is a role for the media. “At present,” authors point out, “many representatives of think tanks and corporate front groups appear in the media without revealing their affiliations and conflicts of interest. This practice must be tightened, and rigorous disclosure of all affiliations and interests must take center stage in media reporting.” Again, once you out the participants and show the scheme, people can figure it out for themselves.

Recommended media reforms include a “counter fake news editor [to] highlight disinformation” or a “[r]ating system for disinformation” or “a Disinformation Charter.”

Science itself is beginning to examine the growing threat of misinformation in American society, which is appropriate since science is so often the target of weaponized misinformation campaigns. More and more, real science must face up to the fact that a new predator roams its territory and adapt new defenses against this predator. The predators may not want to defeat all science. They probably still want to use their iPhones and drive cars and live in safe buildings and enjoy products and services that science gives us. But they do seek to defeat whatever science challenges the economic interests that fund them.

As I said at the start, the Journal of Applied Research in Memory and Cognition is not exactly grocery-store checkout-line reading. Few Americans have read this volume. I am probably the only one in Congress. But its message is important, and that is why I came to the floor to share it today.

Campaigns of lies are dangerous things, like an evil virus in the body politic, and if we want to be a healthy country, we will have to defeat the weaponized disinformation virus. Curing our body politic of the ongoing fraud of climate denial would be a very good start.

I note the deputy majority leader is here on the floor. I apologize for continuing my speech while he is here. I appreciate his productive role in the happy events that I described at the beginning of these remarks.

Before the Senator from Texas takes the floor, I ask unanimous consent that the appendix I referenced be printed in the RECORD.

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

Sources: Journal of Applied Research in Memory and Cognition, Volume 6, Issue 4 (December 2017)

Letting the Gorilla Emerge From the Mist: Getting Past Post-Truth By Stephan Lewandowsky (George Mason University, University of Bristol), John Cook (George Mason University) & Ullrich Ecker (University of Western Australia).

A Call to Think Broadly about Information Literacy By Elizabeth J. Marsh & Brenda W. Yang (Duke University)

Combating Misinformation Requires Recognizing Its Types and the Factors That Facilitate Its Spread and Resonance By Aaron

M. McCright (Michigan State) Riley E. Dunlap (Oklahoma State)

Beyond Misinformation: Understanding and Coping with the “Post-Truth” Era By Stephan Lewandowsky (GMU, University of Bristol), Ulrich Ecker (University of Western Australia), and John Cook (George Mason University)

Misinformation and Worldviews in the Post-Truth Information Age: Commentary on Lewandowsky, Ecker, and Cook By Ira E. Hyman (Western Washington University), & Madeline C. Jalbert (University of Southern California)

Routine Processes of Cognition Result in Routine Influences of Inaccurate Content By David N. Rapp & Amalia M. Donovan (Northwestern University)

The “Echo Chamber” Distraction: Disinformation Campaigns are the Problem, Not Audience Fragmentation By R. Kelly Garrett (Ohio State University)

Leveraging Institutions, Educators, and Networks to Correct Misinformation: A Commentary on Lewandowsky, Ecker, and Cook By Emily K. Vraga (George Mason University) & Leticia Bode (Georgetown University)

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

#### NOMINATION OF BRETT KAVANAUGH

Mr. CORNYN. Mr. President, as the world knows by now, yesterday we had another hearing on the nomination of Judge Brett Kavanaugh to be a member of the U.S. Supreme Court. It was necessary to do so because an allegation had been made by Dr. Christine Ford to the ranking member, our friend Senator FEINSTEIN from California, dated July 30, but because Dr. Ford requested confidentiality and she wanted to remain anonymous, none of this was brought to anybody's attention until some time after the judge's original confirmation hearing occurred. The judge visited with 60-plus Members of the Senate, including the ranking member, and it was never mentioned to him. No questions were asked about it.

Contrary to her wishes, Dr. Ford was thrust into the national spotlight. She said she didn't agree to have her letter released to the press. She did not consent to having her identity revealed. She did not want to be part of what has turned into a three-ring circus. But, once there, when she asked to tell her story, we consented to doing that, and yesterday we heard from Dr. Ford as well as Judge Kavanaugh.

Judge Kavanaugh asked to be heard to clear his good name and speak directly to the American people, and he did so forcefully yesterday.

Now we have heard Dr. Ford's story, and we have heard Judge Kavanaugh's rebuttal. What we have learned is that there is no evidence to corroborate Dr. Ford's allegation. All of the people she said were there on the occasion in question said they have no memory of it or it didn't happen—no corroboration.

As we all watched Judge Kavanaugh defend his personal integrity in front of the Nation, we saw his righteous indig-

nation. He choked back his tears and aimed his fury not at Dr. Ford—none of us did that—but, rather, at this unfair confirmation process, which, frankly, is an embarrassment to me and should be an embarrassment to the U.S. Senate. To take somebody who has requested confidentiality and leak that information to the press and then to thrust her into the national spotlight under these circumstances, I think, is an abuse of power. But having made that request, once she was in the spotlight, we felt it was very important to treat her respectfully and to listen to her story.

I told anybody who would listen that I wanted to treat Dr. Ford the same way I would expect that my mother or my sister or my daughters would be treated under similar circumstances. Conversely, I thought that we should treat Judge Kavanaugh fairly, too, just as we would our father, our brother, or our son. In other words, this is more than just about Dr. Ford; this is about Dr. Ford and Judge Kavanaugh.

We heard the judge respond with quite a bit of righteous indignation, as I said, talking about his family having been exposed to the vilest sorts of threats, including his two young daughters. I know it was a hard pill for many of our Democratic colleagues to swallow to hear the truth of what this terrible process has resulted in, both for Judge Kavanaugh and Dr. Ford, but too much was on the line for Judge Kavanaugh to withhold his defense of his good name. After all, his reputation is on the line, his family is on the line, and his family, including his wife and his two daughters, are all caught up in what must be a miserable experience.

Still, I am glad we held the hearing, and I am grateful to Rachel Mitchell for participating and asking her probing questions.

Some have questioned: Why would a Senator yield to a professional in the sexual abuse field to ask questions of Dr. Ford? Well, it was simply because we wanted to depoliticize that process and to treat Dr. Ford with respect and gently, recognizing that somehow, somewhere, she has been exposed to some terrible trauma. But it was important for Ms. Mitchell to ask questions and to get answers to those questions so we could do our job.

I appreciate Chairman GRASSLEY for doing his best to keep order in running the committee efficiently, as much as that is possible. At the first hearing, after Senators would speak over each other and would endlessly make motions that were out of order—when one Senator said, “I am breaking the confidentiality rules,” I said, “This seems like a hearing by mob rule,” not with the kind of demeanor and civility that you would expect from the U.S. Senate. I think Chairman GRASSLEY has done the best anybody could do under difficult circumstances.

As I said, this hearing was not easy for either Dr. Ford or for Judge Kavanaugh. It has been painful for everybody involved.

Thankfully, we are much closer to a resolution on this nomination. Today, there was a markup in the Judiciary Committee, and I am glad we were able to pass that nomination out of the committee to the Senate floor.

Some are saying that we are moving too fast. To them, I would say that it is pretty clear what the objective of the opponents of the nomination is. Their objective is delay, delay, delay. Some have said that their goal is to delay this confirmation past the midterm election, hope that the election turns out well for them, and essentially defeat the nomination and keep the Supreme Court vacancy open until President Trump leaves office.

First, there was the paper chase; they needed more documents or, perhaps, they said there were too many. But the question I always had is this: If you have already announced your opposition to the nominee, why do you need more information? Unless, of course, you are open to changing your mind—but it is clear that is not the game that they are engaging in here.

Now there are those who demand that the background investigation be opened into two new allegations that appeared following Dr. Ford's. Today, the majority leader and some of our colleagues have announced an agreement to extend the background investigation for up to another week for these witnesses to be interviewed by the FBI. But I would note that the most recent allegations are so absurd, are so fantastic that not even the New York Times would run a story about Judge Kavanaugh's time in college as reported by Ms. Ramirez. They worked hard to try to corroborate her story by interviewing dozens of potential witnesses. None of them would confirm or corroborate Ms. Ramirez's story, but they did find, as Ms. Ramirez was talking to one of those individuals who was interviewed, where she admitted that she may have misidentified Judge Kavanaugh. In other words, she admitted that she may have the wrong guy—not credible, not serious, but dangerous.

It is dangerous in the sense that some of our colleagues take the position that all you need to do is listen to an accusation, and that is enough to make up your mind. You don't need to listen to the other side. As Judge Kavanaugh said, in Dr. Ford's case, it didn't happen; he wasn't there. If you listen to just one side of the argument, I guess it does make making up your mind a lot easier because you don't actually have to think about it and you don't have to think about what a fair process is in order to decide whose arguments you believe or whether somebody has met the burden of showing evidence that their claim is actually true.

This has become so ridiculous that the newest claims made by a young woman named Julie Swetnick, who is represented by Stormy Daniels' lawyer, are riddled with holes. Why would a

woman continue to go to parties with high schoolers when she was in college, and why in the world would she go to not 1, not 2, but 10 of these alleged drug- and alcohol-infused parties where gang rape occurred? It is just outrageous—incredible.

We have encouraged all of these individuals, no matter how incredible the allegation may be, to work with the Judiciary Committee and submit to an interview with the bipartisan representation of the Judiciary Committee there. This is standard operating procedure for the Judiciary Committee. The basic background investigation is done by the FBI. But they are not investigating a crime; it is a background investigation in which they take notes on their conversations with witnesses. They don't tell you which witness to believe or what conclusions to draw from that. They send that to the Judiciary Committee, and the Judiciary Committee follows up with additional questions, if necessary. Lying to the FBI—just like lying to the committee—is actually a crime punishable by a felony, so both carry serious consequences and a serious warning to those who might try to lie their way into a background check.

What is so ridiculous about where we find ourselves is that in addition to Dr. Ford's confidential letter to the ranking member being released against her wishes and without her consent, contributing to this circus atmosphere as we continue to try to investigate some of these claims, the Democratic professional staff have been refusing to cooperate or participate, even as they continue to make more and more demands. It is clear that their appetite for delay is insatiable, and delay is their ultimate goal.

For those who continue to say that they want the FBI involved, I will tell them that the FBI has been and is involved. It has conducted its background investigations just as it did on the six previous occasions when Judge Kavanaugh was being vetted for other positions within the Federal Government. You heard that right: Judge Kavanaugh has been through six FBI background checks, and none of these matters have come up previously.

What we were doing yesterday with the hearing was part of our job, which is to continue the investigation. I think people have a very narrow idea of what an investigation entails. It is not just a background check by the FBI. It is the interviews by the professional staff on the Judiciary Committee, and those are the hearings like the one we had yesterday, all day, hearing from Judge Kavanaugh and Dr. Ford. That is our job; that is our constitutional role, to provide advice and consent.

Plus, if our colleagues across the aisle were really interested in a background investigation of Dr. Ford's complaints in a confidential manner, as she requested, they could have requested that be done and the results reported to us in a closed setting. What hap-

pened to Dr. Ford is inexcusable. To have a Senator sit on this allegation and refuse to turn it in to the committee so it could be investigated in a confidential way that would have protected her anonymity and would have allowed the committee to question both Judge Kavanaugh and her—that didn't happen, by design, perhaps because the goal really wasn't about giving Judge Kavanaugh or Dr. Ford a fair hearing. It was about delaying this confirmation vote.

When Judge Kavanaugh was interviewed about a week or so ago and again yesterday, he talked about a fair process—in other words, hearing from both sides of an argument. But under our constitutional system, if you are accused of a crime—and, believe me, Judge Kavanaugh has been accused of multiple crimes—you are entitled to the presumption of innocence. In other words, there is a burden to come forward with evidence to justify and support an accusation, and if you don't do that, your accusation is not enough to meet that burden.

Usually what we have are corroborating witnesses—other people present at the time who can corroborate what the allegation is. But all of the witnesses who have been identified by Dr. Ford cannot corroborate or confirm her allegation. They say that they have no memory of that or it simply didn't happen.

Even the Bible talks about the importance of corroborating witnesses. I didn't find this, but I vaguely remembered it, and someone on my staff pointed out Deuteronomy 19:15:

One witness is not enough to convict anyone accused of any crime or offense they may have committed. A matter must be established by the testimony of two or three witnesses.

So this is a rule of ancient origin dating back to the Old Testament. That is what we are talking about today. When Dr. Ford comes with an accusation 35 or 36 years after the fact, and no one else can confirm her story, it is not enough to carry the day.

The other thing we need to be wary of is false choices. This is not a matter of he said, she said. Someone said this is a matter of he said, she said, they said: Dr. Ford said one thing; Judge Kavanaugh said another; the so-called corroborating witnesses said another. But what they said did not corroborate Dr. Ford's story. Just the contrary, they confirmed Judge Kavanaugh's denial of any participation in anything remotely like that which Dr. Ford alleges.

So after 36 years, as Ms. Mitchell was able to develop, we know, for perhaps obvious reasons, that Dr. Ford's account has some inconsistencies and some gaps regarding the timing, location, and details regarding these events. I think we need to listen to her. We need to take her story into account. As I said, I want to treat her the same way I would want my mother, sister, or daughters treated under similar

circumstances. But we can't ignore the inconsistencies and the gap in her story and the fact that she has tried to tell it 36 years after the fact.

We also can't ignore the full-throated defense and the heartfelt denial of Judge Kavanaugh or the testimony that none of this is in the character of Judge Kavanaugh. We have heard that from people dating all the way back to 1982. Indeed, Ms. Mitchell—a professional prosecutor, prosecuting sex crimes in Arizona—told us last night that with her more than two decades of experience and the kind of case brought forward by Ms. Ford, she would not file those charges against a defendant because there simply is not enough evidence. In fact, the only witnesses identified by Dr. Ford denied the event actually occurred. As a matter of fact, she said that she couldn't even get a search warrant or arrest warrant in a case like this. If you can't identify the time or the place, you are not even going to be able to get a search warrant. You certainly can't show probable cause, which is required by law.

So here is where we are. If the allegations we discussed during yesterday's hearing remain uncorroborated and unproven, if it never came up in the context of six Federal background checks, if it has been explicitly denied by the nominee, if the three alleged eyewitnesses have no recollection of it or say that it didn't happen, if it conflicts with the account of some 65 women who knew the nominee to behave honorably in high school and countless more women who have known and interacted with Judge Kavanaugh since—the timing seems unusual, perhaps even politically motivated. And if our colleagues across the aisle chose not to act on this information once presented but rather to spring it on us and Judge Kavanaugh after the fact, there is no reason, in my mind, that we should not move forward with the nomination because we have seen what happens.

This is not just about Dr. Ford; it is about the subsequent allegations by Ms. Ramirez and additional allegations by Ms. Swetnick, each more salacious, each more incredible, and each more out of character with what we know about Brett Kavanaugh. And it is going to continue. The longer this nomination is unresolved, there are going to be more and more people coming out of the woodwork to make accusations that are uncorroborated and unprovable. You can imagine what this does to Judge Kavanaugh and his family as he is left hanging like a pinata, where people just come by and take another whack at him and his family.

We have to move forward. We can't establish a precedent by which a nominee can be derailed by a mere accusation that is unproven. We are never going to get good people to agree to serve in these important offices, and we can't allow the nomination process to be a drive-by character assassination that is unproven. The only ammunition our colleagues across the aisle

need in order to shoot down any figure at any time would be innuendo—innuendo, speculation, suspicion, unproven allegations, nothing more. We are not going to let that happen. We are not going to establish that precedent. It would be bad for the Senate. It would be bad for the United States of America.

Please don't misunderstand me. I am glad Dr. Ford had a chance to have her say. We owed her that much. I know it took some courage, and it is a reminder to all Americans that victims can and should be heard. As I said, I myself have two daughters. We all have a mother. Some are fortunate to have sisters or a spouse. This can be a very personal matter to every one of us. Yet we all know that all of us have fathers, and many of us have brothers. Some have husbands and sons. In other words, my point is, if this kind of uncorroborated allegation would seem so manipulated in exploiting vulnerable people who made accusations like this and we tolerate that, I think it will forever poison the confirmation process and discourage good people from coming forward.

We must always be fair to both the victims and those who stand accused. It has to be a two-way street. I have supported Judge Kavanaugh's nomination because I have known him since the year 2000. In my experience, he has always been an upstanding and certainly he is an incredibly well-qualified individual.

We have heard everybody—from his fellow lawyers to his law clerks, to women he has worked with, to former Presidents of the United States—say that. We know he has an incredible record on the DC Circuit Court of Appeals, where many of his decisions have been affirmed by the U.S. Supreme Court. I know he will judge fairly and carefully. I believe he belongs on the Nation's highest bench. In a few more days, after a few more delays, we will finally vote to put him there and say enough with the games.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. 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.

#### DARK MONEY RULE

Mr. WYDEN. Mr. President, I am submitting two letters into the CONGRESSIONAL RECORD in order to clarify the application of the Congressional Review Act, CRA, to the recent rule Rev. Proc. 2018-38, issued by the Treasury Department and the IRS, to dramatically weaken the disclosure rules for large contributions to certain tax-exempt organizations, including many

that engage in political activity, what I and others call the dark money rule. In doing so, I also want to take the opportunity to comment on the rule itself and on the inappropriate and irresponsible approach that the administration is taking to the application of the CRA to the dark money rule.

By way of background, in 1971, as part of a general effort to improve the ability of the IRS to assure that tax-exempt organizations are complying with the tax and election laws, the Treasury Department promulgated a legislative regulation requiring certain tax-exempt organizations to disclose to the IRS, as part of their annual filing, the identity of those who contribute \$5,000 or more to the organization. This information is not made available to the public, except in certain cases, but it is can be used by the IRS, State tax administrators, and other Federal agencies.

In recent years, this disclosure requirement has become controversial. Some, particularly conservative groups, have called for the rule to be repealed in an attempt to keep donor information out of the hands of State tax administrators and law enforcement. Others have urged that the disclosure rules be strengthened. I am one of them. Following the 2010 Citizens United decision, more and more dark money has flooded into secretive tax-exempt organizations and into election campaigns in the form of such things as anonymous "issue ads." I have urged that the contributor information be made available to the public and, further, that the IRS improve its application of the rules designed to prevent tax-exempt organizations from engaging in excessive political campaign activity under false pretenses of "social welfare." For example, I have been particularly concerned about reports that a group that is tax exempt under Tax Code section 501(c)(4) that is associated with the National Rifle Association, which has engaged in extensive political activity, may have received large contributions from foreign sources.

In the midst of all of this controversy, on July 16, without any public notice and comment or any consultation with me as ranking Democratic member of the Finance Committee, the Treasury Department and the IRS issued Rev. Proc. 2018-38, which invokes a narrow provision that allows the Treasury Secretary to waive particular reporting requirements in appropriate situations, to effectively repeal the entire 1971 regulation requiring the disclosure of large contributions. Perhaps coincidentally and certainly ironically, this was done late in the evening of the day in which the Justice Department arrested an alleged Russian agent, Maria Butina, for attempting to influence American political discourse through a "gun rights organization," later revealed to be the National Rifle Association, a 501(c)(4) dark money political organization.

This was an outrage. It was terrible policy and a terrible process. As I said

at the time, the political brazenness of this action shocks the conscience. At a time when the U.S. intelligence community is warning that foreign actors are actively working to interfere in American elections, the Trump administration has decided to tie the hands of the only Federal agency with visibility into financial flows of foreign funds into dark money political organizations.

When the administration proposed the dark money rule, it submitted the rule to Congress for review under the CRA, which allows Congress to disapprove rules after they have been issued. The administration's submission to Congress explicitly states it was a "Submission of Federal Rules under the Congressional Review Act." Senator TESTER and I were determined to invoke this process in order to overturn the dark money rule.

There was, however, a procedural problem. The CRA includes a "clock," limiting the period for challenging a new rule, and, under the terms of the CRA, that clock begins on the later of the date the rule is submitted to Congress, and the date it is published in the Federal Register, "if so published." In this case, apparently for the first time, we were dealing with a rule that had been submitted to Congress for review under the CRA but not published in the Federal Register because this is the sort of material that the IRS publishes in the Internal Revenue Bulletin IRB, rather than in the Federal Register. This created a technical question about how to apply the CRA time clock to the IRS rule. To be clear, the question was not whether the CRA applied to the dark money rule, but rather, when the clock for congressional review began.

After consulting with the Parliamentarian, who advised that the CRA process would be clarified if the IRS would confirm, in writing, that the rule would not be published in the Federal Register, I sent Acting IRS Commissioner David Kautter a brief letter asking him to do so. This seemed to me to be a very straightforward request. The IRS's own internal procedure manual makes clear that matters that are issued as "revenue procedures" are published in the IRB rather than the Federal Register. Further, an IRS official had informally confirmed by email that would be the case here. On top of that, the dark money rule was in fact published in the IRB on July 30.

I ask unanimous consent that my August 21, 2018, letter be printed in the RECORD.

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

UNITED STATES SENATE,  
COMMITTEE ON FINANCE,  
Washington, DC, August 21, 2018.

Hon. DAVID KAUTTER,  
Acting Commissioner and Assistant Secretary of  
the Treasury for Tax Policy, Internal Revenue Service, Washington, DC.

DEAR ACTING COMMISSIONER KAUTTER: As you know, on July 26, the Treasury Department and IRS submitted to the Senate,

under the Congressional Review Act (CRA), Rev. Proc. 2018-38, which modifies the information to be reported to the IRS by certain organizations exempt from tax under section 501(a) of the Internal Revenue Code.

Under the CRA, the period for potential Congressional review begins on the later of the date of submission to Congress or publication in the Federal Register, “if so published.” My understanding is that revenue procedures are not published in the Federal Register but instead are published in the Internal Revenue Bulletin.

In light of this, it would facilitate the Congressional review process if the IRS would confirm in writing that the IRS will not submit Rev. Proc. 2018-39 for publication in the Federal Register. I would appreciate it if you would do so.

Please call me or have a member of your staff contact Tiffany Smith or Mike Evans of the Finance Committee Democratic staff if you have any questions.

Thank you for your assistance with this.

Sincerely,

RON WYDEN,  
Ranking Member,  
Committee on Finance.

Mr. WYDEN. Mr. President, my letter went unanswered for almost 5 weeks. Eventually, the Parliamentarian indicated to both Democratic and Republican staff that she was prepared to allow Senator TESTER and me to move forward with a disapproval resolution under the CRA without an IRS response to my letter, so that we would not lose our right to challenge the rule on a timely basis. Based on this, on Monday, September 24, Senator TESTER and I submitted our disapproval resolution, S.J. Res. 64. That same day, I finally received a reply from Acting Commissioner Kautter. In it, he confirmed, at long last, the elementary proposition that the dark money rule would not be published in the Federal Register. In addition, he went on to discuss an issue I had not raised in my original letter. He stated that, despite the fact that the administration had formally submitted the rule to the House and Senate for review under the CRA, understanding now that Senator TESTER and I intended to challenge the rule under the CRA, the Treasury Department intended to reverse its previous decision and argue that Rev. Proc. 2018-38 was somehow not subject to congressional review.

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

DEPARTMENT OF THE TREASURY,  
INTERNAL REVENUE SERVICE,  
Washington, DC, September 24, 2018.

Hon. RON WYDEN,  
Ranking Member, Committee on Finance,  
U.S. Senate, Washington, DC.

DEAR SENATOR WYDEN: Thank you for your inquiry regarding whether the IRS will submit Revenue Procedure 2018-38 for publication in the Federal Register.

Revenue procedures are not published in the Federal Register; rather, they are published in the Internal Revenue Bulletin (IRB). Revenue Procedure 2018-38 was published in IRB 2018-34 and will not be published in the Federal Register.

Not all revenue procedures, including many transmitted to Congress using the form prescribed by the Office of Management and Budget (OMB), meet the definition of a

rule under the Congressional Review Act (CRA). We define a revenue procedure as “an official statement of a procedure by the Service that affects the rights or duties of taxpayers or other members of the public under the Internal Revenue Code, related statutes, tax treaties, and regulations, or information that, although not necessarily affecting the rights and duties of the public, should be a matter of public knowledge.” Chief Counsel Directives Manual (CCDM) section 32.2.2.3.2 (emphasis added). Procedural rules that do not substantially affect the rights or obligations of the public are not subject to the CRA. See 5 U.S.C. Section 804(3)(C).

We generally submit revenue procedures to Congress and to the Government Accountability Office (GAO) out of an abundance of caution and in the interest of keeping Congress fully informed. This longstanding practice serves two goals. First, it allows Congress to consider whether a revenue procedure is subject to the CRA by requesting advice from GAO. Second, if a revenue procedure meets the definition of a rule under the CRA, the consequences of failing to submit it when required are significant. Because rules are effective only after submission to Congress, a revenue procedure that is later deemed to be a rule would not be effective if it had not been submitted following the CRA. Consequently, our submission of a revenue procedure using the standard CRA form prescribed by OMB does not necessarily indicate that we have determined the revenue procedure is subject to the CRA.

We do not believe Revenue Procedure 2018-38 is a “rule” within the meaning of the CRA, and we are consulting with GAO on this matter. See 5 U.S.C. Section 804(3)(C). In this revenue procedure, we exercised our discretion under existing regulations to limit our receipt of personally identifiable donor information that is not necessary for efficient tax administration. The revenue procedure did not alter the substantive standards or criteria that apply to tax exempt organizations, nor did it alter the requirement that organizations maintain donor information and submit the information to the IRS upon request. The revenue procedure imposed no new substantive burdens and in no way limited public access to return information that was previously open to public inspection. For these reasons, we believe Revenue Procedure 2018-38 is exempt from the CRA.

I hope this information is helpful. If you have questions, please contact me, or a member of your staff may contact Leonard Oursler, Director, Legislative Affairs.

Sincerely,

DAVID J. KAUTTER,  
Acting Commissioner.

Mr. WYDEN. Mr. President, acting Commissioner Kautter’s response is deeply troubling, for several reasons.

First, why did it take so long? Every bureaucracy has its problems, but almost 5 weeks, on a time-sensitive matter, the answer to which should be clear in 5 minutes? As I said on the Senate floor last week: “It looks to me like the administration has a policy on their hands that they know is corrupt—that they know is undemocratic. And so they’re playing hide the ball. Because the more the public hears about this dark money rule, the less they like it.”

Further, the argument Acting Commissioner Kautter makes in the letter is utter nonsense. In the first place, he mischaracterizes the CRA, in a way that would render the entire law un-

workable. For over 20 years, here is how the CRA has worked: If the administration submits something to Congress under the CRA, that is that; it is subject to congressional review under the terms of the CRA. In the Senate, that means the clock starts, and the period for the consideration of a disapproval resolution begins. If, on the other hand, the administration does not submit a matter under the CRA, but a Senator or Representative believes that the matter nevertheless should be subject to the CRA, that Senator or Congressman can ask the Government Accountability Office to review whether the CRA applies. This has happened about 20 times since 1996. Congress has never required the GAO to opine on the applicability of the CRA to a rule formally submitted by an agency to the Congress for review under the CRA. In Acting Commissioner Kautter’s letter, he fabricates out of whole cloth a new requirement for congressional review, which runs counter to precedent established over the past two decades.

Acting Commissioner Kautter takes the position that the administration’s submission of the rule under the CRA is not dispositive. It is, instead, just a starting point, to, as he writes, “allow[] Congress to consider whether a revenue procedure is subject to the CRA by requesting advice from GAO.” This is unprecedented because all previous requests to GAO related to matters that had not been submitted under the CRA. It is inconsistent with the plain text of the CRA and with longstanding practice, in which we only resort to a GAO opinion for matters that have not already been submitted under the CRA. It also is completely unworkable because it would require GAO to review every rule submitted under the CRA, to confirm that it is indeed subject to the CRA. Said another way, it would require the Senate to look behind all 4,271 rules submitted by agencies to the Senate in this Congress under the CRA to determine if the CRA, in fact, applied. We cannot have “do-overs” here.

Second, Acting Commissioner Kautter’s position is inconsistent with administration practice. In submitting the dark money rule to the Senate, the administration was not simply trying to be courteous and transparent, making sure the Senate was aware of the latest developments at the IRS. It was, instead, complying with the CRA, based on a determination that the rule was subject to the CRA.

This is reflected in the process established in the Internal Revenue Manual, IRM. One section of the IRM relates to “Congressional Review of Rules.” After describing the CRA general rule and three exceptions, the IRM says, “Revenue rulings, revenue procedures, notices, and announcements that are rules under the [CRA] must be submitted for congressional review before they can become effective. Whether a revenue ruling, revenue procedure, notice, or announcement is considered a



rule subject to reporting is determined on a case-by-case basis. Ministerial revenue rulings and revenue procedures; notices and announcements relating to error corrections, personnel matters, or proposed rules; and press releases generally will not be considered rules under [the CRA].”

Thus, the IRS’s own process requires the agency to determine, on a case-by-case basis, whether a document issued by the IRS constitutes a rule for purpose of the CRA. The IRS in fact exercises judgment about whether to submit a revenue procedure as a rule under the CRA: As of September 10, the IRS had issued 45 revenue procedures in 2018, only 27 of which were submitted to the Senate. Specifically, in this case, on July 26, over the signature of the Chief of the IRS Publications and Regulations Branch, the IRS and the Treasury Department submitted, to Vice President Pence, as President of the Senate, a copy of Rev. Proc. 2018–38, entitled a Submission of Federal Rules under the Congressional Review Act. The submission was docketed in the Senate as EC–6097, and it was referred to the Finance Committee.

Finally, even if the administration had not submitted the dark money rule under the CRA, there is no question the rule is subject to the CRA. The CRA applies to rules as defined under the Administrative Procedure Act, which states in relevant part that a rule is “the whole or part of an agency statement of general . . . applicability and future effect designed to implement, interpret, or prescribe law or policy,” with three exceptions: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that does not substantially affect the rights or obligations of nonagency parties.

The dark money rule is clearly a statement of general applicability and future effect. The only real question, then, is whether it is subject to one of the exceptions, particularly the exception for “rules of agency organization, procedure, or practice that [do] not substantially affect the rights or obligations of non-agency parties.”

Here, it is clear that the rule has a substantial effect on nonagency parties. Under the provisions of IRC section 6103, State tax administrators may obtain from IRS tax-exempt donor information for State tax administration purposes. As a result of Rev. Proc. 2018–38, State tax administrators will no longer have the right to obtain donor information from the IRS, undermining States’ ability to enforce tax-exempt rules on organizations operating within their borders. Further, as the Treasury Department clearly stated in a July 16 press release, Rev. Proc. 2018–38 will reduce the burden of disclosure and filing obligations of tax-exempt organizations because they no longer will be required to disclose the identities of large donors. This is a big deal. It will significantly inhibit IRS

enforcement efforts, and it will make it easier for dark money to continue to flood in. Indeed, that is why so many groups have been urging that the disclosure requirement be repealed.

As a final note, the IRS may argue that repeal of the disclosure rule is insignificant because the IRS doesn’t systematically cross-check this data against other sources of tax information. This is a large part of the problem of IRS failing to enforce existing laws relating to political activity of tax-exempt organizations. To my mind, the IRS should be using this information in order to maintain the integrity of our tax-exempt rules and election laws. If, for example, an organization named Russian Oligarchs, LLC made large contributions to a tax-exempt organization, it seems to me that this is something the IRS should want to know. At a time when foreign actors are actively attempting to interfere in American elections, law enforcement, the IRS, and State tax administrators need to have visibility into the financial flows of political nonprofits. The argument that we should no longer collect this information because the IRS is failing to use the information to enforce the law gets things precisely backward.

I urge my colleagues to support Senator TESTER and me as we work to overturn this outrageous dark money rule.

#### MALNUTRITION AWARENESS WEEK

Mrs. MURRAY. Mr. President, I rise today in recognition of this week as Malnutrition Awareness Week.

Malnutrition Awareness Week is a multi-organizational, multipronged campaign that aims to educate healthcare professionals on how to identify and treat malnutrition, encourage patients to discuss their nutrition status with their healthcare providers, and increase awareness of nutrition’s role in patient recovery.

While we know malnutrition can severely impact patients’ health outcomes, we do not currently know the full extent of malnutrition plaguing our senior population. This is because national health surveys and indicators do not include screening measures for malnutrition. National surveys and indicators are crucial not only for identifying key issues, such as malnutrition, but also for shaping public health programs and guiding healthcare professionals. By fully understanding the health problem, we can refine these tools to better address health issues affecting older adults.

Similarly, older adults and their families need guidance on how to meet seniors’ unique nutrition needs. National dietary guidelines, developed every 5 years by the Departments of Health and Human Services and of Agriculture, provide valuable information to the public in regard to a healthy diet. These guidelines are examples of Federal resources that could be tai-

lored to reflect the nutritional needs of specific populations, such as older adults.

Since malnutrition can lead to greater risk of chronic disease, frailty, disability, and increases in health care costs, it is important to properly identify cases and provide adequate interventions, even as people transition across care settings. To strive toward this goal, we must consider options within the healthcare system and our Federal programs to improve care and nutritional support for older adults.

This week is an important opportunity to remember that the nutritional challenges facing people of all ages, and I hope my colleagues will join me in working to understand and address these challenges.

#### NATIONAL RICE MONTH

Mr. KENNEDY. Mr. President, I want to take a moment to honor the more than 125,000 hard-working men and women who work in America’s rice industry. September is National Rice Month, and it is also the start of our domestic rice harvest. This year, roughly 23 billion pounds of rice will be grown on 3 million acres of farmland. 85 percent of the rice eaten in America comes from just 6 States: Arkansas, California, Mississippi, Missouri, Texas, and my home State of Louisiana.

Rice isn’t just delicious in jambalaya or seafood gumbo; it is an indispensable part of Louisiana’s economy. The 4,500 members of the Louisiana rice industry generate more than \$700 million in economic benefits for the State. These small businesses not only put food on the table of America’s families, but they also employ tens of thousands of workers. Altogether, America’s rice crop has a \$34 billion impact on our national economy.

Rice farmers are also careful stewards of our Nation’s precious natural resources. Over the past 20 years, rice farmers have been able to increase their yields by as much as 50 percent. They have achieved this while using less land, less water, and less energy. American rice shines as a bright example of sustainable agriculture and the benefits of effective agricultural research.

America was born on a farm. The importance of farming to the U.S. economy cannot be overstated; agriculture provides jobs for nearly 1 in 7 Americans. While rice is a valuable export, I am pleased to say that nearly all of our domestic rice crop is consumed right here. For these and many other reasons, I am proud to celebrate National Rice Month and the world’s most popular grain. I also want to extend my heartfelt support and gratitude to all American rice farmers, particularly those in the great State of Louisiana. Keep up the good work.

## ADDITIONAL STATEMENTS

## RECOGNIZING THE ANCIENT AND HONORABLE ARTILLERY COMPANY OF MASSACHUSETTS

• Mr. MARKEY. Mr. President, today I would like to honor the Ancient and Honorable Artillery Company of Massachusetts—the oldest chartered military organization in the Western Hemisphere—on its 381st Fall Field Day Tour of Duty. Its charter was signed in 1638 by John Winthrop, then-Governor of the Massachusetts Bay Colony. The Ancient and Honorables continue to serve the Commonwealth as a vital part of its militia, subject to the direction of the adjutant general of the Massachusetts National Guard.

Although the Ancient and Honorables have long served as the honor guard for the Governor of the Commonwealth, they continue to play an integral role in the State's civic rituals. Among their responsibilities, they participate in the inaugurals of State constitutional officers, the annual State of the Commonwealth address, and the yearly celebration of the Constitution of the United States from the historic State house in the heart of old Boston, but most importantly, they stand ready to assist in times of peril or emergency.

May the Ancient and Honorable Artillery Company of Massachusetts long continue its role in fostering, supporting, and preserving the civic life of the city of Boston, the Commonwealth of Massachusetts, and the United States of America. The Ancients serve as world ambassadors of the United States, where, on their Fall Field Day Tour of Duty, they pay their respects to fallen soldiers of all nations who have paid the ultimate sacrifice in defense of freedom.

Today I would like to recognize the Ancient and Honorable Artillery Company of Massachusetts for their civic responsibilities, patriotic duties, and community service. May they continue their proud traditions for many years to come.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Ridgway, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

## ENROLLED BILLS SIGNED

At 2:02 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 791. An act to amend the Small Business Act to expand intellectual property education and training for small businesses, and for other purposes.

S. 1668. An act to rename a waterway in the State of New York as the "Joseph Sanford Jr. Channel".

S. 2554. An act to ensure that health insurance issuers and group health plans do not prohibit pharmacy providers from providing certain information to enrollees.

S. 2559. An act to amend title 17, United States Code, to implement the Marrakesh Treaty, and for other purposes.

S. 3479. An act 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.

H.R. 4854. An act to amend the DNA Analysis Backlog Elimination Act of 2000 to provide additional resources to State and local prosecutors, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. HATCH).

At 4:48 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 3508. An act to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1093. An act to require the Federal Railroad Administration to provide appropriate congressional notice of comprehensive safety assessments conducted with respect to intercity or commuter rail passenger transportation.

H.R. 6756. An act to amend the Internal Revenue Code of 1986 to promote new business innovation, and for other purposes.

H.R. 6757. An act to amend the Internal Revenue Code of 1986 to encourage retirement and family savings, and for other purposes.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1595. An act to amend the Hizballah International Financing Prevention Act of 2015 to impose additional sanctions with respect to Hizballah, and for other purposes.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 302) to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State, with an amendment, in which it requests the concurrence of the Senate.

## ENROLLED BILLS SIGNED

The President pro tempore (Mr. HATCH) announced that on today, September 28, 2018, he has signed the following enrolled bills, previously signed by the Speaker of the House:

H.R. 46. An act to authorize the Secretary of the Interior to conduct a special resource study of Fort Ontario in the State of New York.

H.R. 2259. An act to amend the Peace Corps Act to expand services and benefits for volunteers, and for other purposes.

H.R. 1551. An act to modernize copyright law, and for other purposes.

H.R. 4958. An act to increase, effective as of December 1, 2018, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1093. An act to require the Federal Railroad Administration to provide appropriate congressional notice of comprehensive safety assessments conducted with respect to intercity or commuter rail passenger transportation, to the Committee on Commerce, Science, and Transportation.

H.R. 6756. An act to amend the Internal Revenue Code of 1986 to promote new business innovation, and for other purposes; to the Committee on Finance.

H.R. 6757. An act to amend the Internal Revenue Code of 1986 to encourage retirement and family savings, and for other purposes; to the Committee on Finance.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3532. A bill to authorize the United States Postal Service to provide certain non-postal property, products, and services on behalf of State, local, and tribal governments.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 28, 2018, she had presented to the President of the United States the following enrolled bills:

S. 791. An act to amend the Small Business Act to expand intellectual property education and training for small businesses, and for other purposes.

S. 1668. An act to rename a waterway in the State of New York as the "Joseph Sanford Jr. Channel".

S. 2559. An act to amend title 17, United States Code, to implement the Marrakesh Treaty, and for other purposes.

S. 3479. An act 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.

## 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-6624. A communication from the Chief of the Recruiting Policy Branch, Department of the Army, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Recruiting and Enlistments" ((RIN0702-AA78) (32 CFR Part 571)) received



in the Office of the President of the Senate on September 26, 2018; to the Committee on Armed Services.

EC-6625. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 of October 21, 1995, with respect to significant foreign narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC-6626. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility; South Carolina: Camden, City of, Kershaw County, et al" ((44 CFR Part 64) (Docket No. FEMA-2018-0002)) received in the Office of the President of the Senate on September 26, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-6627. A communication from the Director of Public Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Protection Against Malevolent Use of Vehicles at Nuclear Power Plants" (NRC-2018-0206) received in the Office of the President of the Senate on September 26, 2018; to the Committee on Environment and Public Works.

EC-6628. A communication from the Director of Public Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Monitoring the Effectiveness of Maintenance at Nuclear Power Plants" (Reg. Guide 1.160, Revision 4) received in the Office of the President of the Senate on September 26, 2018; to the Committee on Environment and Public Works.

EC-6629. A communication from the Director of Public Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Preparation of Environmental Report for Nuclear Power Stations" (Reg. Guide 4.2, Revision 3) received in the Office of the President of the Senate on September 26, 2018; to the Committee on Environment and Public Works.

EC-6630. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Medicare Payments for Clinical Diagnostic Laboratory Tests in 2017: Year 4 of Baseline Data"; to the Committee on Finance.

EC-6631. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance under Section 132(g) for the Exclusion from Income of Qualified Moving Expense Reimbursements" (Notice 2018-75) received in the Office of the President of the Senate on September 26, 2018; to the Committee on Finance.

EC-6632. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Changes in Accounting Periods and in Methods of Accounting" (Rev. Proc. 2018-44) received in the Office of the President of the Senate on September 26, 2018; to the Committee on Finance.

EC-6633. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Employer Credit for Paid Family and Medical Leave" (Notice 2018-71) received in the Office of the President of the Senate on September 26, 2018; to the Committee on Finance.

EC-6634. A communication from the Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Mergers and Transfers Between Multiemployer Plans" (RIN2121-AB31) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC-6635. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation: Small Entity Compliance Guide" ((48 CFR Part 1) (FAC 2005-101)) received in the Office of the President of the Senate on September 26, 2018; to the Committee on Homeland Security and Governmental Affairs.

EC-6636. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation: One Dollar Coin" ((RIN9000-AN70) (48 CFR Parts 37 and 52)) received in the Office of the President of the Senate on September 26, 2018; to the Committee on Homeland Security and Governmental Affairs.

EC-6637. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation: System for Award Management Registration" ((RIN9000-AN19) (FAC 2005-101)) received in the Office of the President of the Senate on September 26, 2018; to the Committee on Homeland Security and Governmental Affairs.

EC-6638. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation: Introduction" ((48 CFR Part 1) (FAC 2005-101)) received in the Office of the President of the Senate on September 26, 2018; to the Committee on Homeland Security and Governmental Affairs.

EC-6639. A communication from the Aviation Enforcement Attorney, Office of the General Counsel, Department of Transportation, transmitting, pursuant to law, a rule entitled "Increasing Charter Air Transportation Options" (RIN2105-AD66) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6640. A communication from the Attorney-Advisor, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hours of Service Recordkeeping; Automated Recordkeeping" ((RIN2130-AC41) (49 CFR Part 228)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6641. A communication from the Parallel Specialist, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Capital Leases" (RIN2132-AB34) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6642. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus SAS Airplanes" ((RIN2120-AA64) (Docket No. FAA-2018-0766))

received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6643. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus SAS Airplanes" ((RIN2120-AA64) (Docket No. FAA-2018-0300)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6644. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus SAS Airplanes" ((RIN2120-AA64) (Docket No. FAA-2018-0411)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6645. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus SAS Airplanes" ((RIN2120-AA64) (Docket No. FAA-2018-0364)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6646. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus SAS Airplanes" ((RIN2120-AA64) (Docket No. FAA-2018-0361)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6647. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus SAS Airplanes" ((RIN2120-AA64) (Docket No. FAA-2018-0390)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6648. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus SAS Airplanes" ((RIN2120-AA64) (Docket No. FAA-2018-0365)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6649. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus SAS Airplanes" ((RIN2120-AA64) (Docket No. FAA-2018-0396)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6650. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus SAS Airplanes" ((RIN2120-AA64) (Docket No. FAA-2018-0765))

EC-6674. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of

Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Rolls-Royce plc Turbofan Engines” ((RIN2120-AA64) (Docket No. FAA-2018-1122)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6675. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Rolls-Royce Deutschland Ltd and Co KG Turbofan Engines” ((RIN2120-AA64) (Docket No. FAA-2018-1050)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6676. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; General Electric Company Turbofan Engines” ((RIN2120-AA64) (Docket No. FAA-2018-0777)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6677. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Honeywell International Inc. Turboprop and Turbofan Engines” ((RIN2120-AA64) (Docket No. FAA-2018-0479)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6678. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Rolls-Royce Deutschland Ltd and Co KG Tay 620-15 Engines” ((RIN2120-AA64) (Docket No. FAA-2018-0235)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6679. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; GE Aviation Czech s.r.o. Turboprop Engines” ((RIN2120-AA64) (Docket No. FAA-2018-0723)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6680. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; General Electric Company Turbofan Engines” ((RIN2120-AA64) (Docket No. FAA-2018-0792)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6681. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Pratt and Whitney Division Turbofan” ((RIN2120-AA64) (Docket No. FAA-2018-1107)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6682. A communication from the Management and Program Analyst, Federal

Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class E Airspace; Bloomsburg, PA” ((RIN2120-AA66) (Docket No. FAA-2017-1043)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6683. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class D and Class E Airspace; Louisville, KY” ((RIN2120-AA66) (Docket No. FAA-2018-0825)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6684. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class D Airspace; Olive Branch, MS” ((RIN2120-AA66) (Docket No. FAA-2018-0810)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6685. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class D and Class E Airspace; Pensacola, FL and Establishment of Class E Airspace; Milton, FL” ((RIN2120-AA66) (Docket No. FAA-2018-0062)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6686. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class D and Class E Airspace; Austin, TX; and Establishment of Class E Airspace; Georgetown, TX, and Austin, TX” ((RIN2120-AA66) (Docket No. FAA-2018-0138)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6687. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class D and Class E Airspace; Eastover, SC and Sumter, SC” ((RIN2120-AA66) (Docket No. FAA-2018-0131)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6688. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class E Airspace; Lynchburg, VA” ((RIN2120-AA66) (Docket No. FAA-2018-0727)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6689. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class E Airspace; Williamsport, PA” ((RIN2120-AA66) (Docket No. FAA-2018-0322)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6690. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Chicago Class B and Chicago Class C Airspace; Chicago, IL” ((RIN2120-AA66) (Docket No. FAA-2018-0632)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6691. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class E Airspace; Kamuela, HI” ((RIN2120-AA66) (Docket No. FAA-2017-1145)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6692. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class D Airspace and Class E Airspace, and Revocation of Class E Airspace; New Smyrna Beach, FL” ((RIN2120-AA66) (Docket No. FAA-2018-0328)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6693. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of Class E Airspace; Lyons, KS” ((RIN2120-AA66) (Docket No. FAA-2018-0139)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6694. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amendment of the Prohibition Against Certain Flights in the Pyongyang Flight Information Region (FIR) (ZKKP)” ((RIN2120-AA66) (Docket No. FAA-2018-0838)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6695. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revocation of Class E Airspace; Crows Landing, CA” ((RIN2120-AA66) (Docket No. FAA-2017-1088)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6696. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class D and E Airspace, and Amendment of Class E Airspace; Austin, TX” ((RIN2120-AA66) (Docket No. FAA-2017-9378)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6697. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Chebeague Island, ME” ((RIN2120-AA66) (Docket No. FAA-2018-0475)) received in the Office of the President

of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6698. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Los Angeles, CA" ((RIN2120-AA66) (Docket No. FAA-2017-1202)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6699. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Washington Island, WI" ((RIN2120-AA66) (Docket No. FAA-2018-0018)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6700. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification and Establishment of Restricted Areas; Townshead, GA" ((RIN2120-AA66) (Docket No. FAA-2015-3338)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6701. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Designations; Incorporation by Reference" ((RIN2120-AA66) (Docket No. FAA-2018-0770)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6702. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment and Modification of Area Navigation Routes, Florida Metroplex Project; Southeastern United States" ((RIN2120-AA66) (Docket No. FAA-2018-0437)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6703. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Air Traffic Service (ATS) Routes in the Vicinity of Mattoon and Charleston, IL" ((RIN2120-AA66) (Docket No. FAA-2018-0219)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6704. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Designations; Incorporation by Reference" ((RIN2120-AA66) (Docket No. FAA-2018-0770)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6705. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace; Springfield, OH"

((RIN2120-AA66) (Docket No. FAA-2017-1051)) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6706. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (28)" ((RIN2120-AA65) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6707. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (62)" ((RIN2120-AA65) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6708. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (133)" ((RIN2120-AA65) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

EC-6709. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (109)" ((RIN2120-AA65) received in the Office of the President of the Senate on September 25, 2018; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 606. A bill to designate the facility of the United States Postal Service located at 1025 Nevins Avenue in Richmond, California, as the "Harold D. McCraw, Sr., Post Office Building".

H.R. 1209. A bill to designate the facility of the United States Postal Service located at 901 N. Francisco Avenue, Mission, Texas, as the "Mission Veterans Post Office Building".

H.R. 2979. A bill to designate the facility of the United States Postal Service located at 390 West 5th Street in San Bernardino, California, as the "Jack H. Brown Post Office Building".

S. 3209. A bill to designate the facility of the United States Postal Service located at 413 Washington Avenue in Belleville, New Jersey, as the "Private Henry Svehla Post Office Building".

H.R. 3230. A bill to designate the facility of the United States Postal Service located at 915 Center Avenue in Payette, Idaho, as the "Harmon Killebrew Post Office Building".

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with amendments and an amendment to the title:

S. 3237. A bill to designate the facility of the United States Postal Service located at 120 12th Street Lobby in Columbus, Georgia,

as the "Richard W. Williams Chapter of the Triple Nickles (555th P.I.A.) Post Office".

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 3414. A bill to designate the facility of the United States Postal Service located at 20 Ferry Road in Saunderstown, Rhode Island, as the "Captain Matthew J. August Post Office".

S. 3442. A bill to designate the facility of the United States Postal Service located at 105 Duff Street in Macon, Missouri, as the "Arla W. Harrell Post Office".

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with amendments and an amendment to the title:

H.R. 4407. A bill to designate the facility of the United States Postal Service located at 3s101 Rockwell Street in Warrenville, Illinois, as the "Corporal Jeffery Allen Williams Post Office Building".

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 4890. A bill to designate the facility of the United States Postal Service located at 9801 Apollo Drive in Upper Marlboro, Maryland, as the "Wayne K. Curry Post Office Building".

H.R. 4913. A bill to designate the facility of the United States Postal Service located at 816 East Salisbury Parkway in Salisbury, Maryland, as the "Sgt. Maj. Wardell B. Turner Post Office Building".

H.R. 4946. A bill to designate the facility of the United States Postal Service located at 1075 North Tustin Street in Orange, California, as the "Specialist Trevor A. Win'E Post Office".

H.R. 4960. A bill to designate the facility of the United States Postal Service located at 511 East Walnut Street in Columbia, Missouri, as the "Spc. Sterling William Wyatt Post Office Building".

H.R. 5349. To designate the facility of the United States Postal Service located at 1325 Autumn Avenue in Memphis, Tennessee, as the "Judge Russell B. Sugarmon Post Office Building".

H.R. 5504. A bill to designate the facility of the United States Postal Service located at 4801 West Van Giesen Street in West Richland, Washington, as the "Sergeant Dietrich Schmieman Post Office Building".

H.R. 5737. A bill to designate the facility of the United States Postal Service located at 108 West D Street in Alpha, Illinois, as the "Captain Joshua E. Steele Post Office".

H.R. 5784. To designate the facility of the United States Postal Service located at 2650 North Doctor Martin Luther King Jr. Drive in Milwaukee, Wisconsin, shall be known and designated as the "Vel R. Phillips Post Office Building".

H.R. 5868. A bill to designate the facility of the United States Postal Service located at 530 Claremont Avenue in Ashland, Ohio, as the "Bill Harris Post Office".

H.R. 5935. A bill to designate the facility of the United States Postal Service located at 1355 North Meridian Road in Harristown, Illinois, as the "Logan S. Palmer Post Office".

H.R. 6116. A bill to designate the facility of the United States Postal Service located at 362 North Ross Street in Beaverton, Michigan, as the "Colonel Alfred Asch Post Office".

## EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. GRASSLEY for the Committee on the Judiciary.

Brett M. Kavanaugh, of Maryland, to be an Associate Justice of the Supreme Court of the United States.

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

S. 3525. A bill to designate the facility of the United States Postal Service located at 7521 Paula Drive in Tampa, Florida, as the "Major Andreas O'Keeffe Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CRUZ:

S. 3526. A bill to amend title II of the Social Security Act to replace the windfall elimination provision with a formula equalizing benefits for certain individuals with non-covered employment, and for other purposes; to the Committee on Finance.

By Mr. MARKEY (for himself and Ms. WARREN):

S. 3527. A bill to extend the authorization for the Cape Cod National Seashore Advisory Commission; to the Committee on Energy and Natural Resources.

By Ms. STABENOW:

S. 3528. A bill to amend title 38, United States Code, to furnish hospital care and medical services to veterans, members of the reserve components of the Armed Forces, and dependents who were stationed at Wurtsmith Air Force Base in Oscoda, Michigan, and were exposed to volatile organic compounds, to provide for a presumption of service connection for those veterans and members of the reserve components, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. STABENOW:

S. 3529. A bill to amend title 38, United States Code, to furnish hospital care and medical services to veterans, members of the reserve components of the Armed Forces, and dependents who were stationed at military installations at which they were exposed to perfluorooctanoic acid or other per- and polyfluoroalkyl substances, to provide for a presumption of service connection for those veterans and members of the reserve components, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. REED (for himself, Ms. COLLINS, Mrs. GILLIBRAND, Ms. MURKOWSKI, Mr. WHITEHOUSE, Ms. WARREN, Mr. KING, Mr. JONES, Mr. Kaine, Ms. HASSAN, Mr. BLUMENTHAL, and Mr. CASEY):

S. 3530. A bill to reauthorize the Museum and Library Services Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASSIDY:

S. 3531. A bill to amend titles XVIII and XIX of the Social Security Act to provide coverage under Medicare and Medicaid of services furnished by freestanding emergency centers; to the Committee on Finance.

By Mr. HATCH:

S. 3532. A bill to authorize the United States Postal Service to provide certain non-postal property, products, and services on behalf of State, local, and tribal governments; read the first time.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. NELSON (for himself, Mr. THUNE, Mr. PETERS, and Mrs. FISCHER):

S. Res. 660. A resolution expressing support for the designation of the week of September 23 through September 29, 2018, as Rail Safety Week in the United States, and supporting the goals and ideals of Rail Safety Week to reduce rail-related accidents, fatalities, and injuries; to the Committee on Commerce, Science, and Transportation.

By Mr. SCOTT (for himself, Mr. BOOKER, Mr. RUBIO, Mr. BROWN, Mr. ISAKSON, Ms. WARREN, and Mr. COONS):

S. Res. 661. A resolution expressing support for the designation of September 2018 as "Sickle Cell Disease Awareness Month" in order to educate communities across the United States about sickle cell disease and the need for research, early detection methods, effective treatments, and preventative care programs with respect to sickle cell disease, complications from sickle cell disease, and conditions related to sickle cell disease; considered and agreed to.

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

S. Res. 662. A resolution designating September 2018 as "Campus Fire Safety Month"; considered and agreed to.

By Ms. STABENOW:

S. Con. Res. 49. A concurrent resolution providing for a correction in the enrollment of S. 2553; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 793

At the request of Mr. BOOKER, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 793, a bill to prohibit sale of shark fins, and for other purposes.

S. 1364

At the request of Mr. MENENDEZ, the name of the Senator from Virginia (Mr. Kaine) was added as a cosponsor of S. 1364, a bill to establish within the Smithsonian Institution the National Museum of the American Latino, and for other purposes.

S. 2127

At the request of Ms. MURKOWSKI, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2127, a bill to award a Congressional Gold Medal, collectively, to the United States merchant mariners of World War II, in recognition of their dedicated and vital service during World War II.

S. 2568

At the request of Mr. BROWN, the name of the Senator from Tennessee (Mr. ALEXANDER) 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. 2852

At the request of Mr. CASEY, the name of the Senator from Illinois (Ms.

DUCKWORTH) 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 names of the Senator from Washington (Ms. CANTWELL) and the Senator from New Jersey (Mr. BOOKER) were added as cosponsors 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. 2971

At the request of Mr. BOOKER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) 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. 3049

At the request of Mr. WYDEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3049, a bill to amend the Help America Vote Act of 2002 to require paper ballots and risk-limiting audits in all Federal elections, and for other purposes.

S. 3063

At the request of Mr. BARRASSO, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 3063, a bill to delay the imposition of the annual fee on health insurance providers until after 2020.

S. 3181

At the request of Ms. KLOBUCHAR, the names of the Senator from Kansas (Mr. MORAN), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Maine (Mr. KING) were added as cosponsors of S. 3181, a bill to direct the Secretary of Defense to include in periodic health assessments, separation history and physical examinations, and other assessments an evaluation of whether a member of the Armed Forces has been exposed to open burn pits or toxic airborne chemicals, and for other purposes.

S. 3339

At the request of Mr. GRASSLEY, the names of the Senator from Utah (Mr. LEE), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Texas (Mr. CRUZ) were added as cosponsors of S. 3339, a bill to amend title 28, United States Code, to permit other courts to transfer certain cases to United States Tax Court.

S. 3359

At the request of Ms. HARRIS, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Colorado (Mr. GARDNER) were added as cosponsors of S. 3359, a bill to posthumously award a Congressional Gold Medal to Aretha Franklin in recognition of her contributions of outstanding artistic and historical significance to culture in the United States.

S. 3440

At the request of Mr. SCHUMER, the name of the Senator from Maine (Mr.

KING) was added as a cosponsor 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. RES. 220

At the request of Mr. MENENDEZ, the name of the Senator from Maine (Mr. KING) 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. 527

At the request of Mr. PERDUE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. Res. 527, a resolution congratulating the people of Georgia on the 100th anniversary of its declaration of independence as a democratic republic and reaffirming the strength of the relationship between the United States and Georgia.

S. RES. 633

At the request of Mrs. McCASKILL, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Washington (Mrs. MURRAY), the Senator from Hawaii (Mr. SCHATZ) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of 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.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself, Ms. COLLINS, Mrs. GILLIBRAND, Ms. MURKOWSKI, Mr. WHITEHOUSE, Ms. WARREN, Mr. KING, Mr. JONES, Mr. KAINE, Ms. HASSAN, Mr. BLUMENTHAL, and Mr. CASEY):

S. 3530. A bill to reauthorize the Museum and Library Services Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I am pleased to be joined by a group of members on both sides of the aisle and in both bodies in introducing legislation today to renew the law that expands the reach of libraries and museums and enables them to better serve their communities. These vital institutions educate, inform, engage, and connect people from all walks of life.

Our legislation, the Museum and Library Services Act of 2018, is similar to legislation I also introduced on a bipartisan basis in December. That legislation was developed with input and insights from the library and museum communities. Since that time, it became apparent in the library commu-

nity that a vital change was needed to ensure that funding increases for the State formula grant program would be more broadly shared by States around the Nation. Under the current formula, smaller States have seen little in the way of new funding even as funding significantly increased over the last few years. The last time we addressed this issue was in 2003, and an update, while ensuring no State would lose funding, is needed today so that more communities can benefit from increased investments in our Federal library program.

I am grateful our revised bill has the support of the American Library Association, the American Alliance of Museums, and many of their affiliated associations. I thank Senators COLLINS, GILLIBRAND, MURKOWSKI, and our many colleagues who are joining us in introducing this bill today. I look forward to working with them and the entire Senate on moving this bill swiftly to passage.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 660—EXPRESSING SUPPORT FOR THE DESIGNATION OF THE WEEK OF SEPTEMBER 23 THROUGH SEPTEMBER 29, 2018, AS RAIL SAFETY WEEK IN THE UNITED STATES, AND SUPPORTING THE GOALS AND IDEALS OF RAIL SAFETY WEEK TO REDUCE RAIL-RELATED ACCIDENTS, FATALITIES, AND INJURIES

Mr. NELSON (for himself, Mr. THUNE, Mr. PETERS, and Mrs. FISCHER) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 660

Whereas the first Rail Safety Week was held from September 24 through September 30, 2017, by the national education safety nonprofit Operation Lifesaver, the Department of Transportation, and other organizations;

Whereas Rail Safety Week was launched to raise awareness about the need for increased education on how to be safe around highway-rail grade crossings and railroad tracks, and to highlight efforts to further reduce collisions, injuries, and fatalities;

Whereas highway-rail grade crossing and trespassing accidents constituted approximately 96 percent of all rail related fatalities in fiscal year 2017;

Whereas the number of public crossings has declined 8 percent, while the number of gates increased by 30 percent, since 2005;

Whereas, in 2017, 49 percent of all grade crossing collisions and 61 percent of all fatal grade crossing collisions occurred at gated crossings;

Whereas while grade crossing injuries are 16 percent lower, grade crossing fatalities are 6 percent lower, and grade crossing collisions are 13 percent lower since 2008, challenges remain;

Whereas, in 2017, there were 824 rail-related fatalities and 8,712 rail-related injuries in the United States;

Whereas preliminary Federal statistics show that more than 2,117 highway-grade

crossing crashes occurred during 2017, resulting in 272 persons killed and another 833 injured across the United States;

Whereas trespassing incidents on railroad property resulted in 512 persons killed and another 508 injured across the Nation in 2017;

Whereas many collisions between trains and motor vehicles or pedestrians could have been prevented by increased education, engineering, and enforcement;

Whereas Operation Lifesaver, the foremost public information and education program on rail safety, administers a public education program about grade-crossing safety and prevention of trespassing;

Whereas during Rail Safety Week, from September 23 through 29, and throughout the year, everyone is encouraged to observe added caution as motorists or pedestrians approach tracks or trains;

Whereas, for the first time, the United States and Canada will observe Rail Safety Week concurrently; and

Whereas this important observance should lead to greater safety awareness and a reduction in highway-rail grade crossing crashes and pedestrian and railroad incidents: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of Rail Safety Week;

(2) expresses strong support for the goals and ideals of Rail Safety Week and efforts to reduce rail-related accidents, fatalities, and injuries; and

(3) encourages the people of the United States to participate in Rail Safety Week events and activities and to educate themselves and others on how to be safe around railroad tracks.

#### SENATE RESOLUTION 661—EXPRESSING SUPPORT FOR THE DESIGNATION OF SEPTEMBER 2018 AS “SICKLE CELL DISEASE AWARENESS MONTH” IN ORDER TO EDUCATE COMMUNITIES ACROSS THE UNITED STATES ABOUT SICKLE CELL DISEASE AND THE NEED FOR RESEARCH, EARLY DETECTION METHODS, EFFECTIVE TREATMENTS, AND PREVENTATIVE CARE PROGRAMS WITH RESPECT TO SICKLE CELL DISEASE, COMPLICATIONS FROM SICKLE CELL DISEASE, AND CONDITIONS RELATED TO SICKLE CELL DISEASE

Mr. SCOTT (for himself, Mr. BOOKER, Mr. RUBIO, Mr. BROWN, Mr. ISAKSON, Ms. WARREN, and Mr. COONS) submitted the following resolution; which was considered and agreed to:

S. RES. 661

Whereas sickle cell disease (referred to in this preamble as “SCD”) is an inherited blood disorder that is a major health problem in the United States and worldwide;

Whereas SCD causes the rapid destruction of sickle cells, which results in multiple medical complications, including anemia, jaundice, gallstones, strokes, restricted blood flow, damaged tissue in the liver, spleen, and kidneys, and death;

Whereas SCD causes episodes of considerable pain in the arms, legs, chest, and abdomen of an individual;

Whereas SCD affects an estimated 100,000 individuals in the United States;

Whereas approximately 1,000 babies are born with SCD each year in the United



States, with the disease occurring in approximately 1 in 365 newborn African-American infants and 1 in 16,300 newborn Hispanic-American infants, and is found in individuals of Mediterranean, Middle Eastern, Asian, and Indian origin;

Whereas more than 3,000,000 individuals in the United States have the sickle cell trait and 1 in 13 African-Americans carries the trait;

Whereas there is a 1 in 4 chance that a child born to parents who both have the sickle cell trait will have the disease;

Whereas the life expectancy of an individual with SCD is often severely limited;

Whereas, while hematopoietic stem cell transplantation (commonly known as "HSCT") is currently the only cure for SCD and advances in treating the associated complications of SCD have occurred, more research is needed to find widely available treatments and cures to help patients with SCD; and

Whereas September 2018 has been designated as Sickle Cell Disease Awareness Month in order to educate communities across the United States about SCD, including early detection methods, effective treatments, and preventative care programs with respect to SCD, complications from SCD, and conditions related to SCD: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of Sickle Cell Disease Awareness Month; and

(2) encourages the people of the United States to hold appropriate programs, events, and activities during Sickle Cell Disease Awareness Month to raise public awareness of preventative care programs, treatments, and other patient services for those suffering from sickle cell disease, complications from sickle cell disease, and conditions related to sickle cell disease.

#### SENATE RESOLUTION 662—DESIGNATING SEPTEMBER 2018 AS "CAMPUS FIRE SAFETY MONTH"

Ms. COLLINS (for herself and Mr. CARPER) submitted the following resolution; which was considered and agreed to:

S. RES. 662

Whereas campus-related housing fires at colleges in Illinois, Indiana, Maryland, Pennsylvania, South Dakota, Texas, Washington, D.C., and other States have tragically cut short the lives of several young people;

Whereas, since January 2000, at least 175 people, including students, parents, and children, have died in campus-related fires;

Whereas approximately 87 percent of those deaths occurred in off-campus residences;

Whereas a majority of college students in the United States live in an off-campus residence;

Whereas many fatal fires have occurred in a building in which the occupants had compromised or disabled the fire safety systems;

Whereas automatic fire alarm systems and smoke alarms provide the early warning of a fire that is necessary for occupants of a building and the fire department to take appropriate action;

Whereas automatic fire sprinkler systems are a highly effective method of controlling or extinguishing a fire in its early stages, thus protecting the lives of the building occupants;

Whereas many college students live in an off-campus residence, fraternity or sorority housing, or a residence hall that is not adequately protected by an automatic fire sprinkler system and an automatic fire alarm system or adequate smoke alarm;

Whereas fire safety education is an effective method of reducing the occurrence of fires and the resulting loss of life and property damage;

Whereas college students do not routinely receive effective fire safety education while in college;

Whereas educating young people in the United States about the importance of fire safety is vital to help ensure that young people engage in fire-safe behavior during college and after college; and

Whereas developing a generation of adults who practice fire safety may significantly reduce future loss of life from fires: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 2018 as "Campus Fire Safety Month"; and

(2) encourages administrators of institutions of higher education and municipalities across the United States—

(A) to provide educational programs about fire safety to all college students in September and throughout the school year;

(B) to evaluate the level of fire safety being provided in both on-campus and off-campus student housing; and

(C) to ensure fire-safe living environments through fire safety education, installation of fire suppression and detection systems and smoke alarms, and the development and enforcement of applicable codes relating to fire safety.

#### SENATE CONCURRENT RESOLUTION 49—PROVIDING FOR A CORRECTION IN THE ENROLLMENT OF S. 2553

Ms. STABENOW submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 49

Amend the title so as to read: "A bill to amend title XVIII of the Social Security Act to prohibit Medicare part D plans from restricting pharmacies from informing individuals regarding the prices for certain drugs and biologicals."

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4026. Mr. McCONNELL proposed an amendment to the bill H.R. 302, to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State.

SA 4027. Mr. McCONNELL proposed an amendment to amendment SA 4026 proposed by Mr. McCONNELL to the bill H.R. 302, *supra*.

SA 4028. Mr. McCONNELL proposed an amendment to the bill H.R. 302, *supra*.

SA 4029. Mr. McCONNELL proposed an amendment to amendment SA 4028 proposed by Mr. McCONNELL to the bill H.R. 302, *supra*.

SA 4030. Mr. McCONNELL proposed an amendment to amendment SA 4029 proposed by Mr. McCONNELL to the amendment SA 4028 proposed by Mr. McCONNELL to the bill H.R. 302, *supra*.

#### TEXT OF AMENDMENTS

SA 4026. Mr. McCONNELL proposed an amendment to the bill H.R. 302, to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State; as follows:

At the end add the following.

"This Act shall take effect 1 day after the date of enactment."

SA 4027. Mr. McCONNELL proposed an amendment to amendment SA 4026 proposed by Mr. McCONNELL to the bill H.R. 302, to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State; as follows:

Strike "1 day" and insert "2 days"

SA 4028. Mr. McCONNELL proposed an amendment to the bill H.R. 302, to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State; as follows:

At the end add the following.

"This Act shall take effect 3 days after the date of enactment."

SA 4029. Mr. McCONNELL proposed an amendment to amendment SA 4028 proposed by Mr. McCONNELL to the bill H.R. 302, to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State; as follows:

Strike "3 days" and insert "4 days"

SA 4030. Mr. McCONNELL proposed an amendment to amendment SA 4029 proposed by Mr. McCONNELL to the amendment SA 4028 proposed by Mr. McCONNELL to the bill H.R. 302, to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State; as follows:

Strike "4" and insert "5"

#### MEASURE READ THE FIRST TIME—S. 3532

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

The ACTING PRESIDENT *pro tempore*. The clerk will read the title of the bill for the first time.

The senior assistant legislative clerk read as follows:

A bill (S. 3532) to authorize the United States Postal Service to provide certain non-postal property, products, and services on behalf of State, local, and tribal governments.

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

The ACTING PRESIDENT *pro tempore*. Objection having been heard, the bill will be read for the second time on the next legislative day.

#### TO EXTEND THE AUTHORIZATIONS OF FEDERAL AVIATION PROGRAMS, TO EXTEND THE FUNDING AND EXPENDITURE AUTHORITY OF THE AIRPORT AND AIRWAY TRUST FUND

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6897, which was received from the House.

The ACTING PRESIDENT *pro tempore*. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 6897) to extend the authorization of Federal aviation programs, to extend the funding and expenditure authority of the Airport and Airway Trust Fund, 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 the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 6897) was ordered to a third reading, was read the third time, and passed.

# PRACTICAL REFORMS AND OTHER GOALS TO REINFORCE THE EFFECTIVENESS OF SELF-GOVERNANCE AND SELF-DETERMINATION FOR INDIAN TRIBES ACT OF 2018

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 567, S. 2515.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2515) to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian Tribes, 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 the third time.

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

Mr. McCONNELL. I know of no further debate on the bill.

The ACTING PRESIDENT pro tempore. Is there further debate?

Hearing none, the question is, Shall the bill pass?

The bill (S. 2515) was passed, as follows:

S. 2515

*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 “Practical Reforms and Other Goals To Reinforce the Effectiveness of Self-Governance and Self-Determination for Indian Tribes Act of 2018” or the “PROGRESS for Indian Tribes Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—TRIBAL SELF-GOVERNANCE  
Sec. 101. Tribal self-governance.

TITLE II—INDIAN SELF-DETERMINATION  
Sec. 201. Definitions; reporting and audit requirements; application of provisions.

Sec. 202. Contracts by Secretary of the Interior.

Sec. 203. Administrative provisions.

Sec. 204. Contract funding and indirect costs.

Sec. 205. Contract or grant specifications.

## TITLE I—TRIBAL SELF-GOVERNANCE

### SEC. 101. TRIBAL SELF-GOVERNANCE.

(a) EFFECT OF PROVISIONS.—Nothing in this Act, or the amendments made by this Act, shall be construed—

(1) to modify, limit, expand, or otherwise affect—

(A) the authority of the Secretary of the Interior, as provided for under the Indian Self-Determination and Education Assistance Act (as in effect on the day before the date of enactment of this Act), regarding—

(i) the inclusion of any non-BIA program (as defined in section 401 of the Indian Self-Determination and Education Assistance Act) in a self-determination contract or funding agreement under section 403(c) of such Act (as so in effect); or

(ii) the implementation of any contract or agreement described in clause (i) that is in effect on the day described in subparagraph (A);

(B) the meaning, application, or effect of any Tribal water rights settlement, including the performance required of a party thereto or any payment or funding obligation thereunder;

(C) the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under State law (including regulations) on land or water in the State, including Federal public land;

(D) except for the authority provided to the Secretary as described in subparagraph (A), the applicability or effect of any Federal law related to the protection or management of fish or wildlife; or

(E) any treaty-reserved right or other right of any Indian Tribe as recognized by any other means, including treaties or agreements with the United States, Executive orders, statutes, regulations, or case law; or

(2) to authorize any provision of a contract or agreement that is not consistent with the terms of a Tribal water rights settlement.

(b) DEFINITIONS.—Section 401 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5361) is amended to read as follows:

### “SEC. 401. DEFINITIONS.

“In this title:

“(1) COMPACT.—The term ‘compact’ means a self-governance compact entered into under section 404.

“(2) CONSTRUCTION PROGRAM; CONSTRUCTION PROJECT.—The term ‘construction program’ or ‘construction project’ means a Tribal undertaking relating to the administration, planning, environmental determination, design, construction, repair, improvement, or expansion of roads, bridges, buildings, structures, systems, or other facilities for purposes of housing, law enforcement, detention, sanitation, water supply, education, administration, community, health, irrigation, agriculture, conservation, flood control, transportation, or port facilities, or for other Tribal purposes.

“(3) DEPARTMENT.—The term ‘Department’ means the Department of the Interior.

“(4) FUNDING AGREEMENT.—The term ‘funding agreement’ means a funding agreement entered into under section 403.

“(5) GROSS MISMANAGEMENT.—The term ‘gross mismanagement’ means a significant violation, shown by a preponderance of the evidence, of a compact, funding agreement, or statutory or regulatory requirement applicable to Federal funds for a program administered by an Indian Tribe under a compact or funding agreement.

“(6) INHERENT FEDERAL FUNCTION.—The term ‘inherent Federal function’ means a

Federal function that may not legally be delegated to an Indian Tribe.

“(7) NON-BIA PROGRAM.—The term ‘non-BIA program’ means all or a portion of a program, function, service, or activity that is administered by any bureau, service, office, or agency of the Department of the Interior other than—

“(A) the Bureau of Indian Affairs;

“(B) the Office of the Assistant Secretary for Indian Affairs; or

“(C) the Office of the Special Trustee for American Indians.

“(8) PROGRAM.—The term ‘program’ means any program, function, service, or activity (or portion thereof) within the Department that is included in a funding agreement.

“(9) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(10) SELF-DETERMINATION CONTRACT.—The term ‘self-determination contract’ means a self-determination contract entered into under section 102.

“(11) SELF-GOVERNANCE.—The term ‘self-governance’ means the Tribal Self-Governance Program established under section 402.

“(12) TRIBAL SHARE.—The term ‘Tribal share’ means the portion of all funds and resources of an Indian Tribe that—

“(A) support any program within the Bureau of Indian Affairs, the Office of the Special Trustee for American Indians, or the Office of the Assistant Secretary for Indian Affairs; and

“(B) are not required by the Secretary for the performance of an inherent Federal function.

“(13) TRIBAL WATER RIGHTS SETTLEMENT.—The term ‘Tribal water rights settlement’ means any settlement, compact, or other agreement expressly ratified or approved by an Act of Congress that—

“(A) includes an Indian Tribe and the United States as parties; and

“(B) quantifies or otherwise defines any water right of the Indian Tribe.”.

(c) ESTABLISHMENT.—Section 402 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb) is amended to read as follows:

### “SEC. 402. TRIBAL SELF-GOVERNANCE PROGRAM.

“(a) ESTABLISHMENT.—The Secretary shall establish and carry out a program within the Department to be known as the ‘Tribal Self-Governance Program’.

“(b) SELECTION OF PARTICIPATING INDIAN TRIBES.—

“(1) IN GENERAL.—

“(A) ELIGIBILITY.—The Secretary, acting through the Director of the Office of Self-Governance, may select not more than 50 new Indian Tribes per year from those tribes eligible under subsection (c) to participate in self-governance.

“(B) JOINT PARTICIPATION.—On the request of each participating Indian Tribe, two or more otherwise eligible Indian Tribes may be treated as a single Indian Tribe for the purpose of participating in self-governance.

“(2) OTHER AUTHORIZED INDIAN TRIBE OR TRIBAL ORGANIZATION.—If an Indian Tribe authorizes another Indian Tribe or a Tribal organization to plan for or carry out a program on its behalf under this title, the authorized Indian Tribe or Tribal organization shall have the rights and responsibilities of the authorizing Indian Tribe (except as otherwise provided in the authorizing resolution).

“(3) JOINT PARTICIPATION AS ORGANIZATION.—Two or more Indian Tribes that are not otherwise eligible under subsection (c) may be treated as a single Indian Tribe for the purpose of participating in self-governance as a Tribal organization if—

“(A) each Indian Tribe so requests; and

“(B) the Tribal organization itself, or at least one of the Indian Tribes participating



in the Tribal organization, is eligible under subsection (c).

“(4) TRIBAL WITHDRAWAL FROM A TRIBAL ORGANIZATION.—

“(A) IN GENERAL.—An Indian Tribe that withdraws from participation in a Tribal organization, in whole or in part, shall be entitled to participate in self-governance if the Indian Tribe is eligible under subsection (c).

“(B) EFFECT OF WITHDRAWAL.—If an Indian Tribe withdraws from participation in a Tribal organization, the Indian Tribe shall be entitled to its Tribal share of funds and resources supporting the programs that the Indian Tribe is entitled to carry out under the compact and funding agreement of the Indian Tribe.

“(C) PARTICIPATION IN SELF-GOVERNANCE.—The withdrawal of an Indian Tribe from a Tribal organization shall not affect the eligibility of the Tribal organization to participate in self-governance on behalf of one or more other Indian Tribes, if the Tribal organization still qualifies under subsection (c).

“(D) WITHDRAWAL PROCESS.—

“(i) IN GENERAL.—An Indian Tribe may, by Tribal resolution, fully or partially withdraw its Tribal share of any program in a funding agreement from a participating Tribal organization.

“(ii) NOTIFICATION.—The Indian Tribe shall provide a copy of the Tribal resolution described in clause (i) to the Secretary.

“(iii) EFFECTIVE DATE.—

“(I) IN GENERAL.—A withdrawal under clause (i) shall become effective on the date that is specified in the Tribal resolution and mutually agreed upon by the Secretary, the withdrawing Indian Tribe, and the Tribal organization that signed the compact and funding agreement on behalf of the withdrawing Indian Tribe or Tribal organization.

“(II) NO SPECIFIED DATE.—In the absence of a date specified in the resolution, the withdrawal shall become effective on—

“(aa) the earlier of—

“(AA) 1 year after the date of submission of the request; and

“(BB) the date on which the funding agreement expires; or

“(bb) such date as may be mutually agreed upon by the Secretary, the withdrawing Indian Tribe, and the Tribal organization that signed the compact and funding agreement on behalf of the withdrawing Indian Tribe or Tribal organization.

“(E) DISTRIBUTION OF FUNDS.—If an Indian Tribe or Tribal organization eligible to enter into a self-determination contract or a compact or funding agreement fully or partially withdraws from a participating Tribal organization, the withdrawing Indian Tribe—

“(i) may elect to enter into a self-determination contract or compact, in which case—

“(I) the withdrawing Indian Tribe or Tribal organization shall be entitled to its Tribal share of unexpended funds and resources supporting the programs that the Indian Tribe will be carrying out under its own self-determination contract or compact and funding agreement (calculated on the same basis as the funds were initially allocated to the funding agreement of the Tribal organization); and

“(II) the funds referred to in subclause (I) shall be withdrawn by the Secretary from the funding agreement of the Tribal organization and transferred to the withdrawing Indian Tribe, on the condition that sections 102 and 105(i), as appropriate, shall apply to the withdrawing Indian Tribe; or

“(ii) may elect not to enter into a self-determination contract or compact, in which case all unexpended funds and resources associated with the withdrawing Indian Tribe's returned programs (calculated on the same basis as the funds were initially allocated to

the funding agreement of the Tribal organization) shall be returned by the Tribal organization to the Secretary for operation of the programs included in the withdrawal.

“(F) RETURN TO MATURE CONTRACT STATUS.—If an Indian Tribe elects to operate all or some programs carried out under a compact or funding agreement under this title through a self-determination contract under title I, at the option of the Indian Tribe, the resulting self-determination contract shall be a mature self-determination contract as long as the Indian Tribe meets the requirements set forth in section 4(h).

“(c) ELIGIBILITY.—To be eligible to participate in self-governance, an Indian Tribe shall—

“(1) successfully complete the planning phase described in subsection (d);

“(2) request participation in self-governance by resolution or other official action by the Tribal governing body; and

“(3) demonstrate, for the 3 fiscal years preceding the date on which the Indian Tribe requests participation, financial stability and financial management capability as evidenced by the Indian Tribe having no uncorrected significant and material audit exceptions in the required annual audit of its self-determination or self-governance agreements with any Federal agency.

“(d) PLANNING PHASE.—

“(1) IN GENERAL.—An Indian Tribe seeking to begin participation in self-governance shall complete a planning phase as provided in this subsection.

“(2) ACTIVITIES.—The planning phase shall—

“(A) be conducted to the satisfaction of the Indian Tribe; and

“(B) include—

“(i) legal and budgetary research; and

“(ii) internal Tribal government planning, training, and organizational preparation.

“(e) GRANTS.—

“(1) IN GENERAL.—Subject to the availability of appropriations, an Indian Tribe or Tribal organization that meets the requirements of paragraphs (2) and (3) of subsection (c) shall be eligible for grants—

“(A) to plan for participation in self-governance; and

“(B) to negotiate the terms of participation by the Indian Tribe or Tribal organization in self-governance, as set forth in a compact and a funding agreement.

“(2) RECEIPT OF GRANT NOT REQUIRED.—Receipt of a grant under paragraph (1) shall not be a requirement of participation in self-governance.”

(d) FUNDING AGREEMENTS.—Section 403 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5363) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) AUTHORIZATION.—The Secretary shall, on the request of any Indian Tribe or Tribal organization, negotiate and enter into a written funding agreement with the governing body of the Indian Tribe or the Tribal organization in a manner consistent with—

“(1) the trust responsibility of the Federal Government, treaty obligations, and the government-to-government relationship between Indian Tribes and the United States; and

“(2) subsection (b).”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “without regard to the agency or office of the Bureau of Indian Affairs” and inserting “the Office of the Assistant Secretary for Indian Affairs, and the Office of the Special Trustee for American Indians, without regard to the agency or office of that Bureau or those Offices”;

(ii) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the margins of such clauses accordingly;

(iii) by striking “including any program” and inserting the following: “including—

“(A) any program”;

(iv) in subparagraph (A)—

(I) in clause (i), as redesignated by clause (ii), by striking the semicolon at the end and inserting “; and”;

(II) in clause (ii), as so redesignated, by striking “and” after the semicolon;

(v) by redesignating subparagraph (C) as subparagraph (B);

(vi) in subparagraph (B), as redesignated by clause (v), by striking the semicolon and inserting “; and”;

(vii) by adding at the end the following:

“(C) any other program, service, function, or activity (or portion thereof) that is provided through the Bureau of Indian Affairs, the Office of the Assistant Secretary for Indian Affairs, or the Office of the Special Trustee for American Indians with respect to which Indian Tribes or Indians are primary or significant beneficiaries.”;

(B) in paragraph (2)—

(i) by striking “section 405(c)” and inserting “section 412(c)”;

(ii) by inserting “and” after the semicolon at the end;

(C) in paragraph (3), by striking the semicolon at the end and inserting a period; and

(D) by striking paragraphs (4) through (9);

(3) in subsection (f)—

(A) in the subsection heading, by striking

“FOR REVIEW”;

(B) by striking “such agreement to—” and all that follows through “Indian tribe” and inserting “such agreement to each Indian Tribe”;

(C) by striking “agreement;” and inserting “agreement.”;

(D) by striking paragraphs (2) and (3); and

(4) by adding at the end the following:

“(m) OTHER PROVISIONS.—

“(1) EXCLUDED FUNDING.—A funding agreement shall not authorize an Indian Tribe to plan, conduct, administer, or receive Tribal share funding under any program that—

“(A) is provided under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801 et seq.); or

“(B) is provided for elementary and secondary schools under the formula developed under section 1127 of the Education Amendments of 1978 (25 U.S.C. 2007).

“(2) SERVICES, FUNCTIONS, AND RESPONSIBILITIES.—A funding agreement shall specify—

“(A) the services to be provided under the funding agreement;

“(B) the functions to be performed under the funding agreement; and

“(C) the responsibilities of the Indian Tribe and the Secretary under the funding agreement.

“(3) BASE BUDGET.—

“(A) IN GENERAL.—A funding agreement shall, at the option of the Indian Tribe, provide for a stable base budget specifying the recurring funds (which may include funds available under section 106(a)) to be transferred to the Indian Tribe, for such period as the Indian Tribe specifies in the funding agreement, subject to annual adjustment only to reflect changes in congressional appropriations.

“(B) LIMITATIONS.—Notwithstanding subparagraph (A), a funding agreement shall not specify funding associated with a program described in subsection (b)(2) or (c) unless the Secretary agrees.

“(4) NO WAIVER OF TRUST RESPONSIBILITY.—A funding agreement shall prohibit the Secretary from waiving, modifying, or diminishing in any way the trust responsibility of the United States with respect to Indian

Tribes and individual Indians that exists under treaties, Executive orders, court decisions, and other laws.

“(n) AMENDMENT.—The Secretary shall not revise, amend, or require additional terms in a new or subsequent funding agreement without the consent of the Indian Tribe, unless such terms are required by Federal law.

“(o) EFFECTIVE DATE.—A funding agreement shall become effective on the date specified in the funding agreement.

“(p) EXISTING AND SUBSEQUENT FUNDING AGREEMENTS.—

“(1) SUBSEQUENT FUNDING AGREEMENTS.—Absent notification from an Indian Tribe that the Indian Tribe is withdrawing or retreating the operation of one or more programs identified in a funding agreement, or unless otherwise agreed to by the parties to the funding agreement or by the nature of any noncontinuing program, service, function, or activity contained in a funding agreement—

“(A) a funding agreement shall remain in full force and effect until a subsequent funding agreement is executed, with funding paid annually for each fiscal year the agreement is in effect; and

“(B) the term of the subsequent funding agreement shall be retroactive to the end of the term of the preceding funding agreement for the purposes of calculating the amount of funding to which the Indian Tribe is entitled.

“(2) DISPUTES.—Disputes over the implementation of paragraph (1)(A) shall be subject to section 406(c).

“(3) EXISTING FUNDING AGREEMENTS.—An Indian Tribe that was participating in self-governance under this title on the date of enactment of the PROGRESS for Indian Tribes Act shall have the option at any time after that date—

“(A) to retain its existing funding agreement (in whole or in part) to the extent that the provisions of that funding agreement are not directly contrary to any express provision of this title; or

“(B) to negotiate a new funding agreement in a manner consistent with this title.

“(4) MULTIYEAR FUNDING AGREEMENTS.—An Indian Tribe may, at the discretion of the Indian Tribe, negotiate with the Secretary for a funding agreement with a term that exceeds 1 year.”

(e) GENERAL REVISIONS.—Title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304 et seq.) is amended by striking sections 404 through 408 and inserting the following:

**“SEC. 404. COMPACTS.**

“(a) IN GENERAL.—The Secretary shall negotiate and enter into a written compact with each Indian Tribe participating in self-governance in a manner consistent with the trust responsibility of the Federal Government, treaty obligations, and the government-to-government relationship between Indian Tribes and the United States.

“(b) CONTENTS.—A compact under subsection (a) shall—

“(1) specify and affirm the general terms of the government-to-government relationship between the Indian Tribe and the Secretary; and

“(2) include such terms as the parties intend shall control during the term of the compact.

“(c) AMENDMENT.—A compact under subsection (a) may be amended only by agreement of the parties.

“(d) EFFECTIVE DATE.—The effective date of a compact under subsection (a) shall be—

“(1) the date of the execution of the compact by the parties; or

“(2) such date as is mutually agreed upon by the parties.

“(e) DURATION.—A compact under subsection (a) shall remain in effect—

“(1) for so long as permitted by Federal law; or

“(2) until termination by written agreement, retrocession, or reassumption.

“(f) EXISTING COMPACTS.—An Indian Tribe participating in self-governance under this title, as in effect on the date of enactment of the PROGRESS for Indian Tribes Act, shall have the option at any time after that date—

“(1) to retain its negotiated compact (in whole or in part) to the extent that the provisions of the compact are not directly contrary to any express provision of this title; or

“(2) to negotiate a new compact in a manner consistent with this title.

**“SEC. 405. GENERAL PROVISIONS.**

“(a) APPLICABILITY.—An Indian Tribe and the Secretary shall include in any compact or funding agreement provisions that reflect the requirements of this title.

“(b) CONFLICTS OF INTEREST.—An Indian Tribe participating in self-governance shall ensure that internal measures are in place to address, pursuant to Tribal law and procedures, conflicts of interest in the administration of programs.

“(c) AUDITS.—

“(1) SINGLE AGENCY AUDIT ACT.—Chapter 75 of title 31, United States Code, shall apply to a funding agreement under this title.

“(2) COST PRINCIPLES.—An Indian Tribe shall apply cost principles under the applicable Office of Management and Budget circular, except as modified by—

“(A) any provision of law, including section 106; or

“(B) any exemptions to applicable Office of Management and Budget circulars subsequently granted by the Office of Management and Budget.

“(3) FEDERAL CLAIMS.—Any claim by the Federal Government against an Indian Tribe relating to funds received under a funding agreement based on any audit under this subsection shall be subject to section 106(f).

“(d) REDESIGN AND CONSOLIDATION.—Except as provided in section 407, an Indian Tribe may redesign or consolidate programs, or reallocate funds for programs, in a compact or funding agreement in any manner that the Indian Tribe determines to be in the best interest of the Indian community being served—

“(1) so long as the redesign or consolidation does not have the effect of denying eligibility for services to population groups otherwise eligible to be served under applicable Federal law; and

“(2) except that, with respect to the reallocation, consolidation, and redesign of programs described in subsection (b)(2) or (c) of section 403, a joint agreement between the Secretary and the Indian Tribe shall be required.

“(e) RETROCESSION.—

“(1) IN GENERAL.—An Indian Tribe may fully or partially retrocede to the Secretary any program under a compact or funding agreement.

“(2) EFFECTIVE DATE.—

“(A) AGREEMENT.—Unless an Indian Tribe rescinds a request for retrocession under paragraph (1), the retrocession shall become effective on the date specified by the parties in the compact or funding agreement.

“(B) NO AGREEMENT.—In the absence of a specification of an effective date in the compact or funding agreement, the retrocession shall become effective on—

“(i) the earlier of—

“(I) 1 year after the date on which the request is submitted; and

“(II) the date on which the funding agreement expires; or

“(ii) such date as may be mutually agreed upon by the Secretary and the Indian Tribe.

“(f) NONDUPLICATION.—A funding agreement shall provide that, for the period for which, and to the extent to which, funding is provided to an Indian Tribe under this title, the Indian Tribe—

“(1) shall not be entitled to contract with the Secretary for funds under section 102, except that the Indian Tribe shall be eligible for new programs on the same basis as other Indian Tribes; and

“(2) shall be responsible for the administration of programs in accordance with the compact or funding agreement.

“(g) RECORDS.—

“(1) IN GENERAL.—Unless an Indian Tribe specifies otherwise in the compact or funding agreement, records of an Indian Tribe shall not be considered to be Federal records for purposes of chapter 5 of title 5, United States Code.

“(2) RECORDKEEPING SYSTEM.—An Indian Tribe shall—

“(A) maintain a recordkeeping system; and

“(B) on a notice period of not less than 30 days, provide the Secretary with reasonable access to the records to enable the Department to meet the requirements of sections 3101 through 3106 of title 44, United States Code.

**“SEC. 406. PROVISIONS RELATING TO THE SECRETARY.**

“(a) TRUST EVALUATIONS.—A funding agreement shall include a provision to monitor the performance of trust functions by the Indian Tribe through the annual trust evaluation.

“(b) REASSUMPTION.—

“(1) IN GENERAL.—A compact or funding agreement shall include provisions for the Secretary to reassume a program and associated funding if there is a specific finding relating to that program of—

“(A) imminent jeopardy to a trust asset, a natural resource, or public health and safety that—

“(i) is caused by an act or omission of the Indian Tribe; and

“(ii) arises out of a failure to carry out the compact or funding agreement; or

“(B) gross mismanagement with respect to funds transferred to an Indian Tribe under a compact or funding agreement, as determined by the Secretary in consultation with the Inspector General, as appropriate.

“(2) PROHIBITION.—The Secretary shall not reassume operation of a program, in whole or part, unless—

“(A) the Secretary first provides written notice and a hearing on the record to the Indian Tribe; and

“(B) the Indian Tribe does not take corrective action to remedy the mismanagement of the funds or programs, or the imminent jeopardy to a trust asset, natural resource, or public health and safety.

“(3) EXCEPTION.—

“(A) IN GENERAL.—Notwithstanding paragraph (2), the Secretary may, on written notice to the Indian Tribe, immediately reassume operation of a program if—

“(i) the Secretary makes a finding of imminent and substantial jeopardy and irreparable harm to a trust asset, a natural resource, or the public health and safety caused by an act or omission of the Indian Tribe; and

“(ii) the imminent and substantial jeopardy and irreparable harm to the trust asset, natural resource, or public health and safety arises out of a failure by the Indian Tribe to carry out the terms of an applicable compact or funding agreement.

“(B) REASSUMPTION.—If the Secretary reassumes operation of a program under subparagraph (A), the Secretary shall provide the Indian Tribe with a hearing on the record not later than 10 days after the date of reassumption.

“(c) INABILITY TO AGREE ON COMPACT OR FUNDING AGREEMENT.—

“(1) FINAL OFFER.—If the Secretary and a participating Indian Tribe are unable to agree, in whole or in part, on the terms of a compact or funding agreement (including funding levels), the Indian Tribe may submit a final offer to the Secretary.

“(2) DETERMINATION.—Not more than 60 days after the date of receipt of a final offer by one or more of the officials designated pursuant to paragraph (4), the Secretary shall review and make a determination with respect to the final offer, except that the 60-day period may be extended for up to 30 days for circumstances beyond the control of the Secretary, upon written request by the Secretary to the Indian tribe.

“(3) EXTENSIONS.—The deadline described in paragraph (2) may be extended for any length of time, as agreed upon by both the Indian Tribe and the Secretary.

“(4) DESIGNATED OFFICIALS.—

“(A) IN GENERAL.—The Secretary shall designate one or more appropriate officials in the Department to receive a copy of the final offer described in paragraph (1).

“(B) NO DESIGNATION.—If no official is designated, the Director of the Office of the Executive Secretariat and Regulatory Affairs shall be the designated official.

“(5) NO TIMELY DETERMINATION.—If the Secretary fails to make a determination with respect to a final offer within the period specified in paragraph (2), including any extension agreed to under paragraph (3), the Secretary shall be deemed to have agreed to the offer, except that with respect to any compact or funding agreement provision concerning a program described under section 403(c), the Secretary shall be deemed to have rejected the offer with respect to such provision and the terms of clauses (ii) through (iv) of paragraphs (6)(A) shall apply.

“(6) REJECTION OF FINAL OFFER.—

“(A) IN GENERAL.—If the Secretary rejects a final offer (or one or more provisions or funding levels in a final offer), the Secretary shall—

“(i) provide timely written notification to the Indian Tribe that contains a specific finding that clearly demonstrates, or that is supported by a controlling legal authority, that—

“(I) the amount of funds proposed in the final offer exceeds the applicable funding level as determined under section 106(a)(1);

“(II) the program that is the subject of the final offer is an inherent Federal function or is subject to the discretion of the Secretary under section 403(c);

“(III) the Indian Tribe cannot carry out the program in a manner that would not result in significant danger or risk to the public health or safety, to natural resources, or to trust resources;

“(IV) the Indian Tribe is not eligible to participate in self-governance under section 402(c);

“(V) the funding agreement would violate a Federal statute or regulation; or

“(VI) with respect to a program or portion of a program included in a final offer pursuant to section 403(b)(2), the program or the portion of the program is not otherwise available to Indian Tribes or Indians under section 102(a)(1)(E);

“(ii) provide technical assistance to overcome the objections stated in the notification required by clause (i);

“(iii) provide the Indian Tribe with a hearing on the record with the right to engage in full discovery relevant to any issue raised in the matter, and the opportunity for appeal on the objections raised, except that the Indian Tribe may, in lieu of filing such appeal, directly proceed to initiate an action in a

United States district court under section 110(a); and

“(iv) provide the Indian Tribe the option of entering into the severable portions of a final proposed compact or funding agreement (including a lesser funding amount, if any), that the Secretary did not reject, subject to any additional alterations necessary to conform the compact or funding agreement to the severed provisions.

“(B) EFFECT OF EXERCISING CERTAIN OPTION.—If an Indian Tribe exercises the option specified in subparagraph (A)(iv)—

“(i) the Indian Tribe shall retain the right to appeal the rejection by the Secretary under this section; and

“(ii) clauses (i), (ii), and (iii) of subparagraph (A) shall apply only to the portion of the proposed final compact or funding agreement that was rejected by the Secretary.

“(d) BURDEN OF PROOF.—In any administrative action, hearing, appeal, or civil action brought under this section, the Secretary shall have the burden of proof—

“(1) of demonstrating, by a preponderance of the evidence, the validity of the grounds for a reassumption under subsection (b); and

“(2) of clearly demonstrating the validity of the grounds for rejecting a final offer made under subsection (c).

“(e) GOOD FAITH.—

“(1) IN GENERAL.—In the negotiation of compacts and funding agreements, the Secretary shall at all times negotiate in good faith to maximize implementation of the self-governance policy.

“(2) POLICY.—The Secretary shall carry out this title in a manner that maximizes the policy of Tribal self-governance.

“(f) SAVINGS.—

“(1) IN GENERAL.—To the extent that programs carried out for the benefit of Indian Tribes and Tribal organizations under this title reduce the administrative or other responsibilities of the Secretary with respect to the operation of Indian programs and result in savings that have not otherwise been included in the amount of Tribal shares and other funds determined under section 408(c), except for funding agreements entered into for programs under section 403(c), the Secretary shall make such savings available to the Indian Tribes or Tribal organizations for the provision of additional services to program beneficiaries in a manner equitable to directly served, contracted, and compacted programs.

“(2) DISCRETIONARY PROGRAMS OF SPECIAL SIGNIFICANCE.—For any savings generated as a result of the assumption of a program by an Indian Tribe under section 403(c), such savings shall be made available to that Indian Tribe.

“(g) TRUST RESPONSIBILITY.—The Secretary may not waive, modify, or diminish in any way the trust responsibility of the United States with respect to Indian Tribes and individual Indians that exists under treaties, Executive orders, other laws, or court decisions.

“(h) DECISION MAKER.—A decision that constitutes final agency action and relates to an appeal within the Department conducted under subsection (c)(6)(A)(iii) may be made by—

“(1) an official of the Department who holds a position at a higher organizational level within the Department than the level of the departmental agency in which the decision that is the subject of the appeal was made; or

“(2) an administrative law judge.

“(i) RULES OF CONSTRUCTION.—Subject to section 101(a) of the PROGRESS for Indian Tribes Act, each provision of this title and each provision of a compact or funding agreement shall be liberally construed for the benefit of the Indian Tribe participating

in self-governance, and any ambiguity shall be resolved in favor of the Indian Tribe.

## “SEC. 407. CONSTRUCTION PROGRAMS AND PROJECTS.

“(a) IN GENERAL.—Indian Tribes participating in Tribal self-governance may carry out any construction project included in a compact or funding agreement under this title.

“(b) TRIBAL OPTION TO CARRY OUT CERTAIN FEDERAL ENVIRONMENTAL ACTIVITIES.—In carrying out a construction project under this title, an Indian Tribe may, subject to the agreement of the Secretary, elect to assume some Federal responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), division A of subtitle III of title 54, United States Code, and related provisions of other law and regulations that would apply if the Secretary were to undertake a construction project, by adopting a resolution—

“(1) designating a certifying Tribal officer to represent the Indian Tribe and to assume the status of a responsible Federal official under those Acts, laws, or regulations; and

“(2) accepting the jurisdiction of the United States courts for the purpose of enforcing the responsibilities of the certifying Tribal officer assuming the status of a responsible Federal official under those Acts, laws, or regulations.

“(c) SAVINGS CLAUSE.—Notwithstanding subsection (b), nothing in this section authorizes the Secretary to include in any compact or funding agreement duties of the Secretary under the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and other related provisions of law that are inherent Federal functions.

“(d) CODES AND STANDARDS.—In carrying out a construction project under this title, an Indian Tribe shall—

“(1) adhere to applicable Federal, State, local, and Tribal building codes, architectural and engineering standards, and applicable Federal guidelines regarding design, space, and operational standards, appropriate for the particular project; and

“(2) use only architects and engineers who—

“(A) are licensed to practice in the State in which the facility will be built; and

“(B) certify that—

“(i) they are qualified to perform the work required by the specific construction involved; and

“(ii) upon completion of design, the plans and specifications meet or exceed the applicable construction and safety codes.

“(e) TRIBAL ACCOUNTABILITY.—

“(1) IN GENERAL.—In carrying out a construction project under this title, an Indian Tribe shall assume responsibility for the successful completion of the construction project and of a facility that is usable for the purpose for which the Indian Tribe received funding.

“(2) REQUIREMENTS.—For each construction project carried out by an Indian Tribe under this title, the Indian Tribe and the Secretary shall negotiate a provision to be included in the funding agreement that identifies—

“(A) the approximate start and completion dates for the project, which may extend over a period of one or more years;

“(B) a general description of the project, including the scope of work, references to design criteria, and other terms and conditions;

“(C) the responsibilities of the Indian Tribe and the Secretary for the project;

“(D) how project-related environmental considerations will be addressed;

“(E) the amount of funds provided for the project;

“(F) the obligations of the Indian Tribe to comply with the codes referenced in subsection (d)(1) and applicable Federal laws and regulations;

“(G) the agreement of the parties over who will bear any additional costs necessary to meet changes in scope, or errors or omissions in design and construction; and

“(H) the agreement of the Secretary to issue a certificate of occupancy, if requested by the Indian Tribe, based upon the review and verification by the Secretary, to the satisfaction of the Secretary, that the Indian Tribe has secured upon completion the review and approval of the plans and specifications, sufficiency of design, life safety, and code compliance by qualified, licensed, and independent architects and engineers.

“(f) FUNDING.—

“(1) IN GENERAL.—Funding appropriated for construction projects carried out under this title shall be included in funding agreements as annual or semiannual advance payments at the option of the Indian Tribe.

“(2) ADVANCE PAYMENTS.—The Secretary shall include all associated project contingency funds with each advance payment, and the Indian Tribe shall be responsible for the management of such contingency funds.

“(g) NEGOTIATIONS.—At the option of the Indian Tribe, construction project funding proposals shall be negotiated pursuant to the statutory process in section 105, and any resulting construction project agreement shall be incorporated into the funding agreement as addenda.

“(h) FEDERAL REVIEW AND VERIFICATION.—

“(1) IN GENERAL.—On a schedule negotiated by the Secretary and the Indian Tribe—

“(A) the Secretary shall review and verify, to the satisfaction of the Secretary, that project planning and design documents prepared by the Indian Tribe in advance of initial construction are in conformity with the obligations of the Indian Tribe under subsection (d); and

“(B) before the project planning and design documents are implemented, the Secretary shall review and verify to the satisfaction of the Secretary that subsequent document amendments which result in a significant change in construction are in conformity with the obligations of the Indian Tribe under subsection (d).

“(2) REPORTS.—The Indian Tribe shall provide the Secretary with project progress and financial reports not less than semiannually.

“(3) OVERSIGHT VISITS.—The Secretary may conduct onsite project oversight visits semiannually or on an alternate schedule agreed to by the Secretary and the Indian Tribe.

“(i) APPLICATION OF OTHER LAWS.—Unless otherwise agreed to by the Indian Tribe and except as otherwise provided in this Act, no provision of title 41, United States Code, the Federal Acquisition Regulation, or any other law or regulation pertaining to Federal procurement (including Executive orders) shall apply to any construction program or project carried out under this title.

“(j) FUTURE FUNDING.—Upon completion of a facility constructed under this title, the Secretary shall include the facility among those eligible for annual operation and maintenance funding support comparable to that provided for similar facilities funded by the Department as annual appropriations are available and to the extent that the facility size and complexity and other factors do not exceed the funding formula criteria for comparable buildings.

#### “SEC. 408. PAYMENT.

“(a) IN GENERAL.—At the request of the governing body of an Indian Tribe and under the terms of an applicable funding agreement, the Secretary shall provide funding to the Indian Tribe to carry out the funding agreement.

“(b) ADVANCE ANNUAL PAYMENT.—At the option of the Indian Tribe, a funding agreement shall provide for an advance annual payment to an Indian Tribe.

“(c) AMOUNT.—

“(1) IN GENERAL.—Subject to subsection (e) and sections 403 and 405, the Secretary shall provide funds to the Indian Tribe under a funding agreement for programs in an amount that is equal to the amount that the Indian Tribe would have been entitled to receive under contracts and grants under this Act (including amounts for direct program and contract support costs and, in addition, any funds that are specifically or functionally related to the provision by the Secretary of services and benefits to the Indian Tribe or its members) without regard to the organization level within the Department at which the programs are carried out.

“(2) SAVINGS CLAUSE.—Nothing in this section reduces programs, services, or funds of, or provided to, another Indian Tribe.

“(d) TIMING.—

“(1) IN GENERAL.—Pursuant to the terms of any compact or funding agreement entered into under this title, the Secretary shall transfer to the Indian Tribe all funds provided for in the funding agreement, pursuant to subsection (c), and provide funding for periods covered by joint resolution adopted by Congress making continuing appropriations, to the extent permitted by such resolution.

“(2) TRANSFERS.—Not later than 1 year after the date of enactment of the PROGRESS for Indian Tribes Act, in any instance in which a funding agreement requires an annual transfer of funding to be made at the beginning of a fiscal year or requires semiannual or other periodic transfers of funding to be made commencing at the beginning of a fiscal year, the first such transfer shall be made not later than 10 days after the apportionment of such funds by the Office of Management and Budget to the Department, unless the funding agreement provides otherwise.

“(e) AVAILABILITY.—Funds for trust services to individual Indians shall be available under a funding agreement only to the extent that the same services that would have been provided by the Secretary are provided to individual Indians by the Indian Tribe.

“(f) MULTIYEAR FUNDING.—A funding agreement may provide for multiyear funding.

“(g) LIMITATIONS ON AUTHORITY OF THE SECRETARY.—The Secretary shall not—

“(1) fail to transfer to an Indian Tribe its full share of any central, headquarters, regional, area, or service unit office or other funds due under this title for programs eligible under paragraph (1) or (2) of section 403(b), except as required by Federal law;

“(2) withhold any portion of such funds for transfer over a period of years; or

“(3) reduce the amount of funds required under this title—

“(A) to make funding available for self-governance monitoring or administration by the Secretary;

“(B) in subsequent years, except as necessary as a result of—

“(i) a reduction in appropriations from the previous fiscal year for the program to be included in a compact or funding agreement;

“(ii) a congressional directive in legislation or an accompanying report;

“(iii) a Tribal authorization;

“(iv) a change in the amount of pass-through funds subject to the terms of the funding agreement; or

“(v) completion of an activity under a program for which the funds were provided;

“(C) to pay for Federal functions, including—

“(i) Federal pay costs;

“(ii) Federal employee retirement benefits;

“(iii) automated data processing;

“(iv) technical assistance; and

“(v) monitoring of activities under this title; or

“(D) to pay for costs of Federal personnel displaced by self-determination contracts under this Act or self-governance under this title.

“(h) FEDERAL RESOURCES.—If an Indian Tribe elects to carry out a compact or funding agreement with the use of Federal personnel, Federal supplies (including supplies available from Federal warehouse facilities), Federal supply sources (including lodging, airline transportation, and other means of transportation, including the use of inter-agency motor pool vehicles), or other Federal resources (including supplies, services, and resources available to the Secretary under any procurement contracts in which the Department is eligible to participate), the Secretary shall, as soon as practicable, acquire and transfer such personnel, supplies, or resources to the Indian Tribe under this title.

“(i) PROMPT PAYMENT ACT.—Chapter 39 of title 31, United States Code, shall apply to the transfer of funds due under a compact or funding agreement authorized under this title.

“(j) INTEREST OR OTHER INCOME.—

“(1) IN GENERAL.—An Indian Tribe may retain interest or income earned on any funds paid under a compact or funding agreement to carry out governmental purposes.

“(2) NO EFFECT ON OTHER AMOUNTS.—The retention of interest or income under paragraph (1) shall not diminish the amount of funds an Indian Tribe is entitled to receive under a funding agreement in the year the interest or income is earned or in any subsequent fiscal year.

“(3) INVESTMENT STANDARD.—Funds transferred under this title shall be managed by the Indian Tribe using the prudent investment standard, provided that the Secretary shall not be liable for any investment losses of funds managed by the Indian Tribe that are not otherwise guaranteed or insured by the Federal Government.

“(k) CARRYOVER OF FUNDS.—

“(1) IN GENERAL.—Notwithstanding any provision of an appropriations Act, all funds paid to an Indian Tribe in accordance with a compact or funding agreement shall remain available until expended.

“(2) EFFECT OF CARRYOVER.—If an Indian Tribe elects to carry over funding from one year to the next, the carryover shall not diminish the amount of funds the Indian Tribe is entitled to receive under a funding agreement in that fiscal year or any subsequent fiscal year.

“(l) LIMITATION OF COSTS.—

“(1) IN GENERAL.—An Indian Tribe shall not be obligated to continue performance that requires an expenditure of funds in excess of the amount of funds transferred under a compact or funding agreement.

“(2) NOTICE OF INSUFFICIENCY.—If at any time the Indian Tribe has reason to believe that the total amount provided for a specific activity under a compact or funding agreement is insufficient, the Indian Tribe shall provide reasonable notice of such insufficiency to the Secretary.

“(3) SUSPENSION OF PERFORMANCE.—If, after notice under paragraph (2), the Secretary does not increase the amount of funds transferred under the funding agreement, the Indian Tribe may suspend performance of the activity until such time as additional funds are transferred.

“(4) SAVINGS CLAUSE.—Nothing in this section reduces any programs, services, or funds of, or provided to, another Indian Tribe.

“(m) DISTRIBUTION OF FUNDS.—The Office of Self-Governance shall be responsible for distribution of all Bureau of Indian Affairs

funds provided under this title unless otherwise agreed by the parties to an applicable funding agreement.

“(n) **APPLICABILITY.**—Notwithstanding any other provision of this section, section 101(a) of the PROGRESS for Indian Tribes Act applies to subsections (a) through (m).

**“SEC. 409. FACILITATION.**

“(a) **IN GENERAL.**—Except as otherwise provided by law (including section 101(a) of the PROGRESS for Indian Tribes Act), the Secretary shall interpret each Federal law and regulation in a manner that facilitates—

“(1) the inclusion of programs in funding agreements; and

“(2) the implementation of funding agreements.

“(b) **REGULATION WAIVER.**—

“(1) **REQUEST.**—An Indian Tribe may submit to the Secretary a written request for a waiver of applicability of a Federal regulation, including—

“(A) an identification of the specific text in the regulation sought to be waived; and

“(B) the basis for the request.

“(2) **DETERMINATION BY THE SECRETARY.**—Not later than 120 days after receipt by the Secretary and the designated officials under paragraph (4) of a request under paragraph (1), the Secretary shall approve or deny the requested waiver in writing to the Indian Tribe.

“(3) **EXTENSIONS.**—The deadline described in paragraph (2) may be extended for any length of time, as agreed upon by both the Indian Tribe and the Secretary.

“(4) **DESIGNATED OFFICIALS.**—The Secretary shall designate one or more appropriate officials in the Department to receive a copy of the waiver request described in paragraph (1).

“(5) **GROUND FOR DENIAL.**—The Secretary may deny a request under paragraph (1) upon a specific finding by the Secretary that the identified text in the regulation may not be waived because such a waiver is prohibited by Federal law.

“(6) **FAILURE TO MAKE DETERMINATION.**—If the Secretary fails to make a determination with respect to a waiver request within the period specified in paragraph (2) (including any extension agreed to under paragraph (3)), the Secretary shall be deemed to have agreed to the request, except that for a waiver request relating to programs eligible under section 403(b)(2) or section 403(c), the Secretary shall be deemed to have denied the request.

“(7) **FINALITY.**—A decision of the Secretary under this section shall be final for the Department.

**“SEC. 410. DISCRETIONARY APPLICATION OF OTHER SECTIONS.**

“(a) **IN GENERAL.**—Except as otherwise provided in section 201(d) of the PROGRESS for Indian Tribes Act, at the option of a participating Indian Tribe or Indian Tribes, any of the provisions of title I may be incorporated in any compact or funding agreement under this title. The inclusion of any such provision shall be subject to, and shall not conflict with, section 101(a) of such Act.

“(b) **EFFECT.**—Each incorporated provision under subsection (a) shall—

“(1) have the same force and effect as if set out in full in this title;

“(2) supplement or replace any related provision in this title; and

“(3) apply to any agency otherwise governed by this title.

“(c) **EFFECTIVE DATE.**—If an Indian Tribe requests incorporation at the negotiation stage of a compact or funding agreement, the incorporation shall—

“(1) be effective immediately; and

“(2) control the negotiation and resulting compact and funding agreement.

**“SEC. 411. ANNUAL BUDGET LIST.**

“The Secretary shall list, in the annual budget request submitted to Congress under section 1105 of title 31, United States Code, any funds proposed to be included in funding agreements authorized under this title.

**“SEC. 412. REPORTS.**

“(a) **IN GENERAL.**—

“(1) **REQUIREMENT.**—On January 1 of each year, the Secretary shall submit to Congress a report regarding the administration of this title.

“(2) **ANALYSIS.**—Any Indian Tribe may submit to the Office of Self-Governance and to the appropriate committees of Congress a detailed annual analysis of unmet Tribal needs for funding agreements under this title.

“(b) **CONTENTS.**—The report under subsection (a)(1) shall—

“(1) be compiled from information contained in funding agreements, annual audit reports, and data of the Secretary regarding the disposition of Federal funds;

“(2) identify—

“(A) the relative costs and benefits of self-governance;

“(B) with particularity, all funds that are specifically or functionally related to the provision by the Secretary of services and benefits to self-governance Indian Tribes and members of Indian Tribes;

“(C) the funds transferred to each Indian Tribe and the corresponding reduction in the Federal employees and workload; and

“(D) the funding formula for individual Tribal shares of all Central Office funds, together with the comments of affected Indian Tribes, developed under subsection (d);

“(3) before being submitted to Congress, be distributed to the Indian Tribes for comment (with a comment period of not less than 30 days);

“(4) include the separate views and comments of each Indian Tribe or Tribal organization; and

“(5) include a list of—

“(A) all such programs that the Secretary determines, in consultation with Indian Tribes participating in self-governance, are eligible for negotiation to be included in a funding agreement at the request of a participating Indian Tribe; and

“(B) all such programs which Indian Tribes have formally requested to include in a funding agreement under section 403(c) due to the special geographic, historical, or cultural significance of the program to the Indian Tribe, indicating whether each request was granted or denied, and stating the grounds for any denial.

“(c) **REPORT ON NON-BIA PROGRAMS.**—

“(1) **IN GENERAL.**—In order to optimize opportunities for including non-BIA programs in agreements with Indian Tribes participating in self-governance under this title, the Secretary shall review all programs administered by the Department, other than through the Bureau of Indian Affairs, the Office of the Assistant Secretary for Indian Affairs, or the Office of the Special Trustee for American Indians, without regard to the agency or office concerned.

“(2) **PROGRAMMATIC TARGETS.**—The Secretary shall establish programmatic targets, after consultation with Indian Tribes participating in self-governance, to encourage bureaus of the Department to ensure that an appropriate portion of those programs are available to be included in funding agreements.

“(3) **PUBLICATION.**—The lists under subsection (b)(5) and targets under paragraph (2) shall be published in the Federal Register and made available to any Indian Tribe participating in self-governance.

“(4) **ANNUAL REVIEW.**—

“(A) **IN GENERAL.**—The Secretary shall annually review and publish in the Federal

Register, after consultation with Indian Tribes participating in self-governance, revised lists and programmatic targets.

“(B) **CONTENTS.**—In preparing the revised lists and programmatic targets, the Secretary shall consider all programs that were eligible for contracting in the original list published in the Federal Register in 1995, except for programs specifically determined not to be contractible as a matter of law.

“(d) **REPORT ON CENTRAL OFFICE FUNDS.**—Not later than January 1, 2019, the Secretary shall, in consultation with Indian Tribes, develop a funding formula to determine the individual Tribal share of funds controlled by the Central Office of the Bureau of Indian Affairs and the Office of the Special Trustee for inclusion in the compacts.

**“SEC. 413. REGULATIONS.**

“(a) **IN GENERAL.**—

“(1) **PROMULGATION.**—Not later than 90 days after the date of enactment of the PROGRESS for Indian Tribes Act, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate such regulations as are necessary to carry out this title.

“(2) **PUBLICATION OF PROPOSED REGULATIONS.**—Proposed regulations to implement this title shall be published in the Federal Register not later than 21 months after the date of enactment of the PROGRESS for Indian Tribes Act.

“(3) **EXPIRATION OF AUTHORITY.**—The authority to promulgate regulations under paragraph (1) shall expire on the date that is 30 months after the date of enactment of the PROGRESS for Indian Tribes Act.

“(b) **COMMITTEE.**—

“(1) **MEMBERSHIP.**—A negotiated rule-making committee established pursuant to section 565 of title 5, United States Code, to carry out this section shall have as its members only representatives of the Federal Government and Tribal government.

“(2) **LEAD AGENCY.**—Among the Federal representatives described in paragraph (1), the Office of Self-Governance shall be the lead agency for the Department.

“(c) **ADAPTATION OF PROCEDURES.**—The Secretary shall adapt the negotiated rule-making procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian Tribes.

“(d) **EFFECT.**—

“(1) **REPEAL.**—The Secretary may repeal any regulation that is inconsistent with this Act.

“(2) **CONFLICTING PROVISIONS.**—Subject to section 101(a) of the PROGRESS for Indian Tribes Act and except with respect to programs described under section 403(c), this title shall supersede any conflicting provision of law (including any conflicting regulations).

“(3) **EFFECTIVENESS WITHOUT REGARD TO REGULATIONS.**—The lack of promulgated regulations on an issue shall not limit the effect or implementation of this title.

**“SEC. 414. EFFECT OF CIRCULARS, POLICIES, MANUALS, GUIDANCE, AND RULES.**

“Unless expressly agreed to by a participating Indian Tribe in a compact or funding agreement, the participating Indian Tribe shall not be subject to any agency circular, policy, manual, guidance, or rule adopted by the Department, except for—

“(1) the eligibility provisions of section 105(g); and

“(2) regulations promulgated pursuant to section 413.

**“SEC. 415. APPEALS.**

“Except as provided in section 406(d), in any administrative action, appeal, or civil action for judicial review of any decision

made by the Secretary under this title, the Secretary shall have the burden of proof of demonstrating by a preponderance of the evidence—

“(1) the validity of the grounds for the decision; and

“(2) the consistency of the decision with the requirements and policies of this title.

**“SEC. 416. APPLICATION OF OTHER PROVISIONS.**

“Section 314 of the Department of the Interior and Related Agencies Appropriations Act, 1991 (Public Law 101–512; 104 Stat. 1959), shall apply to compacts and funding agreements entered into under this title.

**“SEC. 417. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated such sums as may be necessary to carry out this title.”.

**TITLE II—INDIAN SELF-DETERMINATION**

**SEC. 201. DEFINITIONS; REPORTING AND AUDIT REQUIREMENTS; APPLICATION OF PROVISIONS.**

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304) is amended by striking subsection (j) and inserting the following:

“(j) ‘self-determination contract’ means a contract entered into under title I (or a grant or cooperative agreement used under section 9) between a Tribal organization and the appropriate Secretary for the planning, conduct, and administration of programs or services that are otherwise provided to Indian Tribes and members of Indian Tribes pursuant to Federal law, subject to the condition that, except as provided in section 105(a)(3), no contract entered into under title I (or grant or cooperative agreement used under section 9) shall be—

“(1) considered to be a procurement contract; or

“(2) except as provided in section 107(a)(1), subject to any Federal procurement law (including regulations);”.

(2) TECHNICAL AMENDMENTS.—Section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304), as amended by paragraph (1), is further amended—

(A) in subsection (e), by striking “‘Indian tribe’ means” and inserting “‘Indian tribe’ or ‘Indian Tribe’ means”; and

(B) in subsection (l), by striking “‘tribal organization’ means” and inserting “‘Tribal organization’ or ‘tribal organization’ means”.

(b) REPORTING AND AUDIT REQUIREMENTS.—Section 5 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5305) is amended—

(1) in subsection (b)—

(A) by striking “after completion of the project or undertaking referred to in the preceding subsection of this section” and inserting “after the retention period for the report that is submitted to the Secretary under subsection (a)”; and

(B) by adding at the end the following: “The retention period shall be defined in regulations promulgated by the Secretary pursuant to section 413.”; and

(2) in subsection (f)(1), by inserting “if the Indian Tribal organization expends \$500,000 or more in Federal awards during such fiscal year” after “under this Act.”.

(c) EFFECTIVE DATE.—The amendment made by subsection (b)(2) shall not take effect until 14 months after the date of enactment of this Act.

(d) APPLICATION OF OTHER PROVISIONS.—Sections 4, 5, 6, 7, 102(c), 104, 105(a)(1), 105(f), 110, and 111 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304, 5305, 5306, 5307, 5321(c), 5323, 5324(a)(1), 5324(f), 5331, and 5332) and section 314 of the Depart-

ment of the Interior and Related Agencies Appropriations Act, 1991 (Public Law 101–512; 104 Stat. 1959), apply to compacts and funding agreements entered into under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5361 et seq.).

**SEC. 202. CONTRACTS BY SECRETARY OF THE INTERIOR.**

Section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5321) is amended—

(1) in subsection (c)(2), by striking “economic enterprises” and all that follows through “except that” and inserting “economic enterprises (as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452)), except that”; and

(2) by adding at the end the following:

“(f) GOOD FAITH REQUIREMENT.—In the negotiation of contracts and funding agreements, the Secretary shall—

“(1) at all times negotiate in good faith to maximize implementation of the self-determination policy; and

“(2) carry out this Act in a manner that maximizes the policy of Tribal self-determination, in a manner consistent with—

“(A) the purposes specified in section 3; and

“(B) the PROGRESS for Indian Tribes Act.

“(g) RULE OF CONSTRUCTION.—Subject to section 101(a) of the PROGRESS for Indian Tribes Act, each provision of this Act and each provision of a contract or funding agreement shall be liberally construed for the benefit of the Indian Tribe participating in self-determination, and any ambiguity shall be resolved in favor of the Indian Tribe.”.

**SEC. 203. ADMINISTRATIVE PROVISIONS.**

Section 105 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5324) is amended—

(1) in subsection (b), in the first sentence, by striking “pursuant to” and all that follows through “of this Act” and inserting “pursuant to sections 102 and 103”; and

(2) by adding at the end the following:

“(p) INTERPRETATION BY SECRETARY.—Except as otherwise provided by law, the Secretary shall interpret all Federal laws (including regulations) and Executive orders in a manner that facilitates, to the maximum extent practicable—

“(1) the inclusion in self-determination contracts and funding agreements of—

“(A) applicable programs, services, functions, and activities (or portions thereof); and

“(B) funds associated with those programs, services, functions, and activities;

“(2) the implementation of self-determination contracts and funding agreements; and

“(3) the achievement of Tribal health objectives.

“(q)(1) TECHNICAL ASSISTANCE FOR INTERNAL CONTROLS.—In considering proposals for, amendments to, or in the course of, a contract under this title and compacts under titles IV and V of this Act, if the Secretary determines that the Indian Tribe lacks adequate internal controls necessary to manage the contracted program or programs, the Secretary shall, as soon as practicable, provide the necessary technical assistance to assist the Indian Tribe in developing adequate internal controls. As part of that technical assistance, the Secretary and the Tribe shall develop a plan for assessing the subsequent effectiveness of such technical assistance. The inability of the Secretary to provide technical assistance or lack of a plan under this subsection shall not result in the re-assumption of an existing agreement, contract, or compact, or declination or rejection of a new agreement, contract, or compact.

“(2) The Secretary shall prepare a report to be included in the information required

for the reports under sections 405(b)(1) and 514(b)(2)(A). The Secretary shall include in this report, in the aggregate, a description of the internal controls that were inadequate, the technical assistance provided, and a description of Secretarial actions taken to address any remaining inadequate internal controls after the provision of technical assistance and implementation of the plan required by paragraph (1).”.

**SEC. 204. CONTRACT FUNDING AND INDIRECT COSTS.**

Section 106(a)(3) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325(a)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking “, and” and inserting “; and”; and

(B) in clause (ii), by striking “expense related to the overhead incurred” and inserting “expense incurred by the governing body of the Indian Tribe or Tribal organization and any overhead expense incurred”; and

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

“(B) In calculating the reimbursement rate for expenses described in subparagraph (A)(ii), not less than 50 percent of the expenses described in subparagraph (A)(ii) that are incurred by the governing body of an Indian Tribe or Tribal organization relating to a Federal program, function, service, or activity carried out pursuant to the contract shall be considered to be reasonable and allowable.”.

**SEC. 205. CONTRACT OR GRANT SPECIFICATIONS.**

Section 108 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5329) is amended—

(1) in subsection (a)(2), by inserting “subject to subsections (a) and (b) of section 102,” before “contain”; and

(2) in subsection (f)(2)(A)(ii) of the model agreement contained in subsection (c), by inserting “subject to subsections (a) and (b) of section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5321),” before “such other provisions”; and

(3) in subsection (b)(7)(C) of the model agreement contained in subsection (c), in the second sentence of the matter preceding clause (i), by striking “one performance monitoring visit” and inserting “two performance monitoring visits”.

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.

**NATIONAL WORKFORCE DEVELOPMENT MONTH**

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 632 and the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 632) designating September 2018 as “National Workforce Development Month.”

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be



agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 632) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of September 18, 2018, under "Submitted Resolutions.")

#### SICKLE CELL DISEASE AWARENESS MONTH

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 661, submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 661) expressing support for the designation of September 2018 as "Sickle Cell Disease Awareness Month" in order to educate communities across the United States about sickle cell disease and the need for research, early detection methods, effective treatments, and preventative care programs with respect to sickle cell disease, complications from sickle cell disease, and conditions related to sickle cell disease.

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 661) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### CAMPUS FIRE SAFETY MONTH

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 662, submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 662) designating September 2018 as "Campus Fire Safety Month."

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 662) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### ORDER OF PROCEDURE

Mr. McCONNELL. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the consideration of the House message to accompany H.R. 6, the opioids bill. I further ask consent that the majority leader or his designee be recognized to make a motion to concur; that there be up to 4 hours of debate on the motion, equally divided in the usual form; and that following the use or yielding back of that time, the Senate vote on the motion to concur with no further intervening action or debate.

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

#### NOMINATION OF BRETT KAVANAUGH

Mr. McCONNELL. Mr. President, for the information of all of our colleagues, there were two very significant developments today.

This morning, the Judiciary Committee reported out Judge Kavanaugh favorably. All 11 Republican members of the Judiciary Committee voted in favor of reporting him out with a favorable recommendation. No. 2, we will shortly move to proceed to the Kavanaugh nomination, and I am pleased to announce that all 51 Republican Members of the Senate support the motion to proceed to the nomination. One hundred percent of the Republican conference supports proceeding to the Kavanaugh nomination.

Now, in committee, they reviewed the most pages of documents ever produced pertaining to any Supreme Court nomination—literally, hundreds of judicial opinions from his tenure on the Court of Appeals for the DC Circuit and 5 days of hearings during which Judge Kavanaugh testified for nearly 40 hours. Judge Kavanaugh testified on every topic, from complicated legal subjects to sensitive personal matters, and there were statements and testimony from countless personal friends, classmates, coworkers, former clerks, and other associates.

So the picture that has emerged from all of this is clear: Judge Kavanaugh is one of the most qualified and most impressive Supreme Court nominees in the history of our country.

He has excelled at the highest levels of legal scholarship. He holds two degrees from Yale and, for years, has lectured at Harvard Law School. He has issued more than 300 legal opinions from what is widely considered the second highest court in the Nation. Several have subsequently been cited in

the Supreme Court's own majority opinions. Along the way, he has built an outstanding reputation within the legal community for his clear and thoughtful writing and his exemplary, fairminded judicial temperament.

Judge Kavanaugh's qualifications have been affirmed by his peers and by renowned legal scholars from across the ideological spectrum. One self-described liberal Democrat who advised him at Yale Law School said that Judge Kavanaugh "commands wide and deep respect among scholars, lawyers, and jurists."

This praise has been echoed by hundreds of character witnesses who have testified before the Senate or written us letters to praise Judge Kavanaugh's personal character and his integrity in the strongest terms.

The committee has also thoroughly investigated the last-minute allegations that have been brought forward. The evidence that has been produced either fails to corroborate these accusations or, in fact, support Judge Kavanaugh's unequivocal denial, and, in some cases, the accusers have even recanted their baseless allegations.

All in all, this is a nominee who has received what many have considered the gold standard of judicial qualification—a rating of unanimously "well qualified" from the American Bar Association.

So this is a nomination that deserves to move forward, and that is precisely what is happening.

I commend our colleagues on the committee for sending this impressive nominee here to the floor with a favorable recommendation.

Now we will keep the process moving. The full Senate will begin consideration of Judge Kavanaugh's nomination today.

#### SPORTS MEDICINE LICENSURE CLARITY ACT OF 2017

Mr. McCONNELL. Mr. President, I understand the Senate has received a message from the House to accompany H.R. 302.

The ACTING PRESIDENT Pro Tempore. The Senator is correct.

Mr. McCONNELL. I move that the Chair lay before the Senate the message to accompany H.R. 302.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives:

Resolved, that the House agree to the amendment of the Senate to the bill (H.R. 302) entitled "An Act to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State," with an amendment to the Senate amendment.

#### MOTION TO CONCUR

Mr. McCONNELL. I move to concur in the House amendment to the Senate amendment.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows: The Senator from Kentucky [Mr. McConnell] moves to concur in the House amendment to the Senate amendment to H.R. 302.

#### CLOTURE MOTION

Mr. McCONNELL. I send a cloture motion to the desk on the motion to concur.

The ACTING PRESIDENT pro tempore. 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 motion to concur in the House amendment to the Senate amendment to H.R. 302, an act to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State.

Mitch McConnell, Marco Rubio, Johnny Isakson, Orrin G. Hatch, Lamar Alexander, John Boozman, Jerry Moran, Mike Crapo, Thom Tillis, Roger F. Wicker, Todd Young, John Thune, Tim Scott, Deb Fischer, John Barrasso, Roy Blunt, Cory Gardner.

#### MOTION TO CONCUR WITH AMENDMENT NO. 4026

Mr. McCONNELL. I move to concur in the House amendment with a further amendment.

The ACTING PRESIDENT pro tempore. The clerk will report the motion. The legislative clerk read as follows:

The Senator from Kentucky [Mr. McConnell] moves to concur in the House amendment to the Senate amendment to H.R. 302, with an amendment numbered 4026.

Mr. McCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end add the following.

"This Act shall take effect 1 day after the date of enactment."

Mr. McCONNELL. I ask for the yeas and nays on my amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 4027 TO AMENDMENT NO. 4026

Mr. McCONNELL. I have a second-degree amendment at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McConnell] proposes an amendment numbered 4027 to amendment No. 4026.

Mr. McCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike "1 day" and insert "2 days"

#### MOTION TO REFER WITH AMENDMENT NO. 4028

Mr. McCONNELL. I move to refer the House message on H.R. 302 to the Com-

mittee on Commerce with instructions to report back forthwith.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McConnell] moves to refer the message to accompany H.R. 302 to the Committee on Commerce with instructions, being amendment numbered 4028.

The amendment is as follows:

At the end add the following.

"This Act shall take effect 3 days after the date of enactment."

Mr. McCONNELL. I ask for the yeas and nays on my motion.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 4029

Mr. McCONNELL. I have an amendment to the instructions.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McConnell] proposes an amendment numbered 4029 to the instructions of the motion to refer H.R. 302.

Mr. McCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike "3 days" and insert "4 days"

Mr. McCONNELL. I ask for the yeas and nays on my amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 4030 TO AMENDMENT NO. 4029

Mr. McCONNELL. I have a second-degree amendment at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McConnell] proposes an amendment numbered 4030 to amendment No. 4029.

Mr. McCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike "4" and insert "5"

Mr. McCONNELL. I ask unanimous consent that the mandatory quorum call be waived.

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

#### UNANIMOUS CONSENT AGREEMENT—HOUSE MESSAGE TO ACCOMPANY H.R. 302

Mr. McCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 5 p.m. on Mon-

day, October 1, the Senate resume consideration of the House message to accompany H.R. 302, as if in legislative session; further, that at 5:30 p.m. on Monday, the Senate vote on the motion to invoke cloture on the motion to concur; further, that if cloture is invoked, the Senate remain in executive session and the postcloture time continue to run as otherwise under the rule; finally, that upon the use or yielding back of the postcloture time, the Senate vote, as if in legislative session, on the motion to concur.

The ACTING PRESIDENT pro tempore. 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. 1127.

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

The question is on agreeing to the motion.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Brett M. Kavanaugh, of Maryland, to be an Associate Justice of the Supreme Court of the United States.

#### AUTHORITY TO SIGN DULY ENROLLED BILLS OR JOINT RESOLUTIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the majority leader and the senior Senator from Arkansas be authorized to sign duly enrolled bills or joint resolutions during the upcoming recess of the Senate.

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

#### ORDERS FOR MONDAY, OCTOBER 1, 2018

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 3 p.m., Monday, October 1; that following the prayer and pledge, the Journal of proceedings be approved to date and the time for the two leaders be reserved for their use later in the day.

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

#### RECESS UNTIL MONDAY, OCTOBER 1, 2018, AT 3 P.M.

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask that it stand in recess under the previous order.



Thereupon, the Senate, at 6:21 p.m., recessed until Monday, October 1, 2018, at 3 p.m.

### NOMINATIONS

Executive nominations received by the Senate:

#### FEDERAL RESERVE SYSTEM

JEAN NELLIE LIANG, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR THE UNEXPIRED TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2010, VICE JANET L. YELLEN, RESIGNED.

#### TRADE AND DEVELOPMENT AGENCY

DARRELL E. ISSA, OF CALIFORNIA, TO BE DIRECTOR OF THE TRADE AND DEVELOPMENT AGENCY, VICE LEOCADIA IRINE ZAK.

#### UNITED NATIONS

ANDREW P. BREMBERG, OF VIRGINIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE OFFICE OF THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA, WITH THE RANK OF AMBASSADOR.

#### DEPARTMENT OF STATE

JEFFREY L. EBERHARDT, OF WISCONSIN, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE SPECIAL REPRESENTATIVE OF THE PRESIDENT FOR NUCLEAR NONPROLIFERATION, WITH THE RANK OF AMBASSADOR.

CHRISTOPHER PAUL HENZEL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF YEMEN.

LYNNE M. TRACY, 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 ARMENIA.

#### UNITED STATES PAROLE COMMISSION

VIRGIL MADDEN, OF INDIANA, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE PATRICIA CUSHWA, TERM EXPIRED.

MONICA DAVID MORRIS, OF FLORIDA, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE J. PATRICIA WILSON SMOOT, TERM EXPIRED.

#### IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO

THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

MICAH B. BELL  
EDWARD G. DEXTRAZE  
THADDEUS D. FINERAN  
BRIAN S. HERRINGTON  
JAMES W. HICKS  
MAURICE A. MARSHALL  
EARL G. MATTHEWS  
THOMAS R. MORTIMER III  
PAUL T. SELLARS  
JOSEPH J. SHARKEY  
TANYA R. TROUT

### WITHDRAWAL

Executive Message transmitted by the President to the Senate on September 28, 2018 withdrawing from further Senate consideration the following nomination:

ANTHONY KURTA, OF MONTANA, TO BE A PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE, VICE LAURA JUNOR, RESIGNED, WHICH WAS SENT TO THE SENATE ON JULY 25, 2017.

## EXTENSIONS OF REMARKS

RECOGNIZING EAGLE SCOUT  
TROOP 121 ON ITS 50TH ANNIVERSARY

**HON. TOM MCCLINTOCK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. MCCLINTOCK. Mr. Speaker, congratulations to Scoutmaster Mitch Gorsen and all the leaders and young people of Eagle Scout Troop 121 on its 50th anniversary. It has been 50 years of amazing success, culminating in the 300th young man from the troop being recently awarded an Eagle. Troop 121 is known for its adventurous spirit, sending Scouts to New Mexico, to the wilds of northern Minnesota and to Sea Base in Florida to experience a range of physical and mental challenges that mold Eagles.

A major force in the success of Troop 121 was the presence of John Hooten who passed away in March. John served as Scoutmaster for more than 20 years, motivating many to attain the highest rank of Eagle Scout. His contributions will never be forgotten.

Troop 121 is well positioned to continue its mission of providing a quality Scouting program for the young men and women in the Granite Bay/South Placer area. I wish them continued success in helping create America's future leaders.

HONORING JONATHAN GOLD

**HON. JUDY CHU**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Ms. JUDY CHU of California. Mr. Speaker, I rise today to honor Jonathan Gold, award-winning food critic and longtime Pasadena resident, who passed away in July from pancreatic cancer at the age of 57. Mr. Gold was the first food writer to be awarded a Pulitzer Prize, in 2007, and was also the recipient of five James Beard Awards for his reviews and criticism.

Jonathan Gold was born in South Los Angeles on July 28, 1960, and remained a true Angeleno for his whole life, attending high school in Beverly Hills and college at my alma mater, the University of California, Los Angeles. While he is best known for his passion for food, Mr. Gold is credited for introducing Los Angeles and its visitors to new foods, culture and experiences.

Mr. Gold began his writing career as a copy editor for the LA Weekly while he was still a student at UCLA. After receiving his bachelor's degree in the history of music, he went on to serve as a music editor for the Weekly, until he began writing his now-famous food column, Counter Intelligence, in 1986. At a time when most food critics were focused on haute cuisine and high-end dining, Mr. Gold was an avid pursuer of local establishments, pub-

lishing rave reviews of street food, hole-in-the-wall joints, and neighborhood spots. His poetic prose, vivid descriptions of taste and texture, and eclectic references to everything from pop culture to historical ephemera earned his writing many devoted followers. It was no surprise that he won the Pulitzer Prize in 2007.

I have personally followed Mr. Gold's work for years, as he moved from the LA Weekly, to Gourmet, to the Los Angeles Times, shining a light on neighborhoods and establishments all around Los Angeles and the San Gabriel Valley. Mr. Gold's reviews became an essential guide to Los Angeles, giving a window into the way in which food can bring communities together, writing about both the food itself and the people who prepared it. He frequently wrote about ethnic food and Los Angeles' many immigrant communities, in an effort he described as "celebrating the glorious mosaic of the city." His deep love of Los Angeles showed in the rich map he created of the city and its people, crisscrossing the San Gabriel Valley in his pickup truck, always in search of new and exciting places to eat and new people with whom to share a meal.

Mr. Gold is survived by his wife, Laurie Ochoa, and their two children, Isabel and Leon. It is my distinct honor to commemorate the life and writing of Jonathan Gold and his lasting impact on Los Angeles and the San Gabriel Valley.

RECOGNIZING THE 20TH ANNIVERSARY OF THE SHEPHERD'S CENTER OF OAKTON-VIENNA

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. CONNOLLY. Mr. Speaker, I rise to recognize the Shepherd's Center of Oakton-Vienna on the occasion of their 20th anniversary. I also wish to thank them for their many contributions to the Northern Virginia community. Organized in 1997, the Shepherd's Center of Oakton-Vienna (SCOV) is a non-profit that provides services to help older adults continue living independently, and it offers programs that supply opportunities for enrichment, learning, and socialization.

Every year, approximately 200 volunteers provide invaluable services in support of older residents who want to age in place in their homes and stay engaged in social activities. Services are available free of charge to anyone age 50 or older who resides in the local community.

Last year, volunteers provided 9,922 hours of service to the Northern Virginia community. Volunteer drivers provided more than 900 round-trip rides for medical reasons and other errands. Volunteers also made regular contact with individuals who may have limited interaction and may feel isolated in their homes. "Handy Helpers" made minor home repairs to help older adults keep their homes safe and livable.

The Health Team provided individual health counseling, referral to community resources, and blood pressure readings. Volunteers also run programs such as Lunch n' Life, Adventures in Learning, trips and outings, special events, and caregivers' support groups. In 2014, SCOV was recognized for these efforts as an Outstanding Volunteer Caregiving Program by the National Volunteer Caregiving Network.

The services and programs offered by this extraordinary organization help to ensure that our seniors stay connected to the community through the promotion of active lifestyles, ongoing social integration, and availability of resources for older residents to use and share their experience, training, and skills.

Mr. Speaker, I ask that my colleagues join me in congratulating the Shepherd's Center of Oakton-Vienna on its 20th anniversary and for its work to enable older adults in our community to age in place and enjoy their golden years with dignity and independence. I thank the many volunteers who generously dedicate their time and efforts to the welfare of our neighbors. The value of their contributions cannot be overstated and are truly deserving of our highest praise.

CHINA'S WAR ON CHRISTIANITY  
AND OTHER RELIGIOUS FAITHS

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. SMITH of New Jersey. Mr. Speaker, yesterday we held a hearing on the lack of religious freedom in China today.

Several years ago during a visit to the United States, Xi Jinping chose to be interviewed by a Chinese reporter living in the U.S. After the interview, President Xi asked a single question of this reporter—not about his family and not about whether he enjoyed living in America—the one question he asked was "Why do so many Chinese students and faculty living in the United States become Christians?"

Whatever was behind that question, religious freedom conditions in China have not improved because of it. Quite the opposite, in fact, as Xi has personally launched efforts to "sinacize religion" and the central government has issued commands to each provincial Party Secretary, making them responsible to bring religion in line with Communist Party ideology.

The Chinese government is an equal opportunity abuser of religious freedom. As U.S. Commission on International Religious Freedom Chair Tenzin Dorjee testified, Xi Jinping's stated goal of "sincacization" affects all religious communities in China—Tibetan Buddhists, Falun Gong practitioners, Daoists, Muslims, and Christians.

Over the past year, the Chinese government has intensified the most severe crackdown on religious activities since the Cultural Revolution. Regulations on religious affairs issued in

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

February tightened existing restriction and new draft regulations are being circulated to clamp down on religious expression online. Churches, mosques, and temples have been demolished, crosses destroyed, children have been prohibited from attending services, and surveillance cameras are being installed in churches.

Xi Jinping talks about realizing the “China Dream”—but when Bibles are burned, when a simple prayer over a meal in public may be an illegal religious gathering, and when over a million Uyghur and Kazakh Muslims are interned in “reeducation camps” and forced to renounce their faith—that dream is a nightmare.

Much in the news lately has been the Chinese government’s targeting of Christians. The “sinacization campaign” has affected both state-controlled and unregistered churches—Protestant and Catholic. Clergy remain in prison and the human rights lawyers who defend religious believers have been jailed, disappeared, or tortured into silence. Xi Jinping views the fast-growing Christian churches, particularly the Protestant “house church” movement that does not belong to the state-sanctioned Protestant entities, as a threat to the dominance of the Chinese Communist Party. One of our witnesses yesterday, my good friend the Rev. Dr. Bob Fu, has detailed on countless occasions the Communist Party’s vicious war on independent house churches.

Underground Catholics—meaning those who do not belong to the state-sanctioned Patriotic Association—have faced tremendous persecution for decades, including Bishop Su Zhimin who I met with in 1994.

Bishop Su’s body bore witness to the brutality of China’s Communist Party. He was beaten, starved, and tortured for his faith and spent some 40 years in prison. Yet, he prayed not just for the persecuted church, but for the conversion of those who hate, torture and kill. Unfortunately, only a couple of years later Bishop Su was arrested again and disappeared. He has not been heard from since.

Today, efforts to forcibly close underground parishes expanded this year. China’s Ethnic and Religion Bureau told the state propaganda arm Global Times in April that “activities in illegally-built parishes will be prohibited” and underground Catholic churches were being shuttered this very summer.

Recent reports indicate that a deal has been struck by the Holy See and the Chinese government whereby the Pope will have veto power over Chinese government-approved candidates to be ordained as bishops. In exchange, seven previously excommunicated bishops, ordained without papal mandate and appointed by the Chinese government, will be welcomed back into full communion with Rome. Already, the Vatican has asked two validly ordained bishops to step aside to make way for two formerly excommunicated bishops. Cardinal Joseph Zen, bishop emeritus of Hong Kong, has questioned whether Vatican officials making these decisions “know what true suffering is.”

The reports are that this deal is provisional and full details are yet unknown. The devil will be in the details—including the fate of underground churches and relations with Taiwan. But with all the efforts underway to forcibly sinacize religion, it certainly seems an odd time to strike a deal with Xi Jinping’s China. I hope and pray this agreement will bring true religious freedom for Catholics in China—who

have suffered so much to maintain their faith. We will continue to monitor the situation closely to see if force is used by the Chinese government to close all “underground” or unregistered Catholic churches as a result of this deal.

We heard from Dr. Tom Farr on what the implications of this deal would be and his recommendations for U.S. religious freedom diplomacy.

U.S.-China tensions are high at the moment on many fronts and the Chinese government presumably is searching for ways to reduce—not escalate—them. Taking a hammer and sickle to the cross or jailing a million Uyghur Muslims will only ensure a tougher China policy, one with widespread, bipartisan and even global support.

HONORING REP. H.M. “MICKEY”  
MICHAX

**HON. DAVID E. PRICE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to honor the leadership and service of Representative Henry McKinley “Mickey” Michaux, who is retiring from the North Carolina General Assembly after nearly five decades of distinguished and impactful public service.

For many residents of Durham and the State of North Carolina, Mickey Michaux’s life of service has been synonymous with our growth and progress as a region as well as the challenges we have faced as a state and nation. A native of Durham, Michaux spent his childhood in segregated schools and public establishments, attending the prestigious boarding school, Palmer Memorial Institute, and graduating from North Carolina Central University (NCCU) in 1952. He went on to serve his country in the United States Medical Corps and Army Reserves from 1952 until 1960.

As a young business and civic leader, Michaux was at the forefront of the civil rights movement as it swept through the South. Dr. Martin Luther King, Jr.’s first visit to Durham in 1956 came at Michaux’s invitation, building on a friendship that would extend until King’s untimely death. His early involvement in local civil rights struggles led him to pursue a career in law; he earned his Juris Doctor from N.C. Central in 1964 and was appointed as the Chief Assistant District Attorney for Durham County in 1969.

In 1972, Michaux was elected to the North Carolina House of Representatives, becoming just the third African American to hold a seat in the 20th century. In 1977, President Jimmy Carter appointed him to serve as the first African American U.S. Attorney in the Middle District of North Carolina: after a distinguished term of service, he returned to the North Carolina House representing Durham’s 31st District. He has served continuously since then, making him the longest-serving member of the North Carolina General Assembly.

Throughout his more than four decades in the legislature, Michaux has been a visionary and effective advocate for equal rights, social justice, and shared prosperity. Nearly every progressive accomplishment of the last few

decades—investments in education and worker training, support for Historically Black Colleges and Universities, expansions of voting rights and ballot access reforms—have benefited from his guidance and persistence. He served as the Senior Chair of the Appropriations Committee, overseeing numerous vital investments to create opportunities for North Carolina families. He has been a tireless ambassador for his community of Durham, for example by shepherding legislation unifying the city and county school districts through the state House. And he has led efforts to ensure that North Carolina honors its history as an epicenter of the civil rights movement, for example by establishing the Hawkins Brown Museum at Historic Palmer Memorial Institute.

Mickey Michaux has not hesitated to take on difficult causes. My wife Lisa greatly admired his introduction in the early 1990s of legislation designed to keep guns out of the wrong hands; her hope in founding North Carolinians Against Gun Violence was to make his cause a less lonely one.

Lisa and I have known Mickey for the 45 years we have been back in North Carolina. I worked with him as state Democratic chairman and then benefitted from his counsel and encouragement when I decided to seek office myself. He was especially welcoming and helpful when my district was redrawn to include Durham in 1997. I had a lot to learn, and I will always be grateful for Mickey’s generosity in easing my way.

Mickey has received countless awards and recognitions for his service, including the Order of the Long Leaf Pine earlier this year. He has been a mainstay of numerous bar and real estate associations, the Durham Committee on the Affairs of Black People, and St. Joseph’s AME Church. He is a member of the Black College Alumni Hall of Fame, served as an NCCU Trustee, and was National President of the N.C. Central Alumni Association for three terms. The H. M. Michaux, Jr. School of Education Building at NCCU was dedicated in his honor in 2007.

On behalf of North Carolina’s Congressional delegation and my constituents in the Fourth District, I join Mickey’s many friends, colleagues, and constituents in thanking him for his commitment and service to the city of Durham and the State of North Carolina. He leaves his community stronger than he found it, better equipped to nurture future generations of conscientious and effective leaders. All North Carolinians are in his debt. We wish him, his wife June, and their family well as he begins the next chapter in his life.

FRANK REWOLD AND SON, INC.

**HON. MIKE BISHOP**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. BISHOP of Michigan. Mr. Speaker, I rise today to congratulate Frank Rewold and Son, as this year marks the business’ 100th anniversary in my hometown of Rochester, Michigan.

In 1918, the widow of John Frances Dodge, of Dodge Motor Car Company, a co-founder of Oakland University, hired an established carpenter by the name of Frank Rewold. This marked the beginning of decades of building,

fixing, and problem solving by this incredible family. Frank Rewold passed the legacy onto his apprentice and son Roy Rewold.

Over the last 100 years, generations of Rewolds have designed and built countless structures in our community—everything from higher education buildings to manufacturing facilities. I'm proud of the heritage and reputation this company has maintained since 1918—their integrity, relationship focused, and honest outlook have resulted in historical connections that span generations.

In their 4th generation of leadership, Frank Rewold and Son has continued to be family owned and operated business. I'm grateful to have the incredible Frank Rewold and Son team investing and thriving in our community for the last 100 years.

Again—congratulations to Frank Rewold and Son on achieving this enormous milestone. I wish them continued success in the future.

#### HONORING THE 125TH ANNIVERSARY OF WHEELER MISSION MINISTRIES

#### HON. TODD ROKITA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. ROKITA. Mr. Speaker, I rise today to recognize and salute an exceptional ministry in the State of Indiana. This year Wheeler Mission Ministries is celebrating its 125th anniversary.

In 1893, a small group of women from the Women's Christian Temperance Union recognized a tragedy in their city: "friendless women" in Indianapolis were regularly abandoned at Union Station, having no place to go and no one to care for them. As a response, these pioneering women opened a small refuge and residence for women in need, a refuge known today as Wheeler Mission. One hundred twenty-five years later, Wheeler Mission has expanded to become the oldest continuously operating ministry of its kind in the state of Indiana. Offering the Indianapolis and Bloomington communities homeless shelters, residential programming, addiction recovery services, and social enterprises, Wheeler has expanded to 9 locations and dozens of ministries. While its programs and services have adapted to meet the ever-changing needs of the community, Wheeler remains focused and unwavering in its commitment to Christ and the transformation that is possible through the Gospel.

#### PERSONAL EXPLANATION

#### HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. KING of Iowa. Mr. Speaker, on September 25, 2018, I voted against H.R. 6369, the Expanding Contracting Opportunities for Small Business Act of 2018, as amended (Roll Call No. 401). H.R. 6369 was brought to the floor for a vote under suspension of the Rules of the House of Representatives. H.R. 6369 increases the dollar cap of sole-source awards

under the HUBZone Program, Service-Disabled Veteran-Owned Small Business (SDVOSB) Program, and Women-Owned Small Business (WOSB) Program. Although I support increasing the dollar cap of sole-source awards for our nation's service-disabled veterans, I reject the equivocation between service-disabled veterans and women. When it comes to being a small business owner, it is easy to understand that our nation's service-disabled veterans may need and definitely deserve an assist. However, women are just as qualified and able to succeed as anyone. We should not equivocate between those who served our nation and suffered a disability on account of it, and those who are biologically female, and fully capable of succeeding as a small business owner, just as much as any other American.

#### SAINT AMBROSE EPISCOPAL CHURCH: 150 YEARS OF FAITHFUL WITNESS

#### HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to commemorate the 150th anniversary of Saint Ambrose Episcopal Church, located in the district I represent in Raleigh, North Carolina.

Saint Ambrose was founded in 1868 as a ministry to recently emancipated persons of African ancestry. At its founding, Saint Ambrose Church was the worshiping community associated with Saint Augustine's College. Reverend Jacob Brinton Smith was the first pastor, and the first building was placed on a tract authorized by the North Carolina legislature in downtown Raleigh.

In 1896, under the leadership of Rev. James E. King, St. Ambrose became a free-standing congregation. Shortly thereafter, parishioners moved the entire building one mile, to the corner of South Wilmington and Cabarrus Streets, and renovated the church to include education rooms and a rectory. In the 1950's, under the leadership of Rev. George A. Fisher, the church attained parish status, becoming the first historically African American mission in the Episcopal Diocese of North Carolina to do so.

My own ties to St. Ambrose date to the long tenure (1959–98) of a wonderful pastor, Rev. Arthur Calloway, who also served three terms on the Raleigh City Council. Father Calloway oversaw the construction of the church's present facility on Darby Street in 1965 and the addition of an education wing in 1987. He was a civil rights leader, a prophetic voice in the community, and a mentor to many—among whom I am privileged to count myself.

Today, Saint Ambrose continues in this strong tradition of ministry and service, led by an inspiring young pastor, Rev. Robert Jermonde Taylor. He was preceded by Rev. Kimberly Lucas, the first female rector and the first African American woman ordained priest in the diocese.

As we look back at the legacy of Saint Ambrose, we give thanks for the church's positive impact on the lives of countless citizens in Raleigh and the surrounding communities. The congregation has set a powerful example by

proclaiming the gospel faithfully and ministering to the community in multiple ways—ranging from tutoring at-risk youth to partnering with Raleigh Urban Ministries, Alcoholics and Narcotics Anonymous, and Partners for Environmental Justice. On behalf of North Carolina's congressional delegation and my constituents in the Fourth District, I am pleased to offer my congratulations to the leaders, congregants, and friends of Saint Ambrose Episcopal Church as they celebrate their 150th Anniversary and look forward to the decades of ministry and service to come.

#### RECOGNIZING SEPTEMBER AS DYSTONIA AWARENESS MONTH

#### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to join those who have participated in public activities and forums this month to mark September as Dystonia Awareness Month. Public awareness events and campaigns help raise funds for improved research and treatment to one day find a cure.

Dystonia is a neurological movement disorder that causes muscles to contract and spasm involuntarily. It affects men, women, and children. Dystonia can be generalized, affecting all major muscle groups, and resulting in twisting, repetitive movements and abnormal postures. It can also be focal, affecting a specific part of the body such as legs, arms, hands, neck, face, mouth, eyelids, or vocal cords.

Dystonia is a chronic disorder producing symptoms that vary in degrees of frequency, intensity, disability, and pain depending on the type of dystonia. The inability to predict or control the movements of body parts vital to mobility and communication has a profound impact on an individual's life, and the lives of their loved ones.

I am proud to represent the Nachbar Family of Freehold, New Jersey. Janice and Len Nachbar are the incredibly devoted parents of Joanna—a beautiful, smart woman who is afflicted with dystonia. In their role as leaders of the Central New Jersey Dystonia Support and Action Group, they are active advocates on behalf of their daughter and the dystonia community. The Nachbars are just one of the thousands of families nationwide who are part of the Dystonia Medical Research Foundation which raises awareness for dystonia and provides support to patients, families, and caregivers.

Since I first met the Nachbars and learned of dystonia, I have repeatedly requested adequate appropriations for important research funded by the National Institutes of Health and the Department of Defense, and in 2015 I hosted a Congressional briefing where the Nachbars and other members of the dystonia community testified to the importance of funding and awareness for this terrible disorder.

Despite the prevalence of dystonia, awareness and proper diagnosis of this disorder is extremely limited. Many patients report that it took visits to numerous physicians over the course of years to get a correct diagnosis. Currently there is no single test to confirm the diagnosis of dystonia. Instead, the diagnosis

rests in a physician's ability to observe symptoms of dystonia and obtain a thorough patient history.

In order to correctly diagnose dystonia, doctors must be able to recognize the physical signs and be familiar with the symptoms. In certain instances, tests may be ordered to rule out other conditions or disorders. The kind of specialist who typically has the training to diagnose and treat dystonia is a movement disorder neurologist. Awareness and recognition of dystonia is crucial.

I encourage my colleagues to learn more about dystonia, how it impacts the livelihood of their constituents, and honor the important work the Dystonia Medical Research Foundation, and families like the Nachbars, do to raise awareness and give hope to patients across the country.

**HONORING CONNOR FRANTZ FOR  
HIS WORK WITH VETERANS**

**HON. BRAD R. WENSTRUP**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. WENSTRUP. Mr. Speaker, I rise in recognition of Connor Frantz, a remarkable young man from Cincinnati.

Connor has a heart for serving our veterans. As early as the age of 9, he was thinking up ways to make a difference in the lives of those who served our great nation.

He recently created his own nonprofit, called "Heroes Are Never Alone." Connor's organization partners with the Cincinnati Department of Veterans Affairs to most efficiently connect community support to veterans in need. Connor has helped raise more than \$8,000 so far.

Just this past winter, Heroes Are Never Alone had a tangible impact on Cincinnati's homeless population. Connor's donations were used to purchase winter clothing for veterans on the streets, in shelters, and temporary housing. His donations were also used to purchase hundreds of bus passes that allowed veterans to secure employment, access to housing, and services at food pantries. Connor's organization even donated a storage unit that is now used to store furniture that can be provided to veterans moving into permanent housing.

Mr. Speaker, we cannot end veteran homelessness on our own from Washington. We all benefit from initiatives by private citizens like Connor, who have a passion for helping veterans transition out of this condition. I hope you'll join me in thanking Connor for his efforts. We look forward to following young Connor Frantz's continued good work.

**APPRECIATION FOR THE WORK OF  
CONGRESSIONAL STAFFER MATT  
POWELL**

**HON. TOM MARINO**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. MARINO. Mr. Speaker, I rise today to acknowledge and thank a longtime staffer of mine, Matt Powell, who recently left my office to pursue a Master's Degree in Public Health.

Matt is a constituent of the district I represent, Pennsylvania's 10th Congressional District, growing up in Susquehanna County. He attended Forest City High School and earned his Bachelor's Degree from Keystone College in Lackawanna County. Matt is a born and bred Northeastern Pennsylvanian who decided to serve his neighbors and his area by becoming an intern in one of my district offices. Matt immediately excelled in his role, and once we had an opening in my Washington, D.C. office we brought him on board right away. Matt worked in my Washington, D.C. office for over 5 years where he eventually became my Senior Legislative Assistant handling an array of important policy issues. Matt's passion has always been in healthcare policy, and I am pleased to see he is pursuing higher education in this field. I thank Matt for his dedicated and hard work for the constituents of PA-10, and I wish him the best of luck in any of his future endeavors.

**RECOGNIZING THE 2018 BEST OF  
BRADDOCK AWARD RECIPIENTS**

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. CONNOLLY. Mr. Speaker, I rise to recognize the recipients of the annual Best of Braddock Awards. These awards are the result of collaboration between the Braddock District Council and Braddock District Supervisor and are presented to individuals and organizations whose extraordinary efforts make our community a better place.

I have been proud to represent this community since my days as Chairman of the Fairfax County Board of Supervisors. The level of civic engagement celebrated by these awards is a testament to the community spirit of the Braddock District. I have often said that civic engagement is a key indicator of a healthy community and tonight's event proves that Braddock District continues to be one of the healthiest communities in all of Northern Virginia. That is due in no small part to the actions of those honored here this evening. I extend my congratulations to all of tonight's honorees and commend them for their efforts on behalf of others and in making our community one of the best places in the country in which to live, work and raise a family.

It is my honor to include in the RECORD the following recipients of the 2018 Best of Braddock Awards:

Marilynn Sitts—Olde Forge/Surrey Square Civic Association, Hospitality Chairperson

Donna Fricas—Olde Forge/Surrey Square Civic Association, Little Free Library Project Coordinator

Sarah Lennon—Kings Park West Civic Association, Parks and Lake Chairperson, Leader of the Road Raiders Cleanup Team

Cathy DeLoach and Mary Hovland—Long and Foster Mary and Cathy Team, Kings Park West Tour of Homes Coordinators

Judy Nitsche—Friends of Kings Park Library, Book Sale Chair

Evan Braff and Paul Woods—Fairfax County Neighborhood and Community Services, Neighborhood College Coordinators

Mr. Speaker, I ask my colleagues to join me in congratulating the 2018 Best of Braddock

honorees for their tremendous contributions to Fairfax County and Northern Virginia. I thank them for their service to our community and wish them great success in all their future endeavors.

**CELEBRATING THE YEAR OF THE  
BIRD**

**HON. JOHN J. FASO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. FASO. Mr. Speaker, I rise today to recognize and celebrate the Year of the Bird, recognizing the tremendous value of our country's migratory birds to my constituents and all Americans and our natural world, and one hundred years of migratory bird conservation.

Within my own district in Upstate New York, birds contribute to the rich and beautiful scenery of the region, including globally recognized Important Bird Areas like the Catskills and the Upper Delaware River Basin, home to iconic species such as the Bald Eagle and Osprey. Areas like the Delaware River Basin not only provide a home for wildlife, they also serve as crucial economic drivers. The Basin contributes \$21 billion annually in ecosystems goods and services and provides water for millions of people in the region.

Greater than one-third of North American bird species continue to be in need of conservation action. That means that our action is key to their survival, through supporting the Land and Water Conservation Fund and Delaware River Basin Restoration Program, programs that conserve public lands which are important to both birds and people.

The best way we can honor the past century of successfully conserving our birds and their habitat is to continue to do so. We owe our children and grandchildren the joy of experiencing the rich bird life in this great country.

Mr. Speaker, I ask you and my colleagues to join me in celebrating this monumental year marking a century of protecting birds. My hope is that we continue to advance sound policies and proper funding on behalf of the nation's migratory birds and all Americans, so that our proud conservation legacy will live on.

**RECOGNIZING THE 25TH ANNIVERSARY OF ST. MARY'S ETHIOPIAN  
ORTHODOX TEWAHEDO CHURCH**

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. COFFMAN. Mr. Speaker, I rise today to recognize the 25th anniversary of St. Mary's Ethiopian Orthodox Tewahedo Church located in my home town of Aurora, Colorado. This landmark anniversary is a significant milestone as St. Mary's is not only an important religious institution, it is an important part of our community.

I am proud to represent the largest Ethiopian community in the State of Colorado in the United States House of Representatives. These Ethiopian immigrants are welcome and valued members of our community. They have opened small businesses, become homeowners, and become vital members of our

community. St. Mary's is an important foundation in the lives of these Ethiopian-Americans where they can come together, as promised in the First Amendment to the U.S. Constitution, to practice their shared faith and help those within their community in times of need.

St. Mary's became the first Ethiopian Orthodox Church in Colorado when it was established in 1993. The church has experienced both triumphs and setbacks, but it has nevertheless always maintained its commitment to the community and willingness to serve. This is why St. Mary's continues to grow and thrive as its members celebrate their successes, their sorrow, and support in time of distress.

I offer my warmest and best wishes to the people and the leadership of St. Mary's Ethiopian Orthodox Tewahedo Church on their 25th anniversary. I know St. Mary's will continue to grow, to thrive, to serve its members, and to be a part of our community that is both a welcoming and diverse place.

#### CLARITY ON SMALL BUSINESS PARTICIPATION IN CATEGORY MANAGEMENT ACT OF 2018

SPEECH OF

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2018*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of H.R. 6382, the "Clarity on Small Business Participation in Category Management Act," a bill which seeks to improve participation in federal contracting by small businesses.

The "Clarity on Small Business Participation in Category Management Act," requires that the Small Business Administration report to Congress on the total amount of government-wide spending under the Category Management approach, and more importantly, the number of small businesses awarded contracts under Category Management and the dollar amount of such contracts.

This information will allow Congress to determine whether Category Management is negatively impacting the participation of small businesses—including, minority-owned, women-owned, and veteran-owned companies—in the federal marketplace.

While I appreciate that the rationale behind Category Management is to save taxpayer dollars by reducing contract redundancies and costs and shrink administrative burdens, I share the concerns of many that the expanded use of Category Management, as proposed by the Trump Administration, will result in less opportunities for small businesses to secure federal contracts.

Research published in a Federal News Radio article has shown that past contract consolidation efforts by the federal government have decreased the amount of small prime contractors obtaining federal work. As such, we must exercise vigilance to guard against the diminution of small business participation in the federal marketplace under Category Management.

As a longtime advocate for small businesses, I am pleased to be an original cosponsor on this legislation, and I thank the gentlelady from North Carolina, Ms. ADAMS, for bringing the bill forward.

With that, I urge my House colleagues to support small businesses by voting in favor of this legislation.

#### IN REMEMBRANCE OF MARGARET BRADFORD-MATTHEWS

**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. BRADY of Pennsylvania. Mr. Speaker, it is with a heavy heart that I rise today in remembrance of Margaret Bradford-Matthews.

Margaret was born in Philadelphia on September 26, 1949. She spent much of her youth in service to the A.M.E. Union Church. Shortly after graduating from William Penn High School in 1967, Margaret became one of the first African-American Pathology Technicians at the former Metropolitan Hospital in Philadelphia. She met her soon-to-be husband Herman J. Matthews, Jr., known to friends as Pete, that same year. Pete and Margaret married in the spring of 1970, at which point Margaret left her job at the hospital to raise their family.

Pete and Margaret were blessed with four children: Peter, Mark, Allan, and Heather. Of course, the challenges of raising four young children didn't keep Margaret from staying involved in the community. She was a Boy Scouts Den Mother, community organizer, volunteer school advisor, and more. She loved animals, most of all her dogs Bo and Squirt, and would often volunteer at the Camden County Animal Shelter. Margaret also had a renowned eye for fashion. Pete's reputation as one of the sharpest-dressed men in Philadelphia stems from Margaret's influence.

While Pete may hold the title of President, Margaret's input played a vital role in shaping the contracts AFSCME District Council 33 reached with the City of Philadelphia. Her importance was recognized when she was selected from PA AFL-CIO Women's Committee as a delegate to the 2000 Democratic National Convention.

Margaret leaves behind a legacy that will live on in the countless lives she touched. Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring the life and memory of Margaret Bradford-Matthews.

#### IN CELEBRATION OF THE INWOOD CANOE CLUB TO THE UPPER MANHATTAN COMMUNITY ON ITS 116TH ANNIVERSARY

**HON. ADRIANO ESPAILLAT**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. ESPAILLAT. Mr. Speaker, I include in the Record the following Proclamation:

Whereas, the Inwood Canoe Club has been part of the Upper Manhattan Community since its founding in 1913; ushering the introduction and growth of this sport and recreation with this generation as well as the generation of our parents and that of our grandparents before;

Whereas, the Inwood Canoe Club continues to eagerly welcome with open arms persons of

all ages from different parts of New York City, and around the world for over a century;

Whereas, the Inwood Canoe Club has given New Yorkers a chance to discover new activities that enable us to enjoy the natural beauty that is such a tremendous point of pride that we all share and are fortunate to celebrate with the Inwood Canoe Club;

Whereas, the Inwood Canoe Club places a priority on community engagement and instills a lifelong passion for outdoor recreation through programs highlighting water sports to educate the youth about the ecology of the Hudson river and the importance of the environment;

Whereas, the Inwood Canoe Club strengthens community and generational ties, contributing to our greater sense of pride in our community;

Now, therefore I, ADRIANO ESPAILLAT, Representative of the Thirteenth Congressional District of New York in the United States House of Representatives, do hereby recognize Inwood Canoe Club on its 116th anniversary for its contribution to the Northern Manhattan Community and New York City.

#### AMERICANS WHO DIED FROM GUN VIOLENCE

**HON. ROBIN L. KELLY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Ms. KELLY of Illinois. Mr. Speaker, I rise today because Americans continue to die from gun violence while this White House and this Congressional majority does nothing to stop it.

Instead of working to pass commonsense, lifesaving legislation that keeps guns out of the hands of people who should never have them, Republican Congressional leadership is already eyeing the door to campaign before the November election.

We are already hearing rumors that the next two weeks could be cancelled. Instead of running off to campaign, we should remain in Washington to debate any number of bipartisan commonsense gun safety proposals that will save American lives.

Sadly, this Republican majority is too beholden to the NRA and gun lobby to do the right thing.

Speaker RYAN and Congressional Republicans will head out to hit the campaign trail while Americans will continue to die because of their criminal inaction.

These are the names of 156 Americans that this Republican majority has failed by their inaction on gun violence:

FLORIDA'S 17TH CONGRESSIONAL DISTRICT

1. Highlands County Sheriff's Deputy William Gentry Jr.
2. Hinso Estriplet
3. Trent Bartol-Thomas, 19
4. Anthony Mathison
5. Rhiannon W. Layendecker
6. Samuel Jones, 22
7. Eric Young, 18
8. Matthew Eugene Collins
9. Joshua Jordan, 23
10. Guy Jr. Alabre, 16
11. Steven Gonzalez
12. Kehsawn Souvenir
13. Ivan Garcia
14. Maria "Angeles" Delosangeles Evaristo Bautista

15. Alejandro Manuel Luis  
 16. Theodore King  
 17. Verkiesha Charmaine Massaline, 21  
 18. Jimmie Olds  
 19. Jose Alonso Rodriguez  
 20. Amanda Gayle Suarez  
 21. Mohammed Allam  
 22. Aaron Hankerson  
 23. Marcus Dupree Davis Jr., 19  
 24. Lawrence Lockley, 18  
 25. Mary Knowlton  
 26. Urte Rottman  
 27. Rikard Rottman  
 28. Ricardo Vaca, 20  
 29. Amparo Moreno  
 30. Eddie Powell Jr., 22  
 31. Christopher Jermaine Allen  
 32. Antoinette "Ann" Gordon  
 33. Hugh Gordon  
 34. Barbara Kavanaugh  
 35. Frank Kavanaugh  
 36. Earlon Eugley  
 37. Kyle Farishian, 18  
 38. Mirabel Sandoval, 26  
 39. Manuel Galindo Oquendo  
 40. Christina B. Galvez  
 41. Daniel Gonzalez, 25  
 42. William 'Bear' Curry  
 43. Thomas Markland  
 44. Martin Plummer  
 45. Blake Reeves, 20  
 46. Officer Larry Phelps  
 47. Michael Gavin  
 48. Maxie Broome Jr.  
 49. Randall Scott Ford  
 50. Charles Herzberger  
 51. Tyshawn Markess Hall, 21  
 52. Daysha Releesha Crapp, 21  
 53. Jaqwan Salvalas Hall, 21  
 54. Korynn Jennifer Siwniewski, 19  
 55. Michael Murphy  
 56. Terry Wayne Snyder  
 57. Jesus Garcia-Renteria, 22  
 58. Brian Gorby, 19  
 59. Tyler Henthorne  
 60. Jesus Nieves Gomez  
 61. Patrick Fields  
 62. John Paul Kirby  
 63. Linda Kirby  
 64. Brandon Orlando  
 65. John Stalnaker  
 66. Emmanuel Shird  
 67. Carlos Delgado, 5  
 68. Angela Morales  
 69. Spencer Philipe, 18  
 70. Thomas Crispin  
 71. Peta Gaye Muschette  
 72. Adeirean Carey.

CALIFORNIA'S 10TH CONGRESSIONAL DISTRICT

73. Alejandro Lizarraga-Cabrera  
 74. Daniel "Danny" Russell  
 75. Emilio Gerardo Enriquez Almanza, 15  
 76. Richard Lee Short III, 17  
 77. Brisa Covarrubias, 13  
 78. Ismael Guzman, 16  
 79. Muhammad Sharieff, 21  
 80. Lisandra Corrales, 28  
 81. Pierre Hurtado, 6  
 82. Nathan Hurtado, 4  
 83. Jordan Correia  
 84. Lydia Nicholson  
 85. Ricardo Vasques, 24  
 86. Cody Lea, 21  
 87. Xavier Smith, 5  
 88. Lisa Herger, 29  
 89. Tiffany Herrera, 27  
 90. Norberto Martinez  
 91. Joga Shergill

92. Terelle Swearengin, 25  
 93. Stephen Cain  
 94. David Reyes  
 95. Evin Olsen Yadegar  
 96. Benito Garcia, 17  
 97. Rafael Avina  
 98. Kalpesh Patel  
 99. Sheila Marie Sanders  
 100. Dahvish Gilliam  
 101. Sylvia Oliver  
 102. Stanislaus County Deputy Sheriff Dennis Randall Wallace  
 103. Robert Farish  
 104. Gergory Pimentel  
 105. Sylvia Chavarria  
 106. Brisa Covarrubias, 13  
 107. Pablo Vargas Jr.  
 108. Falane Jones  
 109. Andre Penn, 25  
 110. Jorge Santana  
 111. Derek Mauldin  
 112. Andrew Miller, 24  
 113. Gabriel Rodriguez  
 114. Zachary McGee, 25  
 115. Marcus Culebro, 22  
 116. Louis Ramos  
 117. Oscar Peralta  
 118. Robert Herrera  
 119. Maricela Martinez  
 120. Mario Medina  
 121. Derrick Farrow  
 122. Cynthia Antrim  
 123. Chad Evert Romesha  
 124. Hunter Davis, 11  
 125. Dillon Reynolds, 22  
 126. Darell Esguerra, 25  
 127. Juan Jose Calvillo  
 128. David Cruz, 21, and  
 129. Alejandro Lizarraga-Cabrera.

## NEW JERSEY'S 11TH CONGRESSIONAL DISTRICT

130. Najee Broadway, 18  
 131. Omar Broadway  
 132. Daniel Martone  
 133. Barbara Martone  
 134. James Hofstetter  
 135. Christina Prestianni  
 136. Christopher Minichini  
 137. Raymond Torres  
 138. Joan Bramhall  
 139. Julian Knott  
 140. Alita Knott  
 141. Brendan Tevlin, 19.

CALIFORNIA'S 48TH DISTRICT

142. Liz Noriega  
 143. Benjamin Ullestad  
 144. Brandon Ullestad  
 145. Douglas Ferguson  
 146. Lisa Cosenza  
 147. Amanda Jensen  
 148. Rick Moore  
 149. Kevin Sotelo  
 150. Julian Barragan  
 151. Francisco Sotelo Gonzalez  
 152. Chief Richard Bukowiecki  
 153. Leoncio Banuelos  
 154. Brandon Dufault  
 155. Todd Kuchar, and  
 156. Steve Rodriguez.

CELEBRATING THE MOUNTAIN  
 LAKES JUNIOR FIRE DEPARTMENT'S 50TH ANNIVERSARY

**HON. RODNEY P. FRELINGHUYSEN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to celebrate the Mountain Lakes Junior

Fire Department located in the Borough of Mountain Lakes, New Jersey, on the occasion of its 50th anniversary.

The Mountain Lakes Junior Fire Department (MLJFD) was first established in 1941 to supplement manpower during World War II. It was disbanded in 1945 and reestablished in 1968 and has been a strong force in the community ever since. The department is made up of high school students ranging from 16–18 years in age. Currently there are 22 members serving in the junior department, with an active waiting list.

The juniors receive much of the same training as the senior members. The juniors drill two to three Sundays a month and they also attend monthly senior drills and meetings. The junior department currently has four officers: chief, deputy chief, and two captains. The officers are appointed by the senior advisors for a one year term. The junior officers are responsible for the supervision of the other junior members at drills, fires and other emergencies.

The department presents an annual service award to three graduating seniors who have served in the junior fire department. The award is named in memory of two long time Mountain Lakes Volunteer Fire Department members, James Bott Sr. and his son, Robert. The criterion for the award is based on attendance at drills, fire calls and other department activities. The awards are presented annually at the Mountain Lakes High School moving up day ceremony.

The department also voted to name a special award in memory of Firefighter Thomas Taylor. Tom was a long time resident of Mountain Lakes and served in the department for 53 years. The recipient of the award will be a member of the junior department and selected by the junior board of officers.

On March 25, 2003, a ceremony was held for the Mountain Lakes Junior Fire Department for placing first in the 2002 Junior Emergency Service Excellence Award sponsored by Volunteer Fire Insurance Service. Hundreds of applications were received from junior fire departments and junior ambulance squads from across the country. The juniors received a \$1,000 check, a plaque and were listed as the recipient of the award in national fire publications.

The Mountain Lakes Junior Fire Department serves as a model for other departments. The department has been integral in establishing other junior fire departments in Morris, Passaic, Essex, and Sussex counties.

Mr. Speaker, I ask that you and our colleagues join me in congratulating the Mountain Lakes Junior Fire Department, on the occasion of its 50th Anniversary.

INTRODUCTION OF A BILL TO ADD  
 SUICIDE PREVENTION RESOURCES TO SCHOOL IDENTIFICATION CARDS

**HON. J. LUIS CORREA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. CORREA. Mr. Speaker, unfortunately, in 2016, there were nearly 45,000 suicides nationwide, making it the tenth-leading cause of death.

Tragically, among teenagers and young adults, the suicide rate is particularly alarming, with suicide the second-leading cause of death for people between the ages of 10 and 24.

For people experiencing suicidal thoughts or emotional distress, the National Suicide Prevention Lifeline and Crisis Text Line provide free and confidential round-the-clock support. Many colleges and universities also offer mental health resources on campus.

To raise awareness of these available resources, my legislation simply requires colleges and universities to provide the contact information for the National Suicide Prevention Lifeline; Crisis Text Line; and a campus mental health center, if applicable, on student identification cards. For colleges and universities that do not provide identification cards to their students, schools must ensure that the information is available on their website.

Suicide is a major public health problem. Providing information on existing suicide prevention resources can help students experiencing suicidal thoughts or emotional distress and potentially save lives.

IN RECOGNITION OF DR. RANDALL  
L. O'DONNELL

**HON. EMANUEL CLEAVER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. CLEAVER. Mr. Speaker, I rise today to commemorate Dr. Randall L. O'Donnell as a champion of pediatric health and wellness in the greater Kansas City community for his work in improving the quality of care for children both in the Kansas City region and beyond. In 1897 two sisters, Dr. Alice Berry Graham and Dr. Katharine Berry Richardson, began treating children at no cost to families and without public assistance or donations. What began with the treatment of one little girl soon grew to a dozen children and then to hundreds more. Over 120 years later, Children's Mercy Hospital is a pillar in Missouri's Fifth Congressional District, treating 500,000 children annually and offering exceptional family and childcare services.

In 1993, Dr. O'Donnell became the Chief Executive Officer of Children's Mercy, the region's only pediatric hospital, marking the beginning of a long streak of innovative leadership and remarkable pediatric healthcare services. His desire to help children has significantly contributed to the expansion of the hospital's scope of services. In the last twenty-five years since its inception, Children's Mercy has extended their facilities to Overland Park, nearly doubled the size of their available beds, and expanded the downtown branch.

Throughout his tenure with Children's Mercy, Dr. O'Donnell has been an advocate for research and education. Under his leadership, the nonprofit secured necessary donations to launch the construction of a new nine-story research tower to further study pediatric medicine. It is no surprise that the hospital is recognized as one of the largest employers in the Fifth Congressional District and has become a renowned teaching hospital for students. Moreover, the hospital has earned countless honors and top-rankings such as the 2012, 2013, and 2015 Healthiest Employers

Program and fifth in the Top Area Acute-Care General Hospital List. Most importantly, the hospital has a standing reputation locally and nationally for putting children first. Sticking to his personal mantra that "Children aren't little adults," Dr. O'Donnell spearheaded a complete remodel of the hospital's interior design to create a fun, colorful, and welcoming environment for children. Unsurprisingly, from 2014 to 2017, Dr. O'Donnell was named one of the most influential people in the Kansas City community by the Kansas City Business Journal's Power 100.

Furthermore, it is my belief that the dedication and altruism Dr. O'Donnell has given the children and the Kansas City community is worthy of appreciation. His outstanding direction to lead Children's Mercy has solidified the preparedness of the nonprofit for future medical care. His devotion, passion, and hard work are demonstrative of the legacy the Berry sisters had when they founded the hospital. The entire district, myself included, is grateful to have such a distinguished doctor assisting the needs of children and families.

Mr. Speaker, please join me and all of Missouri's Fifth Congressional District in honoring Dr. Randall O'Donnell for twenty-five years of remarkable service as a leader of pediatric medical care. I encourage my fellow citizens across the country and my colleagues in this chamber to join me in showing appreciation to the service Dr. O'Donnell has given our children.

STANDING UP FOR THE PEOPLE

**HON. JOYCE BEATTY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mrs. BEATTY. Mr. Speaker, Americans want a government "For The People."

They want Congress and a president that listens, speaks, and works for them.

My Democratic colleagues and I are focused on precisely that here in Washington and back home.

To list just a few highlights from the past few weeks for me:

Fighting to keep Central Ohio families together, including members of our vibrant Mauritanian, Somali, Latin American, and Central American communities;

Families like those of Edith Espinal, who has been forced to take sanctuary in Columbus Mennonite Church or face deportation.

In the nearly 365 days that have passed since Edith took refuge, my staff and I have been working diligently to try to help reunite Edith and her family.

We have met Edith's family, her advocates, legal representation and will do so again in the coming days, as well as with other stakeholders.

I have spoken directly with Edith.

My District staff just last month met with another group of Edith's advocates, and we contacted USCIS and ICE officials requesting assistance.

Our efforts continue to keep her from being deported.

Her story and the countless like it are a direct result of our broken immigration system that no wall will ever fix.

In addition to standing up for Central Ohio families, I also hosted a Community Conversa-

tion with hundreds of my constituents at St. Stephens Community House—in conjunction with their 100th year of service.

Held a Healthcare Listening Session and Roundtable with hospital executives and local stakeholders on the future of healthcare;

As well as my Money, Wealth and Disparities Issues Forum during the 48th Congressional Black Caucus Foundation's Annual Legislative Conference.

Walked in the National African-American Male Wellness Walk in Columbus, packed care packages with the USO for military families, and spoke at the Welcome Ohio event to recognize our newest neighbors.

Toured several Central Ohio businesses, including the new AmeriSource Bergen Lockborne facility, Core Molding Technologies, the Ohio Media School, Heidelberg Distributing, and Home Depot, to name a few.

Visited first time homeowner, 75 years young Mrs. Joyce Mayne and the amazing people at Homeport, who helped Mrs. Mayne and many other Central Ohioans realize the American Dream of homeownership.

Met with the AFL-CIO, Moms2B, the Ohio Credit Union League, YWCA Columbus, Ohio Dominican University President Robert Gervasi, the Ohio Automotive Dealers Association, and countless other constituents and community leaders.

Last but not least, I continue to emphasize the importance of civility and the need to tone down the heated rhetoric, to treat each other with respect and dignity, and to be able to disagree without being disagreeable.

It certainly has been a hectic month and a half, but I look forward to continuing to listen, speak, and work "For The People" who entrusted me to be their voice in Congress.

Central Ohioans and Americans are clamoring for better jobs, better wages, better opportunities, and a better future.

That is why Congressional Democrats are working tirelessly—whether that be in the Halls of Congress and in neighborhoods all across America, like the East Side of Columbus to Franklinton, and Westerville to Groveport—to:

increase take home pay;  
prepare American workers for the jobs of tomorrow;

lower prescription drug prices and healthcare costs;

clean up the Culture of Corruption, and make Washington work better for ALL Americans.

These coming weeks are critical, and I urge all Americans to make sure to vote.

I also must chide Republican Leadership for leaving much work left undone in this Congress that impacts hardworking families, including equal pay for equal work, comprehensive immigration reform, the FARM Bill, flood insurance reauthorization, and fully draining the swamp by getting dark money out of politics.

Our work certainly will continue through the November elections and into the 116th Congress.

WHY WE SHOULD ALL GET ALONG

**HON. JOHN J. DUNCAN, JR.**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. DUNCAN of Tennessee. Mr. Speaker, at the height of the Bill Clinton-Monica



Lewinsky and other sex scandals years ago, I was speaking to an assembly program at Fort Loudon Middle School telling the students about my job.

During the question-answer session, in front of the approximately 1,000 students, one girl asked me if I had ever had an affair.

I told them no, I had not and that I bet that almost none of their fathers had either.

I have found over the years that the men who cannot be satisfied with and loyal to one woman are almost always repeat offenders with many women—such as President Clinton.

I have become concerned during all the publicity and controversy about Judge Kavanaugh that some young women may think all men are sexual predators in the worst meaning of those two words.

I really believe that the great majority—the overwhelming majority—of men are good and kind people who have no desire to force themselves on anyone.

I believe that most women are good and kind people who do not want to be in an adversarial relationship with most men.

Men and women are different, and that does not imply that women should be held back in some way.

My wife and I have two daughters and two sons and now five granddaughters and four grandsons.

My biggest desire is for all of them to be wonderful at whatever they want to do.

But we all need to get along. We certainly don't need to be enemies.

In thinking about this relationship between men and women, I include in the *RECORD* the following column by Suzanne Fields which was published in the September 27th edition of the *Washington Times*.

THE DISAPPEARING 'MAN'S MAN BLUES' BY  
SUZANNE FIELDS

My father was not very tall. But no man ever stood taller in my eyes than this particular Big Daddy. He was warm and playful, a man of character and the model for the men I would admire as I grew up. Daddy wasn't formally educated, having dropped out of school in the sixth grade after his mother and father, Jewish immigrants from Pinsk, told him he had to wear his older sister's hand-me-down shoes because they didn't have the money to buy him a pair of his own. He took a certain pride later in having graduated from the "school of hard knocks."

He was a man of his times, describing himself as a "man's man." He became a sportsman of his era, hanging out with the sportswriters of the considerable number of newspapers in the Washington of those days. He promoted a world heavyweight championship at Griffith Stadium in 1942 between Joe Louis and Buddy Baer. According to contemporary feminist thinking, he was a male chauvinist who believed that men should earn the bread and women should bake it.

I wrote a book years ago about a father's influence on his daughter, titled "Like Father, Like Daughter." He was the person of integrity I wanted to imitate as an adult, even if I didn't agree with all of his ideas. I further saw my parents in a loving marriage, reinforcing the idea that has lasted for many thousands of years, that men and women are different and that the difference, at its best, is what gives spice to life. The French famously celebrate it as "Vive la difference." But now it's not fashionable to think of that difference as anything but a negative, to regard the male as an aggressor, and in the worst way. My father would be described as

"bad" because he was not only a man, but a white man of privilege.

I've been thinking about my father a lot, with the newspapers and television screens awash in breaking stories about the evil that men do. Accusations from universities and now from high schools, some true and some not, tell of men who have wronged women. There's so much hatred manufactured against specific "bad" men that it's become fashionable, if not mandatory, to think of all men as evil.

The presumption of decency for men like my father and those of his times are lost in a chaos of angry assumptions about men who have resisted feminine pacification. Women from many different places in life, different experiences, are eager to show contempt for men as if they are guilty simply for having been born male. An unproven accusation of sexual aggression is considered "credible" merely for having been made, and men are told to stand up and shut up. Sen. Mazie Hirono of Hawaii told men exactly that, that "they have to shut up." (We still don't know what her male constituents think about that.)

The editor of a gender studies journal asks in an op-ed in *The Washington Post*, "in this land of legislatively legitimated toxic masculinity, is it really so illogical to hate men?" After cataloguing global realities where women are treated badly, from low pay to gun violence, Suzanna Danuta Walters, a professor at Northeastern University, says American men can only be #WithUs if they follow a rigorous prescription for passivity. Men must not run for office, decline opportunities to be in charge of anything, step away from power, and vote feminist. If they don't, "we have every right to hate you."

Her stunted attitude obviously doesn't reflect the attitudes of all women—there's still a lot of fraternizing with the enemy in the war between the sexes—but reflects the thinking of a large swath of vocal feminism. The turnaround of cultural assumptions is poisoning the relationships of a generation of men and women. Fox News interviewer Martha MacCallum struck a poignant note when she asked Brett Kavanaugh's wife, Ashley, how their daughters were dealing with the dreadful noise raised against their father. "It's very difficult," she replied. "But they know Brett."

Many women know their fathers, their brothers, their husbands, lovers and friends, who live beyond the malicious male stereotypes, but find it ever more intimidating to speak out in defense of men unjustly accused. Men are presumed guilty when accused by a woman. Even asking for due process and fair play for men is asking for trouble.

I closed my book a generation ago with Loretta Lynn's country hymn to the fate of our fathers: "They don't make 'em like my daddy anymore." But her message has been drowned by Helen Reddy's "I am woman, hear me roar." When anger trumps love and hatred trumps reason, we all, female no less than male, pay for it.

Suzanne Fields is a columnist for *The Washington Times* and is nationally syndicated.

## FAA REAUTHORIZATION ACT OF 2018

SPEECH OF

**HON. EARL L. "BUDDY" CARTER**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 26, 2018*

Mr. CARTER of Georgia. Mr. Speaker, I rise today in support of H.R. 302 the FAA Reauthorization Act of 2018. This is a good piece of legislation that will improve transportation and move our country's aeronautics and space industries forward.

I am particularly thrilled that the conferees have included a provision in this bill to create the Office of Spaceports inside the FAA's Office of Commercial Space Transportation. Camden County, in my home state of Georgia, is currently working with the FAA to obtain a launch site operator's license to become the first purely commercial spaceport on the East Coast. I have no doubt this new Office of Spaceports will help the Camden County Board of County Commissioners navigate the complex process of obtaining FAA approval.

As this conference report clearly states, making more commercial spaceports available for use by the burgeoning commercial launch industry is an important policy objective. Commercial spaceports, like the future Spaceport Camden in Georgia, play an important role in encouraging space innovation and STEM careers. Commercial spaceports attract significant capital investment in rural areas and provide good, high paying jobs to these communities. And most importantly, commercial spaceports are the cornerstone of National Space Council's mission to ensure American leadership in space.

Mr. Speaker, encourage my colleagues to support this conference report and I encourage the Federal Aviation Administration to act swiftly to increase America's launch capacity and approve new launch sites like Spaceport Camden.

## RECOGNIZING TAIWAN'S DOUBLE TEN DAY

**HON. DAVE BRAT**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. BRAT. Mr. Speaker, I rise today on behalf of Congress and the people of Virginia's 7th Congressional District, to recognize Double Ten Day. Double Ten Day, which takes place each year on October 10th, is celebrated by Taiwan and Taiwanese Americans as the national day of the Republic of China (ROC).

Double Ten Day led to the collapse of the Qing Dynasty and the establishment of the Republic of China in 1912. In recognition of this historic event, the United States should build on the efforts of the Taiwan Travel Act and strengthen diplomatic relations with Taipei.

Taiwan is a strong ally of the United States. In 2017, this island of 23 million people was our 11th largest trading partner. They are rated highly on the Heritage Foundation's 2018 Index of Economic Freedom. They share our values of freedom of speech, freedom of

the press, and freedom of religion. And they are a bulwark against Chinese aggression in East Asia.

In December 2016, then President-elect Trump spoke on the telephone with Taiwanese President Tsai Ing-wen. This marked the first time a U.S. President or President-elect had spoken with an ROC President since 1979. It was the right thing to do then, and it's the right thing to do now. I urge both Congress and the Trump Administration to continue its efforts to advance ties between Taiwan and the United States. America must not give in to Chinese pressure to distance ourselves from Taiwan. We have much more work to do.

I would like to thank the government and the people of Taiwan for their friendship, and I wish them a very Happy Double Ten Day.

#### CONGRATULATING THE YWCA FOR 160 YEARS OF DEDICATED SERVICE

#### HON. RYAN A. COSTELLO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. COSTELLO of Pennsylvania. Mr. Speaker, I rise today to offer my heartiest congratulations to the YWCA for 160 years of dedicated service and steadfast advocacy on behalf of women, girls, and their families in communities throughout the country.

Throughout its distinguished history, YWCA has been a catalyst for expanding economic and educational opportunities, promoting civil rights and social justice, and preventing violence against women and girls. Each year YWCA faithfully serves over 2 million women, girls and their families through 210 local associations throughout 46 states and the District of Columbia.

One of those local associations has been serving communities in Pennsylvania's Sixth District for 110 years. YWCA Tri-County Area in Pottstown is a tremendous community asset, providing childcare, adult education and career counseling, health and wellness programs, and a variety of community events such as the Color Run to Eliminate Racism.

Therefore, Mr. Speaker, I ask my colleagues to join me in recognizing the significant contributions of YWCA in empowering women, aiding families, advancing equality and strengthening communities as well as extending sincere congratulations as YWCA commemorates this most memorable milestone.

#### RECOGNIZING THE 107TH NATIONAL DAY OF TAIWAN

#### HON. EARL L. "BUDDY" CARTER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. CARTER of Georgia. Mr. Speaker, I rise today in recognition of the 107th national day of Taiwan. The United States and Taiwan have enjoyed a fruitful partnership for decades, and I would like to wish the people of Taiwan a very Happy National Day.

Taiwan has been a strong partner of the United States. Over the last decade, Taiwan

has shown that true democracy can be successful even in the face of challenging circumstances. Taiwan embodies strong economic growth and a respect for its people.

Our partnership has flourished thanks to a mutual commitment to democratic values and constitutional government. Through its commitment to a peaceful election process, Taiwan serves as a strong example of democracy for not only the Indo-Pacific region, but also the world. We have also made great progress in trade and economic policies. In 2017, Taiwan was ranked as the 11th largest trading partner of the United States, the 11th largest U.S. export market overall and the 7th largest market for U.S. agricultural products.

Last year, trade missions culminated in the signing of letters of intent to purchase approximately \$2.8 billion in U.S.-produced grains between 2018 and 2019. In September, another trade mission from Taiwan visited the United States to purchase even more agricultural goods. In fact, Taiwan is Georgia's 6th largest export market in Asia, with over \$420 million in trade. With such a long history, we look forward to continuing a positive relationship.

It is my privilege to congratulate the celebrants of the "Double Tenth Day." I am proud of our cooperation and wish Taiwan the best on this notable day.

#### HONORING SAVE THE REDWOODS LEAGUE

#### HON. JARED HUFFMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. HUFFMAN. Mr. Speaker, I rise today with my colleagues MIKE THOMPSON, JACKIE SPEIER, SALUD CARBAJAL, ANNA ESHOO, JIMMY PANETTA, BARBARA LEE, RO KHANNA, and ZOE LOFGREN, in recognition of the Save the Redwoods League's centennial anniversary. Fulfilling its ongoing mission to protect and restore California redwoods and connect people to the peace and beauty of redwood forests, the League's work ensures these iconic symbols of our great state can be treasured for generations to come.

Founded in March of 1918, the Save the Redwoods League was started by a small group of conservationists disturbed by the accelerating rate of destruction of the primeval redwood forests in northern California that held the tallest trees on earth. In response, the League committed to protecting the coast redwood and giant sequoia forests by purchasing multiple ancient groves and establishing a state or national park to protect them. Following its incorporation as a nonprofit organization in 1920, the League established a memorial redwood grove on the South Fork Eel River in 1921, the first of more than 1,000 memorial groves in California.

In addition to raising millions of dollars to establish redwood preserves, the Save the Redwoods League was a leader in the grassroots movement to create a California state parks system, lobbying for legislation and campaigning for funding of the acquisition of park land. Fifty years after the League's inception, Redwood National Park was created in 1968, in part due to the tireless advocacy of the League and its partners to protect some of the last remaining stands of uncut redwoods.

Over the last century, the Save the Redwoods League has protected more than 200,000 acres of redwood forests and helped create 66 redwood parks and reserves that inspire millions of annual visitors from around the world. Today, the League is a respected voice in science-based research and a pioneer of innovative forest-restoration work that is accelerating the transformation of young, harvested stands into the old-growth forests of the future. Through its Redwoods and Climate Change Initiative, the League's research established that old-growth redwoods store more carbon per acre than any other ecosystem in the world and play a critical role in the fight against climate change.

Save the Redwoods League, now celebrating its hundredth anniversary, has played a critical role in protecting the majestic redwood forests of California that fill us with wonder and provide a living link to the past. Throughout its next century, the League will build upon this legacy by advancing its efforts to protect the remaining old-growth redwood forests, restore younger forests to a healthier state, and connect more people to the beauty and uniqueness of California's redwoods.

Mr. Speaker, after a century of achievement and operational stability, the continuing success of the Save the Redwoods League has preserved a part of California's heritage and touched the lives of millions around the world. It is therefore appropriate that we stand together in recognition of this momentous occasion.

#### AMERICANS BLAME MEDIA BIAS

#### HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. SMITH of Texas. Mr. Speaker, several Rasmussen Reports recently polled Americans on perceptions of bias in the media on specific subjects. Their surveys found the following:

The majority (52 percent) of U.S. Voters believe reporters are trying to block the president from passing his agenda, up from 44 percent a year ago.

Voters also say politics, not issues, are driving the Kavanaugh opposition. Forty-five percent, a plurality, think the opposition to Kavanaugh is "mostly due to partisan politics."

"Half of voters (47 percent) say reporters aim to defeat the Kavanaugh confirmation. . . . Just eight percent think most reporters are trying to help Kavanaugh win the Senate confirmation. . . ."

The polls' figures speak for themselves. The American people feel strongly that the media is biased. And that is not good for our country.

#### IN MEMORY AND CELEBRATION OF MS. JOHNNIE MAE JOHNSON

#### HON. ADRIANO ESPAILLAT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. ESPAILLAT. Mr. Speaker, I rise today to recognize Ms. Johnnie Mae Johnson.

Ms. Johnson was the District Leader of the 70th Assembly District in New York City. But

this office is only one small part of her tremendous legacy.

Ms. Johnson became a PTA president at PS 133—a diverse elementary school in Harlem.

Ms. Johnson was a founding member of the Addie Mae Collins Head Start Program. This program has expanded education services for many students in the area and remains an invaluable resource.

Ms. Johnson was a vigorous advocate for social justice and demonstrated an unceasing devotion to fair and equitable living conditions.

As an enduring testament to her spirit and commitment, our NYC community came together one year ago and renamed East 130th Street and Lexington Avenue in her name.

Johnnie Mae Johnson brought persuasive leadership and unshakable determination to Harlem when it needed it most. And for that, I reason I rise today to recognize Ms. Johnson.

#### CONGRATULATIONS TO TERESA HAAS

#### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. WILSON of South Carolina. Mr. Speaker, I am grateful to congratulate Teresa Haas on her retirement as Director of Government and Community Relations at Savannah River Nuclear Solutions.

Ms. Haas' career at SRS has spanned close to 28 years. Prior to SRS, she managed political campaigns and worked on Capitol Hill as chief of staff and legislative director for members of the U.S. Congress. Her service with U.S. Congressman Tommy Hartnett of Charleston will always be appreciated.

Ms. Haas is Chair of the Aiken County Commission on Higher Education; Past Chair of the Greater Aiken Chamber of Commerce Board of Directors (first woman chair); is a past member of the Aiken County United Way Campaign Cabinet; and former board member of the Aiken Center for the Arts. She is a member of Aiken's First Baptist Church and a graduate of Clemson University, where she serves on the Clemson Board of Visitors. Teresa and her husband Dale reside in Aiken. Godspeed for a productive and meaningful retirement.

#### IN HONOR OF THE RETIREMENT OF CHIEF THOMAS LEWIS "TOMMY" THOMPSON, JR.

#### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. ROGERS of Alabama. Mr. Speaker, I rise to recognize Chief Thomas Lewis "Tommy" Thompson, Jr. on his retirement from public service with the Jacksonville Police Department.

Tommy began his career as a law enforcement officer with the Jacksonville Police Department under the command of Chief J. Ross Tipton in October 1971. In July of 1974, he earned his first promotion to Sergeant later rising to rank of Lieutenant in April of 1977.

In June of 1988, Tommy was appointed as Chief of Police at Jacksonville Police Department and has served in that role ever since.

Tommy is married to Diane and has two sons: Thomas L. Thompson, III and David R. Thompson. He has also been blessed with two grandchildren: Dylan Thompson and Baylee Thompson.

Mr. Speaker, please join me in recognizing Chief Thompson and thanking him for his steadfast service to the City of Jacksonville.

#### TRIBUTE TO WILLIAM (BILL) HILL, PIONEER RADIO DISC JOCKEY AND BLUES PROMOTER

#### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, when I came to Chicago in 1961, one of the first radio shows that I listened to was the Big Bill Hill's Shopping Bag Show on WOPA Radio. Being a native Arkansan, anything or anybody connected to Arkansas gets my attention and perks me up. Such has been the cause with Big Bill Hill, born in England, Arkansas.

True to form, Big Bill Hill was a big man, 250 lbs, and over 6 feet tall. He was born in England, Arkansas in 1914 and rolled into Chicago in 1932 looking for work. He found work at a steel mill, but he wanted to be on the radio. Nobody would hire him so he saved his money and bought air time on brokered stations. He started on WLDY-AM in Elmwood, and later WCRW-AM. He had his shtick down by the time he started his program "Shopping Bag Show" in 1995 on WOPA-AM in Oak Park.

WOPA-AM signed on in 1950. It's call letters the Oak Park Arms, a hotel on Oak Park Avenue, where their studio was originally installed. Their 250 watt signal was strongest on the west side of Chicago, and William Klein's Village Broadcasting Company wisely targeted those black demographics so the schedule was full of blues, jazz, R&B, and gospel. Most of their day was brokered time so it was also peppered with ethnic programming of every stripe. But 1490 was short spaced between WXRT-AM and WMOR-AM, so it was never going to have much juice. The solution in 1953 was 102.3 WOPA-AM. WMOR had gone bankrupt and they bought the license at 3,600 watts. This signal had solid Chicago coverage. Though FM listenership was low in the 50s, it grew steadily. Initially, the stations just simulcast all programming. But in 1966, the FCC mandated that FM simulcasts carry 50 percent originating programming. The brokered ethnic moved to the FM side, but Big Bill Hill remained simulcast in the evening, even after the station bumped the wattage up to 6,000 watts.

His career changed forever in 1963. He already owned a booking agency, a dry cleaner, a management company and he owned his own club, the Copa Cabana. Supposedly, he did remotes from all locations, even the dry cleaner. In 1967, it looked like it was all going to fall apart. WOPA was born again as a free form FM station full of underground music and hippies. His already floundering club, the Copa Cabana, closed. However, Bill defied all odds

and started a R&B TV dance show on WCIU-TV. The "Red Hot and Blues" show ran until 1971. It was overtaken by another R&B dance program . . . Soul Train.

#### MALNUTRITION AWARENESS WEEK

#### HON. SUZANNE BONAMICI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Ms. BONAMICI. Mr. Speaker, this week is Malnutrition Awareness Week, a week when advocates, healthcare professionals, and communities around the country will focus on the issue of malnutrition and hunger. As the co-founder of the Elder Justice Caucus, and as a caregiver, I know how important proper nutrition is for aging Americans to stay healthy. Malnutrition can lead to greater risk of chronic disease, frailty, and increases in healthcare costs. Unfortunately, malnutrition often goes undiagnosed in seniors because healthcare providers and family members do not know how to identify and treat it. We can, and must, do more to protect vulnerable populations who suffer from malnutrition, and I am committed to working with my colleagues on both sides of the aisle to support efforts to reduce hunger and malnutrition. I also encourage the federal agencies tasked with combating hunger to do all they can to reduce malnutrition. I urge the Department of Health and Human Services to include malnutrition screening measures in their national health surveys of older adults, and to include malnutrition among the national key health indicators for older adults. Additionally, I am calling on the Departments of Health and Human Services and Agriculture to work together to include dietary guidance for the prevention and treatment of older adult malnutrition in the 2020 Dietary Guidelines for Americans.

I applaud the work of the advocates at Defeat Malnutrition Today, a coalition of eighty organizations and stakeholders who are committed to ending malnutrition through rigorous screening and intervention initiatives, and the Academy of Nutrition and Dietetics, an organization of food and nutrition professionals who are spearheading efforts to reduce hunger worldwide. Together, we can reduce malnutrition and strengthen outcomes for our senior population.

#### CELEBRATING THE 50TH ANNIVERSARY OF THE GLASSELL PARK IMPROVEMENT ASSOCIATION

#### HON. JIMMY GOMEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. GOMEZ. Mr. Speaker, I rise today to recognize and congratulate the Glassell Park Improvement Association ("GPIA") on their 50 years of continued leadership in and dedication to making Glassell Park the vibrant and prosperous community it is today.

Founded in 1968, the GPIA was established to promote community values and improve the quality of life for residents of Glassell Park, a neighborhood located north of Dodger Stadium in Northeast Los Angeles. Today, GPIA

is one of the oldest neighborhood improvement associations in the City of Los Angeles.

The GPIA is committed to safeguarding and enhancing the quality of life for those who live, work, and play in Glassell Park. Members of the GPIA serve their community by contributing their time and energy into planting trees, hosting community clean-ups, and leading beautification projects year-round. One of the GPIA's most noteworthy projects is the planting of a small pine. Since 1968, this pine has become a centerpiece of the community.

To that end, I ask all Members to join with me in commending the Glassell Park Improvement Association for their unwavering commitment to improving this wonderful community over the past 50 years.

RECOGNIZING THE VALLEY  
CHIEFS MINI-FOOTBALL  
LEAGUE'S 50TH ANNIVERSARY

**HON. LOU BARLETTA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. BARLETTA. Mr. Speaker, I would like to recognize the Valley Chiefs Mini-Football League as the organization celebrates its 50th Anniversary.

The Valley Chiefs Mini-Football League is an integral part of the Sugarloaf Valley community. Throughout the years, thousands of lives have been changed through participation in this program. With the goal of teaching children the value of sportsmanship, hard work, and dedication, this organization has impacted the lives of participants, parents, and volunteers alike.

As a father and former athlete, I know how influential youth sports are in childhood development and in shaping the future minds of our country. Today, as we recognize the founders, alumni, and current participants of the Valley Chiefs Mini-Football League, I am honored to represent such an organization in Congress. I know this program will continue to grow and be successful for many years to come.

Mr. Speaker, please join me in recognizing the Valley Chiefs Mini-Football League and congratulate this organization on an incredible 50 years of service to the community.

CELEBRATING THE BETHEL  
CHURCH OF MORRISTOWN'S  
175TH ANNIVERSARY

**HON. RODNEY P. FRELINGHUYSEN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to celebrate the Bethel Church of Morristown located in the Town of Morristown, New Jersey, on the occasion of its 175th Anniversary.

In 1841, several families left the Presbyterian Church of Morristown to form the Bethel Mite Society, which was later incorporated as Bethel African Methodist Episcopal Church of Morristown in 1843. Bethel's first Pastor was Bishop Willis Nazery, who was born a slave in 1803 in Isle of Wight County in Virginia. For eight years the congregation

met in each other's homes until funds were raised to construct the Carpenter Gothic church on Spring Street in 1849. Bethel's first building was dedicated with Bishop Paul Quinn officiating, assisted by Pastor Thomas Oliver.

Bethel served as the only school for Colored and Native American children in Morris County and needed to expand its facilities. In 1874, a new lot on Spring Street was purchased from John R. and Cornelia Piper for the sum of \$2,000. A new church was constructed at an estimated cost of \$3,000. Gifts from Mrs. Mary Anne Cobb of pews, doors and windows from the old Methodist Church, on the Morristown Green, helped in this great work. The existing house on the lot was moved next door and used as a parsonage. The church remained in that building for nearly 100 years.

Under the leadership of Pastor A. Lewis Williams, a ground breaking ceremony was held for a new church on August 12, 1967. The congregation worshipped in the Lafayette School auditorium for two and one half years until the construction of the church was completed. After numerous setbacks and financial difficulties, the present church was completed and dedicated November 8, 1970. Rev. A. Lewis Williams subsequently served as the Editor of the Christian Recorder from 1973 to 1976.

In 2010, Pastor Sidney Williams became the 51st pastor in the church's history. Prior to that, he served as a missionary with his family in Cape Town, South Africa. The church was not having the impact on the community that its members desired. To increase the impact on the community, Pastor Sidney Williams, with his wife Teresa, and the leadership team of Bethel discerned a new vision for community outreach, spiritual growth and evangelism. The church became more "community oriented" to serve both believers and unbelievers. Bethel Church was also working to transition from a small family church to a growing church with decentralized ministries, focusing on newcomers, small groups, and discipleship. The goal was to give people biblical truths that helped them Live the Mission.

In 2014, Bethel Church introduced a set of core values: prayer, love, and respect. These ideals serve to inspire Bethel Members to make its congregation the most loving and spirit filled congregation in the world.

Mr. Speaker, I ask that you and our colleagues join me in congratulating the Bethel Church of Morristown, on the occasion of its 175th Anniversary.

HONORING PASTOR BOYD AND  
THE ZION UNITY BAPTIST CHURCH

**HON. TODD ROKITA**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. ROKITA. Mr. Speaker, I rise today to honor a dear friend and Pastor for his work with the Zion Unity Baptist Church in Indianapolis. Zion was started in 1972 upon the merger of two churches in Indianapolis, Indiana. The first pastor was Reverend Roy W. Beverly, Sr., who, in his senior years of life, selected Fredrick Boyd, Jr., to serve as associate pastor. In 1984 when Pastor Beverly died, the church called Fredrick Boyd, Jr. to be the pastor.

Under Pastor Boyd's leadership, Zion Unity began serving the community through outreach programs to the destitute and prison bound, focusing mainly on Good News Mission and the Indiana Women's Prison. Also, the church paid off its first mortgage on East 30th Street within nine months of Pastor Boyd's pastorate.

In 2004, Zion Unity Baptist Church moved to 3855-59 East 10th Street, purchasing two buildings. Pastor Boyd was instrumental in bringing some of the area churches together with the intent of unifying efforts to reach the community for Christ. The church continued its services through the Mission and prison, expanded its outreach to support over 20 missionaries throughout the world, and began evangelistic efforts in the local community.

In 2005, Zion Unity began a ministry to expose the fallacies connected to the Darwinian theory of evolution which undermines God's creation and the Holy Bible. Conferences which permitted scientists and ministers to examine this subject were organized and made available free to the public, as "Creation Evidence Expo". These conferences have been conducted annually in Indianapolis, in many cities throughout Indiana, ten other states, and in six countries. This work continues to be accomplished with a small congregation, other committed volunteers, and with limited resources.

Zion Unity Baptist Church achieved another milestone when on July 29, 2018, the mortgage for its current location was burned in a celebration attended by many friends from a variety of backgrounds: business, social agencies, Christian media, education, and government, as well as churches and ministerial service organizations.

The first and final word from Pastor Fredrick Boyd, Jr. and the members of Zion Unity Baptist Church, in full belief in the power of the Gospel of Jesus Christ, a commitment to His Word and the promises therein, is: "The best is yet to come!"

RECOGNIZING THE 150TH ANNIVERSARY OF BETHEL GILEAD COMMUNITY CHURCH

**HON. TIM WALBERG**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. WALBERG. Mr. Speaker, I rise today in recognition of the 150th anniversary of Bethel Gilead Community Church in Bronson, Michigan.

After the end of the Civil War, Jacob Patch was commissioned to organize a church in Branch County, and in 1868, the Union Congregational Church of Gilead and Bethel began meeting in homes and schools.

In 1874, Luman Rose was commissioned as its first full-time minister, and in 1882, the church's first building was completed.

Over the years, many faithful pastors have served and led the church through a number of transformative events, including name changes, mergers with other congregations, a devastating fire, building expansions and improvements, and the development of local and worldwide ministries.

In 1996, Pastor Jim Erwin accepted Bethel Gilead's invitation to serve as pastor and is still faithfully shepherding the congregation.

Under his leadership, the church has grown exponentially, expanding their vision, attendance, facilities, staff, and outreach.

The congregation supports missionaries across the globe, hosts annual community events, and focuses on developing programs for all age groups within the congregation.

As Bethel Gilead Community Church celebrates 150 years of history, I pray it continues to be a faithful witness of God's love in the Bronson community and beyond.

H.R. 6886, HEALTH EQUITY AND ACCESS FOR RETURNING TROOPS AND SERVICEMEMBERS ACT OF 2018 (HEARTS ACT)

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. PALLONE. Mr. Speaker, I want to state my concerns regarding H.R. 6886 and the process for considering this bill, and the potential unintended consequences for the Medicare program.

The bill seeks to address the unfortunate circumstances under which a servicemember who becomes eligible for Medicare by reason of disability cannot easily return to the TRICARE program if and when the servicemember becomes able to work again.

I am concerned because this bill did not go through regular order, and was not marked up or considered in any committee of the House of Representatives. It represents a significant change to current law and has impacts on both our healthcare system for active and retired service members, and on the Medicare program. To pass such legislation without an open, transparent, and measured process is disservice to the institution of the House of Representatives and to the American people.

The problem with a failure to adhere to regular order is not just a philosophical one but a practical one. Legislation that has not been vetted properly often has unforeseen or unexpected consequences. We have seen that time and time again. I am concerned that this will also be the case with H.R. 6886. I am concerned about disabled servicemembers moving in and out of the Medicare program, and whether they will be fully informed about the implications of their decision not to enroll in Medicare when they become eligible. I am concerned about the precedent for the Medicare program of folks being able to decline Medicare coverage for other coverage, and how that may undermine the universality of the Medicare program.

I might have been able to be convinced that these concerns could be addressed if we had had a full process with a legislative hearing and a markup, but unfortunately, that is not the case. For these reasons, I must state my concerns regarding this bill and the process we undertook for considering it.

PROTECTING CRITICAL INFRA-  
STRUCTURE AGAINST DRONES  
AND EMERGING THREATS ACT

SPEECH OF

**HON. MICHAEL T. McCAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2018*

Mr. McCAUL. Mr. Speaker, the following cost estimate for H.R. 6742, the Secure Border Communications Act prepared by the Congressional Budget Office was not available to the Committee at the time of filing of the legislative report.

DEPARTMENT OF HOMELAND SECURITY LEGISLATION

As passed by the House of Representatives on September 25, 2018

On September 25, the House of Representatives passed the following three pieces of legislation:

H.R. 6620, the Protecting Critical Infrastructure Against Drones and Emerging Threats Act, which would require the Department of Homeland Security (DHS) to prepare assessments of the threats presented by unmanned aircraft systems (often called drones) and other emerging threats associated with such new technologies;

H.R. 6735, the Public-Private Cybersecurity Cooperation Act, which would require DHS to establish procedures for people or organizations to report vulnerabilities in the department's information systems; and

H.R. 6740, the Border Tunnel Task Force Act, which would direct DHS to establish task forces to combat threats from cross-border tunnels; the task forces could include personnel from federal, state, local, and tribal agencies.

CBO estimates that enacting the legislation would not significantly affect spending by DHS in any fiscal year because the department could largely implement each act with existing personnel.

Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting the legislation would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

None of the acts contain intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, September 27, 2018.

Hon. MICHAEL McCAUL,  
Chairman, Committee on Homeland Security,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 6620, H.R. 6735, and H.R. 6740, three bills concerning the Department of Homeland Security that were ordered reported by the Committee on Homeland Security on September 13, 2018.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

KEITH HALL.

Enclosure.

IN RECOGNITION OF AN EXTRAOR-  
DINARY PUBLIC SERVANT,  
SERENA R. "RENNY" MANUEL

**HON. BARBARA COMSTOCK**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize an extraordinary public servant, Serena R. "Renny" Manuel, whose management of the Winchester Regional Airport in the northern Shenandoah Valley, has established the airport as a critically important asset of the region's dynamic economy. This region of the 10th Congressional District, that includes Frederick County, the City of Winchester and Clarke County, is growing rapidly and the Winchester Regional Airport has become a catalyst for this growth by supporting business aviation, law enforcement, agricultural and life-saving services, air ambulance operations and organ transports, freight and package delivery, as well as recreational activities.

All of these benefits were developed, improved upon and managed by Executive Director Renny Manuel, with the able guidance of the board of directors of the Winchester Regional Airport Authority. Starting as an Office Assistant at the airport in 1991, Renny Manuel's extraordinary conscientiousness and reliability, coupled with her humility, humor, and cooperative spirit, caused her to be given progressively greater responsibilities and, in 1999, the Authority officially appointed her Airport Director, in which role she served with distinction until her retirement on July 30th of this year. In addition to skillfully overseeing the day to day operations of the airport and complying with numerous federal and state regulations and orders, Mrs. Manuel's excellence as a team leader was most apparent as she managed numerous complicated capital and airport redevelopment projects, such as the runway rehabilitation design and construction project, the general aviation terminal building renovation, the airfield lighting upgrade, airport perimeter security fencing, the T-hangar apron rehabilitation, land acquisition, relocation and rehabilitation of Taxiway "A", the snow removal plan and equipment project, the wetland mitigation project, and oversight of construction of a second corporate hangar facility.

Airport Director Manuel's reputation for effectiveness and reliability was acknowledged by her colleagues throughout the Commonwealth of Virginia when they asked her to serve as Secretary of the Virginia Airport Operators Council. And in further recognition of the high regard that those in the aviation industry have for her, she was recently presented with the prestigious Lifetime Achievement Award by the Virginia Department of Aviation.

Mr. Speaker, I take great pride in recognizing and thanking Winchester Regional Airport Director Renny Manuel for her extraordinarily dedicated service to the people of the northern Shenandoah Valley and ask you and our colleagues to join me in wishing her and her husband much happiness, as they spend more time with family and have more time to travel, in their retirement years.

H.R. 68, TIFFANY JOSLYN JUVENILE ACCOUNTABILITY BLOCK GRANT REAUTHORIZATION AND BULLYING PREVENTION AND INTERVENTION ACT

## HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2018

Ms. JACKSON LEE. Mr. Speaker, I am pleased that the House of Representatives I has passed my bill H.R. 68, the Tiffany Joslyn Juvenile Accountability Block Grant Reauthorization and the Bullying Prevention and Intervention Act.

Passage of H.R. 68 came about as a result of hard and great teamwork amongst our amazing staff on both sides of the aisle. I am heartened by the work done on this bill along with the other four bills up for unanimous consent. I commend Chairman GOODLATTE's leadership on this effort to help pass H.R. 68. And after 5 years of this bill not being reauthorized, I am pleased that the fight I waged on behalf of Juvenile Justice Reform has been brought to House passage with the support of my Judiciary and House Colleagues.

This bill was named for Tiffany May Joslyn, a champion for criminal justice reform, who served as my Deputy Chief Counsel of the Crime Subcommittee and whose life tragically was cut short on March 5, 2016, in a car accident that sadly also claimed the life of her brother, Derrick. She was just 33 years old.

So today's passage of H.R. 68 is both bitter and sweet. She would have been proud, as she championed these causes. This moment is for both her and for all the countless juveniles that will be helped by this bill.

H.R. 68 will help to stem this epidemic of Juvenile incarceration by reauthorizing the Juvenile Accountability Block Grant program (JABG) and providing funding to state and local governments for the creation of bullying and gang prevention programs.

It will authorize such appropriations as may be necessary, which is anticipated to be at least \$30 million per year.

In addition to reauthorizing juvenile justice programs, H.R. 68 clarifies how to address the occurrences of bullying through developmentally appropriate intervention and prevention techniques, which center on evidence-based models and best practices that rely on schools and communities rather than involvement from law enforcement and the justice system.

H.R. 68 is designed to help both the victims and perpetrators of bullying. Research studies have shown that approximately 25 percent of school bullies will be convicted of a criminal offense in their adult years.

It also includes provisions for gang prevention programs, which will help guide our children towards socially beneficial paths. If we want our children to learn, we must be able to maintain a safe and healthy school environment. Bullying is a massive issue in our nation's schools.

The National Center for Educational Studies reports show that 14 percent of 12- to 18-year-olds surveyed report being victims of direct or indirect bullying. 1 out of 4 kids is bullied.

Bullying is not just in a schoolyard anymore; it is a crisis that's taking over our nation. Gone

are the days that children can come home and seek solace and escape from their bullies; technological advances have made it easy for young people to be tormented on social networks at any time from any place.

They are never out of harm's reach. This needs to end. Americans children should be protected, and no child should be persecuted for exercising their American right to be themselves. It is time for us to come to a conclusive solution to America's bullying crisis. My bill, H.R. 68, the Tiffany Joslyn Juvenile Accountability Block Grant Reauthorization and the Bullying Prevention and Intervention Act, provides the solution that we need.

This is why I urge my colleagues in the Senate to take up and pass H.R. 68 so that we may keep all of our children safe.

CAMPAIGN FOR YOUTH JUSTICE,  
September 28, 2018.

HON. PAUL RYAN,  
Speaker, House of Representatives,  
Washington, DC.

HON. ROBERT W. GOODLATTE,  
Chair, Judiciary Committee,  
House of Representatives, Washington, DC.

HON. NANCY PELOSI,  
Minority Leader, House of Representatives,  
Washington, DC.

HON. JERROLD NADLER,  
Ranking Member, Judiciary Committee,  
House of Representatives, Washington, DC.

DEAR SPEAKER RYAN, LEADER PELOSI, CHAIRMAN GOODLATTE, AND RANKING MEMBER NADLER: As the House of Representatives considers critical aspects of criminal justice reform, the Campaign for Youth Justice encourages you to support H.R. 68, the "Tiffany Joslyn Juvenile Accountability Block Grant Program Grant Reauthorization Act of 2017."

The Juvenile Accountability Block Grant expired in 2013 and in the past five years has gone unfunded by the federal government. The expiration of this block grant program has greatly limited state's abilities to implement effective, age appropriate accountability and prevention measures to ensure children get needed services and that communities remain safe.

H.R. 68 updates the Juvenile Accountability Block Grant (JABG) to reflect current research and practice. Key provisions in the bill include incentives for states to use graduated sanctions and incentives grounded in positive youth development, providing enhanced anti-bullying measures, and youth violence prevention and intervention services. It also updates the JABG to include evidence-based practices such as trauma informed practices and mental health care.

Federal support for juvenile justice programming has suffered greatly in the past decade, with funding decreasing nearly 50% to states. Reauthorizing this important program, with recommended funding levels of \$30 million, would make a tremendous difference to youth, families and communities.

We thank you for your consideration of this important bill.

Sincerely,

MARCY MISTRETT,  
CEO, Campaign for Youth Justice.

## FAA REAUTHORIZATION ACT OF 2018

SPEECH OF

## HON. BRUCE WESTERMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 26, 2018

Mr. WESTERMAN. Mr. Speaker, I am pleased that Congress included Section 131,

subsection (1) in the final version of H.R. 302, the FAA Reauthorization Act of 2018.

This provision amends section 47107(a)(17) of title 49, United States Code, to ensure that Qualifications Based Selection (QBS) is used for any contracts and subcontracts for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, and related services for projects that use Airport Improvement Program (AIP) funding in any phase. Thus, FAA would be precluded from funding any parts of the project using AIP funds if the QBS process is or was not used in the selection of professional service providers for the above activities.

This provision is intended to ensure that high-quality design, engineering, and architectural services are procured through a QBS process, including when an airport sponsor uses AIP for construction activities. QBS has long been used by the federal government and federal-aid grant programs to ensure the best-qualified companies are selected for pre-construction designs and activities that will result in high-quality, cost-saving construction projects.

I was pleased to work with my colleague Congressman DAN LIPINSKI from Illinois on the important measure and we look forward to its implementation.

## TRIBUTE TO EAGLE SCOUT JASON GERHARDT

## HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 28, 2018

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Jason Gerhardt of Glenwood, Iowa for achieving the rank of Eagle Scout. Jason is a member of Boy Scout Troop No. 243 in Glenwood and he attends Glenwood Community High School.

The Eagle Scout designation is the highest advancement rank in scouting. Approximately 5 percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained over the past century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. Jason decided to renovate the bleachers at Lil' Rams football field as his Eagle Scout project. Jason was a former football player and he could see how the bleachers had deteriorated and were in need of repair. Jason and his parents, Janet and Jason Gerhardt, the Lil' Rams football team, the Glenwood Rotary Club, and a local welder helped financially and with the new construction. The work ethic Jason has shown in his Eagle Project and every other project leading to his Eagle Scout rank speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication, and perseverance. I am honored to represent Jason and his family in the United States Congress. I know that all of my colleagues in the House



of Representatives join me in congratulating him on obtaining the Eagle Scout ranking, and I wish him continued success in his future education and career.

RECOGNIZING DR. GARY BRANCH  
ON HIS RETIREMENT

**HON. BRADLEY BYRNE**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. BYRNE. Mr. Speaker, I rise today in recognition of my friend, Dr. Gary Branch, on his retirement as President of Coastal Alabama Community College (CACC). Dr. Branch leaves a legacy of deep devotion to his staff and students, exceptional leadership by example, and has had an immeasurable impact on the lives of countless members of our community.

Dr. Branch inherited an institution waiting for a leader such as himself. At the start of his tenure in 1981, he had to make the difficult decision to let go thirteen employees from then-Faulkner State College in the midst of a financial crisis. In true form, Dr. Branch was able to hire nearly all of them back to the college and has never faced another such crisis since.

Moving ever upward from his start, Dr. Branch oversaw immense growth in enrollment at CACC, from 1,100 students at one location in 1981 to now nearly 8,000 students in ten counties. Not only has he spearheaded increased opportunity for students in south Alabama, he also instituted the annual Student Leadership Retreat, Gatlinburg Getaway; the Black Ministerial Dinner and scholarship awards; the High School Counselor's Dinners; the Scholar Bowl; and has overseen the creation of a women's intercollegiate softball league, leading to an impressive softball stadium benefiting our entire community.

Throughout his entire time as President, Dr. Branch has constantly pushed for greater accessibility to post-secondary education for all students in Alabama. To this end, he was chairman of the committee that created the Statewide Transfer Articulation and Reporting System, allowing associate-degree-holding students to transfer to four-year universities in Alabama, and fought for CACC to benefit from state sales tax in Baldwin County. Possibly most notable, he oversaw the consolidation of Faulkner State and other institutions into Coastal Alabama Community College.

From my personal experience with him during my time as Chancellor of Alabama's Community College system, I can attest to Dr. Branch's steadfast commitment to Southwest Alabama, our students, and our economy. His impact will undoubtedly live on for many, many years to come.

Mr. Speaker, please join me in recognizing the incredible service of Dr. Gary Branch as he leaves a legacy of 37 years to a grateful community. It is difficult to express our gratitude in mere words, but on behalf of Alabama's First Congressional District and the United States House of Representatives, we simply say: thank you.

COST ESTIMATE ON H.R. 6374 FIT  
ACT

**HON. MICHAEL T. MCCAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. MCCAUL. Mr. Speaker, the following cost estimate for H.R. 6374, FIT Act prepared by the Congressional Budget Office was not available to the Committee at the time of filing of the legislative report.

SEPTEMBER 11, 2018.

Hon. MICHAEL MCCAUL,  
Chairman, Committee on Homeland Security,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 6374, the Fitness Information Transparency Act of 2018.

If you wish further details on this estimate, we will be please to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

KEITH HALL.

Enclosure.

*H.R. 6374—Fitness Information Transparency Act of 2018*

H.R. 6374 would direct the Department of Homeland Security (DHS), within 180 days of enactment, to issue uniform fitness (or conduct) standards for hiring contract employees that must be followed by all DHS agencies. Within one year of enactment, DHS would have to provide contractors with monthly updates on the status of their employees' fitness determinations and collect quarterly data on processing times for fitness investigations.

Using information from DHS, CBO estimates that implementing those provisions would cost about \$1 million in fiscal year 2019 and less than \$500,000 annually thereafter; such spending would be subject to the availability of appropriated funds. Most costs would be for technological enhancements to a system to provide accurate monthly updates on the status of contract employees' fitness determinations. DHS currently employs thousands of contract employees.

Enacting H.R. 6374 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 6374 would not increase net direct spending or on budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 6374 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

TRIBUTE TO EAGLE SCOUT  
NATHAN SCHWAB

**HON. DAVID YOUNG**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Nathan Schwab of Clive, Iowa for achieving the rank of Eagle Scout. Nathan is a member of Boy Scout Troop No. 208 of the Mid Iowa Council.

The Eagle Scout designation is the highest advancement rank in scouting. Approximately

5 percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained over the past century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. Nathan's Eagle Scout Project was completed for the Chichaqua Bottoms Greenbelt—Polk County Conservation. Nathan built 16 American Kestrel nesting boxes to help increase the population of this bird in central Iowa. He also donated the extra funds from his fundraising to Polk County Conservation. The work ethic Nathan has shown in his Eagle Project and every other project leading to his Eagle Scout rank speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication, and perseverance. I am honored to represent Nathan and his family in the United States Congress. I know that all my colleagues in the House of Representatives join me in congratulating him on obtaining the Eagle Scout ranking, and I wish him continued success in his future education and career.

IN RECOGNITION OF KEN AND  
JULIA FALKE

**HON. BARBARA COMSTOCK**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mrs. COMSTOCK. Mr. Speaker, I rise to honor and thank Ken and Julia Falke, founders of the Boulder Crest Retreat for Military and Veteran Wellness in Bluemont, Virginia, and the EOD (Explosive Ordnance Disposal) Warrior Foundation, for their extraordinary efforts to support our nation's wounded warriors and their families.

Last year, a special ceremony unveiled a statue of a Naval modification to the Battle Cross on the grounds of the Boulder Crest Retreat, honors those military heroes who lost their lives in combat, in training and in the struggle against the "invisible injuries of war that followed them home." Ken Falke's inspiration for the statue was the beautiful memorial erected in San Diego, to the four members of EOD Mobile Unit Three who had been killed in action in Iraq and Afghanistan.

The Boulder Crest Retreat is the nation's first privately-funded rural wellness center dedicated exclusively to our nation's combat veterans and their families. Opened in 2013, it has offered a beautiful setting for more than 2,500 veterans and their families to rest, reconnect and recharge. Motivated by a limitless desire to serve combat veterans, especially the 11 percent to 20 percent of Iraqi and Afghan war vets who suffer from post-traumatic stress (PTS), Ken and Julia have ventured into modes of therapy and support that are outside the mainstream. As a Navy bomb-disposal expert who was seriously injured in a 1989 parachute jump, Ken had learned firsthand in his recovery from traumatic brain injury and a broken back, not to rely on medicines alone. Later, through their work with the

EOD Warrior Foundation, Ken visited many fellow EOD veterans at Veterans Administration facilities and was dismayed at how many of them were continuing to struggle with the PTS that their medications had not cured.

As a result, Ken and Julia began a program called Warrior PATHH, or “progressive and alternative training for healing heroes.” The 18-month program that starts with a weeklong boot camp at the Boulder Crest Retreat, where days begin at 7 am with physical conditioning and end at 8:30 pm with discussion around a campfire led by other combat veterans, has allowed the 120 vets accepted for PATHH to explore their past, make greater sense of their struggles, and develop a realization that their preparedness and leadership skills can be carried from the battlefield to the home front. As an indication of the program’s success, over the past three years, 95 percent of combat vets who have participated in the program continue to participate in monthly video chats that help the Falkes keep track of their emotional health and keep them setting and accomplishing goals.

Mr. Speaker, it is truly a privilege to ask you and our colleagues to join me in thanking two great patriots, Ken and Julia Falke, for the extraordinary difference they are making in the lives of our nation’s combat veterans, ensuring that they have the opportunity to succeed in their new mission—a life of passion, purpose and service, here at home.

#### RECOGNIZING PRIVATE FIRST CLASS JOSEPH PALAZZOLO

#### HON. PAUL MITCHELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. MITCHELL. Mr. Speaker, I rise today to recognize Vietnam veteran, Private First Class Joseph Palazzolo of Imlay City, Michigan. I recently had the honor of presenting Mr. Palazzolo with his long overdue Bronze Star with Valor Device for his heroic actions 52 years ago. On November 16, 1966, while serving near Pleiku in Vietnam, Joe’s unit came under heavy enemy fire. Joe dropped his pack and set a line of fire to protect others when he was shot in the shoulder. Even after being wounded himself, Joe refused to be evacuated, and instead stayed inside the line of fire to help others. By the end of the fire-fight, Joe carried a half-dozen wounded soldiers to safety. His selflessness and bravery were evident in his actions that day. Mr. Palazzolo’s devotion to his fellow soldiers and his duty reflects distinction upon him, the 25th Infantry Division and the United States Army. It was an honor to meet Private First Class Palazzolo to present him with a Bronze Star, and I wish him the best of luck in the future.

#### RECOGNIZING RED ARNDT FOR HIS LIFETIME OF SERVICE AND COMMITMENT

#### HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. KING of Iowa. Mr. Speaker, today I rise to recognize Red Arndt for his many years of

service to the Lewis & Clark Regional Water System, as well as his lifetime commitment to bringing safe and reliable water to the rural corners of this country.

Born Lennis Arndt on May 1, 1948, he earned the nickname, Red, while in grade school from his full head of red hair. The name stuck and most people only know him today as Red Arndt.

Red grew up in Springfield, Minnesota, about 90 minutes from his current hometown, Luverne where he first started working in 1989 as their public utilities director. Shortly after beginning his new position, Red heard about a proposal to bring water from the Missouri River in South Dakota to the surrounding states. A major undertaking with more people doubting the idea than supporting, Red saw the opportunity and potential, recommending to the mayor and city council that Luverne join and become one of the first members of the corporation that would later become the Lewis & Clark Regional Water System.

Seeing Lewis & Clark develop from conception to construction was a labor of love for Red, and a mission he fought hard to achieve. Red, one of only two original directors from 1990 still on the board, held a shovel when the ground was first broke in 2003. He has probably made over 60 trips to Washington, DC and many more to the state capitals and attended countless county, city and community meetings.

Fighting to get Lewis & Clark off the ground was just a starting point for Red. He has worked tirelessly on behalf of the project, serving as the vice-chairman of the board beginning in 1994 until becoming the board chairman in 2006, a position he still holds. Lewis & Clark has experienced ups and downs during those years, yet under Red’s leadership over 200 miles of pipeline have been laid in the ground currently delivering much needed water to 14 member communities and rural water projects, reaching over 300,000 people across South Dakota, Minnesota and Iowa. He has seen over \$470M in funding to Lewis & Clark, including \$57M in advance funding from the three states.

Red’s indisputable dedication was demonstrated when he participated in the ribbon cutting ceremony for the water treatment plant in August 2012, a mere two weeks after having open heart surgery. His fellow directors surprised him at the ceremony by presenting him with the Lewis & Clark Trailblazer Award, which is the organization’s highest honor.

In May 2016, Luverne was finally able to celebrate their connection to Lewis & Clark, with Red reveling in taking the first swig of water. It was at this ceremony that the meter building in Luverne was dedicated in Red’s honor. Red will be the first to acknowledge that this endeavor, benefiting generations to come in the tristate area, has been a true team effort. But, there is no question Red’s vision for the future, dogged dedication and strong leadership have been a driving force through the years.

When he is not dedicating his time to Lewis & Clark, Red is a proud father of three boys (all sharing his red hair) and grandfather of three red-headed little girls. His family is his pride-and-joy. You will often find Red wearing a pin honoring his son who served in the United States Air Force.

As a dessert first type of guy, Red lives life to the fullest, enjoying travel, fishing and nu-

merous other outdoor activities in his free time, as well as hanging out in his “man cave”. I am grateful for his commitment to public service, his hard work on behalf of Lewis & Clark, and, more importantly, I am proud to call him a friend.

Mr. Speaker, I commend Red Arndt for his many great contributions and wish him the best as he continues to make the most out of the life God has given.

#### IN HONOR OF THE 130TH ANNIVER- SARY OF SOLENBERGER HARD- WARE

#### HON. BARBARA COMSTOCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mrs. COMSTOCK. Mr. Speaker, I rise to recognize and celebrate the 130th anniversary of Solenberger Hardware of Winchester, Virginia. Solenberger Hardware is truly the classic story of American entrepreneurialism, a story of humble beginnings, of overcoming adversity and adapting to new circumstances.

On the occasion of the company’s anniversary celebration, a large, beautiful historical mural about the company has been completed that includes portraits of past company leaders and an illustration of the original store. The mural highlights one biblical expression to summarize those 130 years: “Do to Others What You Would Have Them Do to You.” This high standard of trustworthiness and loyalty, that was developed by each of the company’s leaders, is what has set Solenberger Hardware apart. John S. Solenberger, the founder of the store in 1888, made a significant contribution to this corporate culture when, during the Great Depression, he promised his employees that he would keep them working and on the payroll, and paid in cash. Herbert Solenberger, of the following generation, treated the store’s customers with such integrity that, if he found that the store had short-changed a customer, he would personally seek out the customer to repay him or her. And Herbert’s brother, Hugh, developed a standard of customer service that involved training employees to be experts about the store’s products and services, always approaching their work with the customer’s best interest in mind.

Such extraordinary loyalty and trustworthiness have always been extended to the larger community, as well. The 1960s and 1970s were times of racial unrest in Winchester and John T. Solenberger, Hugh’s son, expressed loyalty to an African-American employee by promoting him to a management position in the company, based on his merits, without being thwarted by any concerns he may have had for how such a decision might affect their business. Additionally, Solenberger Hardware annually hosts fundraising events to benefit the Winchester Area Temporary Thermal Shelter and the Winchester Rescue Mission.

Another tradition contributing to Solenberger Hardware’s resilience has been its passion for change and innovation, starting with John S.’s modifying the very nature of the Solenberger business, to current leaders John, Jr. and Cyndi Solenberger’s move of the store to a place offering greater access to the customer.



The attitude of the Solenberger family has been that adversity generates change and that change is to be welcomed and encouraged.

After 130 years, can the Solenberger legacy be continued? John, Jr. and Cyndi consider themselves stewards of a business that they want to pass on to the next generations, and they are now training and mentoring Seth McManigle and Jaime Solenberger-McManigle as leadership partners of the future. Mr. Speaker, I ask that you and our colleagues join me in congratulating the owners and employees of Solenberger Hardware for celebrating 130 years of success and express the hope that, with God's grace, the company will continue its legacy of success as an extraordinary corporate citizen, serving the northern Shenandoah Valley, for many years to come.

GEORGETTE MAGASSY DORN

**HON. JOSÉ E. SERRANO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Georgette Magassy Dorn, Chief of the Hispanic Division of the Library of Congress.

Georgette Magassy Dorn was born in Hungary and was raised in Spain and Argentina. She immigrated to the United States in 1956. She has a bachelor's degree from Creighton University, a Master's degree from Boston College, and a doctorate degree from Georgetown University, which she completed while working at the Library of Congress. For twenty years, she was visiting lecturer at Georgetown University. She published books and articles on Latin American culture and served as an officer in many professional organizations including the Latin American Studies Association.

Ms. Dorn has been leading the Hispanic Division since 1994 and will be retiring on October 12, 2018 after more than half a century of distinguished service to the Library of Congress. She started working at the Hispanic Division in 1964 as a Latin American Area Specialist and in 1968 became the Curator of the Archive of Hispanic Literature on Tape succeeding Francisco Aguilera. In her role as curator, she recorded over 400 poets and novelists from Latin America, the Iberian Peninsula, the Caribbean, and the United States for the Library's archive. Nobel laureates that Ms. Dorn recorded include Pablo Neruda, Gabriel García Márquez (Colombia), Mario Vargas Llosa (Perú), and Camilo José Cela (Spain). Among U.S. Latino writers are U.S. Poet Laureate Juan Felipe Herrera, Ana Castillo, Sabine Ulibarri, and Rudolfo Anaya. The Archive also includes other Nobel Prize winners from the Hispanic world—Gabriela Mistral (Chile), Juan Ramón Jiménez (Spain), Miguel Ángel Asturias (Guatemala), and Octavia Paz (Mexico).

In addition to her work as a curator, Ms. Dorn was also the Head of the Hispanic Reading Room assisting patrons searching for materials. With the support of the Library, she expanded an active internship program for college students and recent graduates to work with the Library's world-class Hispanic collections. Beginning in the early 1990s, Ms. Dorn oversaw the automation of the "Handbook of

Latin American Studies," which is an annual, annotated bibliography in the humanities and social sciences prepared by a dedicated staff in the Hispanic Division with the help of 120 contributing editors from all across the United States. This important research tool has been prepared in the Hispanic Division since 1939 and has been published annually by the University of Texas Press in Austin. Since 1995 the Handbook is available online free of charge.

Ms. Dorn has overseen an ambitious digitization plan, in addition to the "Handbook," in order to share the Library's rich collections. As a result, one of the Division's most visited sites is the Spanish-American War of 1898.

Her other important contributions include developing the Hispanic collections in all formats and securing valuable historical items from donors for the Library. In recent years, she succeeded in acquiring visual materials by Latino artists for the Library's Prints and Photographs Division.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Georgette Magassy Dorn for her distinguished service and extensive contributions to the Library of Congress.

TRIBUTE TO STEVE MCCANN

**HON. DAVID YOUNG**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Steve McCann. Mr. McCann was inducted into the Creston High School Hall of Fame as Distinguished Alumni and Contributor on Thursday, September 20, 2018.

Steve graduated from Creston High School in 1967 after participating in basketball, track and chorus. Steve was also active with plays and participated in the school's first musical production, *Bye Bye Birdie*. He was named CHS Thespian of the Year in both 1966 and 1967. After attending Creighton University, Steve returned to Creston to live and work. In addition to farming, and owning and operating Family Shoe Store, Steve has been an active sports official since 1971. He was inducted into the IHSAA Athletic Officials Hall of Fame in 2012.

Mr. Speaker, I am honored to recognize Steve McCann for this award, and for providing the youth in Iowa's Third District the support that they will need to be successful. I am proud to represent him and Creston Community Schools in the United States Congress. I ask that my colleagues in the United States House of Representatives join me in congratulating Steve and wishing him nothing but continued success.

RECOGNIZING TAIWAN'S NATIONAL DAY, DOUBLE TEN DAY

**HON. STEVE CHABOT**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. CHABOT. Mr. Speaker, I rise today in recognition of the upcoming Double Ten Day,

the national day of the Republic of China, or as many of us like to call it, Taiwan, which is celebrated every October 10th. I would like to extend to the people of Taiwan and its government my best wishes for continued prosperity and security.

Over many decades, Taiwan and the United States have stood together against numerous challenges, and time and again have displayed a steadfast commitment to one another's mutual security and prosperity. The Taiwanese people deeply appreciate the fundamental truth that people everywhere long to be free, and that representative government is essential to realizing this dream and the true prosperity, peace, and stability it brings. They've done the hard work of transitioning to democracy, with all the sacrifice and compromise that entails. This story shines as a beacon of hope to people all over Asia that democracy is not only possible but preferable.

In March, President Trump signed the Taiwan Travel Act. This legislation, which I introduced in 2017, will further strengthen and enhance our bilateral strategic partnership with Taiwan. It is generally accepted that high level official communication is an essential part of any alliance. I strongly urge the Trump Administration to follow through on the act soon. Our partnership with Taiwan will only be strengthened through such implementation.

In conclusion, Mr. Speaker, I reiterate my support and admiration for the people of Taiwan and their vibrant democracy, and offer my best wishes to them for a very happy Double Ten Day celebration.

RECOGNIZING THE LIFE AND SERVICE OF MARTIN NELIS

**HON. MARK DESAULNIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. DESAULNIER. Mr. Speaker, I rise today to recognize the life and service of a longtime Pleasant Hill resident, Mr. Martin Nelis.

Martin was born in Northern Ireland, and graduated with a degree in engineering from Queen's University, Belfast. He immigrated to the United States in 1989, and worked in the information technology field before working as a Congressional aide.

During his free time, Martin was a soccer player, coach, and cyclist. He was also an avid outdoorsman and often went hiking in the Redwood forests. Martin enjoyed an active lifestyle and was always willing to take up a cause.

In 2007, he began serving as a Public Information Officer for the City of Pleasant Hill, and was pivotal in supporting community development efforts. He assisted with coordinating the summer concert series and the local farmer's market. Martin also led efforts to raise funds for a new public library. He continued to play an active role in his community until his unexpected passing on August 2, 2018.

Martin was preceded in death by his father Billy, and his brother Peter. He is survived by his seven siblings, Donncha, Liam, John, Patrick, Cathy, Declan and Frank, his 3 children whom he adored, Aidan, Fiona and Deirdre. Martin will be remembered for his service to the community, his sarcastic wit, and those who had the pleasure of knowing him. He will be sincerely missed.

**COST ESTIMATE ON H.R. 6447, DEPARTMENT OF HOMELAND SECURITY CHIEF DATA OFFICER AUTHORIZATION ACT**

**HON. MICHAEL T. MCCAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. MCCAUL. Mr. Speaker, the following cost estimate for H.R. 6447, Department of Homeland Security Chief Data Officer Authorization Act prepared by the Congressional Budget Office was not available to the Committee at the time of filing of the legislative report.

SEPTEMBER 4, 2018.

Hon. MICHAEL MCCAUL, *Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 6447, the Department of Homeland Security Chief Data Officer Authorization Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

KEITH HALL, *Director.*

Enclosure.

H.R. 6447—DEPARTMENT OF HOMELAND SECURITY CHIEF DATA OFFICER AUTHORIZATION ACT

As ordered reported by the House Committee on Homeland Security on July 24, 2018

H.R. 6447 would require the Department of Homeland Security (DHS) to designate a current career appointee as the chief data officer of the department. The bill also would require each of the seven operational components within DHS (such as Customs and Border Protection and the Transportation Security Administration) to designate current appointees as chief data officers. Those offices would coordinate the integration of data among DHS agencies, oversee the storage of records, and manage other tasks related to the use of DHS data systems.

Two DHS operational components currently have a chief data officers while a third component has a vacant position. We expect that the other four components and the department would have to hire five additional people to assist in carrying out the formal role of chief data officer established by the bill at an annual cost of around \$150,000 per person. Thus, CBO estimates that implementing H.R. 6447 would cost about \$1 million annually; such spending would be subject to the availability of appropriated funds.

Enacting H.R. 6447 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 6447 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 6447 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

**TRIBUTE TO LINDA AND MICHAEL JONES**

**HON. DAVID YOUNG**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Linda and Michael Jones of West Des Moines, Iowa on the very special occasion of their 50th wedding anniversary. They celebrated their anniversary on September 28, 2018.

Linda and Michael's lifelong commitment to each other truly embodies our Iowa values. As they reflect on their 50th anniversary, may their commitment grow even stronger, as they continue to love, cherish, and honor one another for many years to come.

Mr. Speaker, I commend this great couple on their 50th year together and I wish them many more. I ask that my colleagues in the United States House of Representatives join me in congratulating Linda and Michael Jones on this meaningful occasion and in wishing them both nothing but continued happiness.

**SECURE BORDER COMMUNICATIONS ACT**

SPEECH OF

**HON. MICHAEL T. MCCAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2018*

Mr. MCCAUL. Mr. Speaker, the following cost estimate for H.R. 6742, the Secure Border Communications Act prepared by the Congressional Budget Office was not available to the Committee at the time of filing of the legislative report.

SEPTEMBER 25, 2018.

Hon. MICHAEL MCCAUL, *Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 6742, the Secure Border Communications Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 6742—Secure Border Communications Act

H.R. 6742 would require Customs and Border Protection (CBP) in the Department of Homeland Security (DHS) to equip CBP officers and border patrol agents with radios or similar devices that permit secure and effective communication with DHS personnel and with other federal and nonfederal law enforcement entities. According to CBP, it outfits its officers and agents with radios that largely satisfy the act's requirements, so CBO estimates that implementing H.R. 6742 would have no significant effect on agency spending.

Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 6742 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 6742 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

**RECOGNIZING BESPOKE GROUP LLC'S CONTINUED EXPORTING EXCELLENCE**

**HON. KENNY MARCHANT**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. MARCHANT. Mr. Speaker, I rise today to recognize a small business in my district, the Bespoke Group LLC. As an exporter of pulse crops, such as lentils, dry peas, and chickpeas, the Bespoke Group was recognized in 2015 by the U.S. Commerce Department with the prestigious President's "E" Award. This honor was founded in 1961 by President John F. Kennedy, who wanted to recognize exporters who were making tremendous contributions to the U.S. employment level and strengthening our economy.

Today, the Commerce Department reserves this accolade for those small companies that demonstrate sustained export sales increases over a four-year period, making it the highest recognition that any U.S. entity can receive for making a significant contribution to the expansion of American exports. Small businesses are vital to a healthy and growing American economy, and companies such as Bespoke Group LLC are helping to boost our economy to new heights. I look forward to other Texan small businesses receiving similar national acclaim for their exemplary work in promoting American economic growth.

Mr. Speaker, I ask all of my distinguished colleagues to join me in recognizing the Bespoke Group LLC, and all small businesses across the U.S., for their continued and vital efforts to promoting American prosperity and strengthening our economy.

**HONORING THE WESTCHESTER COUNTY PRESS**

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. ENGEL. Mr. Speaker, today, as the credibility of journalists and media outlets come under fire daily, I want to recognize one newspaper in my district that has been serving Westchester County for the past 90 years, the Westchester County Press.

Casilda luella established the local newspaper, at first, to serve her community of Hastings-on-Hudson, and did so for 23 years. Casilda then sold the newspaper in 1951 to Reverend Alger Adams, and his wife Jessie of Hastings-on-Hudson, who shifted the focus of the newspaper. Moving from a strictly local point of view, the Westchester County Press began reporting on the lack of African-American representation within the county. Over the next 35 years, Reverend Adams followed leads, hired reporters, and columnists to grow the Westchester County Press. Most notably, Reverend Adams hired civil rights activist M. Paul Redd, Sr. to write a weekly political column titled "M. Paul Tells All."

Mr. Redd's columns brought increased exposure to the Westchester County Press, and he eventually became the owner in 1986. Under Mr. Redd's leadership the Westchester County Press became the leading voice of issues impacting the African-American community throughout Westchester. As owner, he would continue to write his "M. Paul Tells All" column until his passing in 2009.

For more than 60 years, the Westchester County Press is the only weekly newspaper owned and run by African-Americans within Westchester County. Now led by Sandra Blackwell, since 2009, the newspaper continues to maintain high journalistic standards when reporting on the African-American community on a local, state and national level. As a result of their unwavering mission, the Westchester County Press is 1 of 200 African American newspapers that are members of the National Newspapers Publishers Association (NNPA).

I want to congratulate the Westchester County Press for serving the Westchester County community for the past 90 years. Their dedication to reporting on issues impacting the African-American community cannot go unrecognized. Lastly, I would like to honor M. Paul Redd Sr.'s near 50 years of work, and acknowledge his enshrinement in the NNPA's Hall of Fame as of 2014.

**CELEBRATING GAINESBORO FIRE  
AND RESCUE COMPANY'S 60  
YEARS OF SERVICE TO THE  
COMMUNITY**

**HON. BARBARA COMSTOCK**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mrs. COMSTOCK. Mr. Speaker, in 1958, plans for a fire department in Gainesboro began to take shape, with the help and direction of the Gainesboro Ruritan Club. Red Williamson was elected the first Fire Chief of Gainesboro and the purchase of a fire truck took place with financial help from the Clearbrook Fire Company and Shade Equipment Company, which donated their facilities to install the tank and pumps. The truck was completed and put in service following the first Yard Party in June, 1958.

IN March, 1958, the land on which the Gainesboro Fire Company exists was purchased for the sum of \$1,200. The firehouse was built by members of the Gainesboro Fire Company and the larger Gainesboro community, and because of their extraordinary generosity of time, energy and money, the entire firehouse was built in one short year, between July, 1958 and July, 1959.

The history of the call volume is an indication of the significant growth in the work of the Gainesboro Fire Company. In 1958, there were a total of 11 fire runs, the first being a woods fire in Cross Junction that the Gore Fire Company assisted with. Five years later, in 1963, there were 65 runs and by 2017, there were over 1,000 runs. This increased demand on the fire company's services has necessarily involved a significant increase in operational staff, which now amounts to 65 certified firefighters, Emergency Medical Technicians and paramedics.

With an operating budget of nearly \$300,000, approximately \$130,000 of it needs

to be raised by the members of the Gainesboro Fire Company and its Ladies Auxiliary, which was formed in November, 1958. As a resilient, self-sustaining organization, the fire company has put on one type of fundraiser or another almost every month for the past 60 years, adding up to approximately 700 fundraisers during the time of the fire company's existence.

Mr. Speaker, I know that I speak for all the people of the 10th Congressional District of Virginia in expressing our deep gratitude to our community heroes—our firefighters and emergency medical personnel, along with our law enforcement officers, who are willing to face any situation, no matter how grave or dangerous, to help us in our times of greatest desperation and need. I ask that you and our colleagues join me in thanking Chief Don Jackson and the community heroes of Gainesboro Fire and Rescue Company who, for 60 years, have courageously stepped forward to assist the residents of their community, and to also thank the ladies' auxiliary and other leaders of the Gainesboro community, who have so generously supported the ongoing work of their community heroes.

**HONORING THE PUBLIC SERVICE  
OF MAYOR BETTINA BIERI**

**HON. JOSH GOTTHEIMER**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. GOTTHEIMER. Mr. Speaker, I rise today to honor the service of Mayor Bettina Bieri, a staunch and impassioned advocate for the people of West Milford, lifelong humanitarian, and mother of two incredible children.

Mayor Bieri is a dedicated public servant in North Jersey whose countless accomplishments include restoring the New Jersey Watershed, promoting the new library in West Milford, and holding local officials to the highest standards of accountability. These efforts demonstrate her unshakable commitment to serving her community for thirty-two years. Mayor Bieri has consistently fought for her hometown by dedicating herself to better her community on the boards of many local service groups, including the St. Joseph's Finance Board, the West Milford Animal Shelter, and the West Milford Chamber of Commerce.

As a graduate of Pace University and a Certified Public Accountant, Mayor Bieri successfully utilized her financial expertise and implemented sound fiscal policies to improve West Milford's credit rating and save her constituents tax dollars. Although Mayor Bieri is retiring from public service, I am confident she will continue to make an indelible impact on those around her through her charitable work and unwavering commitment to helping others.

Mr. Speaker, I am deeply grateful for the contributions Mayor Bettina Bieri has made to West Milford and our community throughout her career. People like Mayor Bieri are what make northern New Jersey such a great place, and I am proud to call her my constituent.

**RECOGNIZING MALNUTRITION  
AWARENESS WEEK**

**HON. NORMA J. TORRES**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mrs. TORRES. Mr. Speaker, I rise today to recognize this week as Malnutrition Awareness Week.

Every 60 seconds, 10 hospitalized patients with malnutrition go undiagnosed, with the majority of these individuals being older adults. Malnutrition among seniors and older adults can lead to a greater risk of chronic disease, frailty, disability and increases in healthcare costs.

Malnutrition also disproportionately impacts minorities who are often managing comorbid chronic diseases. In my home district, 80 percent of the constituents I represent are of Hispanic background. It is of great concern to hear that malnutrition is more than twice as common among low-income older adult Latino households.

We cannot advance malnutrition care and promote improved patient recovery if we do not align the identification of and interventions for malnutrition with healthcare quality incentive programs.

The great news is that there are common-sense solutions that can close this gap in care now.

We can first begin by measuring the scope of the problem. Sadly, we currently don't know the full extent of the malnutrition problems plaguing our senior population. To change this, we can add screening measures for malnutrition to the national health surveys of older adults and implement national key health indicators and Healthy People 2030 goals for older Americans. Doing something as simple as adding malnutrition measures will help shape public health programs and better guide healthcare professionals as they address serious health conditions.

Another simple change we can make is adding older adult malnutrition to national dietary guidelines.

We cannot expect older adults and their families to take steps to address malnutrition if we do not give them the tools to identify the problem. We must meet older Americans half way so that families can make appropriate interventions for their unique conditions and circumstances. Therefore, I call on HHS and USDA to include dietary guidance for the prevention and treatment of older adult malnutrition and the closely aligned problem of age-related sarcopenia listed in the 2020 Dietary Guidelines for Americans.

Lastly, malnutrition should be interwoven into healthcare incentive programs. A patient's nutrition status is rarely evaluated and managed as individuals transition across care settings. I therefore urge the CMS to include malnutrition electronic clinical quality measures in Medicare quality programs as well as in measures related to malnutrition in care transition programs. This will help reduce hospital readmission rates and improve transitional care for seniors in the long run.

Increasing awareness of nutrition's role on patient recovery and implementing these measurable changes will help educate healthcare professionals and families which will result in helping seniors live healthy and independent lives.

## TRIBUTE TO VIC BELGER

**HON. DAVID YOUNG**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Vic Belger. Mr. Belger was inducted into the Creston High School Hall of Fame as Faculty Representative on Thursday, September 20, 2018.

Vic served as guidance counselor, driver's education teacher and head baseball coach in Creston for two decades starting in the early 1980's. His overall record as head baseball coach was 920–319, which ranks 27th all-time nationally for career victories. He also coached basketball at Creston for 9 seasons. He was named Iowa Coach of the year in 1990 and was inducted into the Iowa High School Baseball Coaches Association Hall of Fame in 1995. Vic and his wife, Pat, now live in Waukee, Iowa, where they attend their grandchildren's activities and Vic still teaches driver's education.

Mr. Speaker, I am honored to recognize Vic Belger for this award, and for providing the youth in Iowa's Third District the education and direction that they will need to be successful. I am proud to represent him and Creston Community Schools in the United States Congress. I ask that my colleagues in the United States House of Representatives join me in congratulating Vic Belger and wishing him nothing but continued success.

HONORING BATTALION CHIEF  
JAMES NELSON**HON. ANDY BIGGS**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. BIGGS. Mr. Speaker, today, I honor the life of my constituent Mr. James Nelson. Mr. Nelson dedicated his life to public service, his community, and first and foremost, his family. He will be greatly missed by everyone that was lucky enough to know him in the East Valley.

James grew up in Tempe, Arizona where he played football and basketball for Marcos De Niza High School. His competitive nature and out-going personality led to future success in leadership positions in his 25-plus-year career serving others. He began his fire service career in the East Valley and was a founding member of the Gilbert Fire Department in 1993. For most of his professional life he served as Captain, later promoted to Battalion Chief.

James was a consummate professional and mentor to many other fire fighters. It is hard to imagine how many lives have been improved because of James' guidance and advice. He was a pillar of strength for his family, friends, and the fire service. I express my sincere condolences to his wife Kerry, his three daughters, Sydney, Shelby, and Shealy, his parents Ken and Nancy Nelson, his brother Paul Nelson, his sisters Sherri Nelson and Tricia Nelson and his other surviving family members.

IN HONOR OF JILL TANNER FOR  
NATIONAL OVARIAN CANCER  
AWARENESS MONTH**HON. BRETT GUTHRIE**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. GUTHRIE. Mr. Speaker, I rise today to honor my constituent Jill Tanner, an ovarian cancer survivor from Owensboro, Kentucky. September is National Ovarian Cancer Awareness Month. Ovarian cancer accounts for 2.5 percent of cancers in women, and sadly, the American Cancer Society estimates that this year, about 22,240 new cases will be diagnosed in the United States. Jill has taken her experience fighting ovarian cancer and has become a fierce advocate for funding and research to fight this disease. I have met with Jill on a number of occasions to discuss what more Congress can do to help those with ovarian cancer, and I want to thank her for her advocacy.

## TRIBUTE TO LOUISE SIMPSON

**HON. DAVID YOUNG**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and congratulate Louise Simpson of Shenandoah, Iowa on her 100th birthday. Mildred celebrated her birthday on September 11, 2018.

Our world has changed a great deal during the course of Louise's life. Since her birth, we have revolutionized air travel and walked on the moon. We have invented the television, cellular phones and the internet. We have fought in wars overseas, seen the rise and fall of Soviet communism and witnessed the birth of new democracies. Louise has lived through eighteen United States Presidents and twenty-five Governors of Iowa. In her lifetime, the population of the United States has more than tripled.

Mr. Speaker, it is an honor to represent Louise in the United States Congress and it is my pleasure to wish her a very happy 100th birthday. I ask that my colleagues in the House of Representatives join me in congratulating Louise on reaching this incredible milestone, and wishing her even more health and happiness in the years to come.

HONORING WHITE PLAINS  
HOSPITAL**HON. NITA M. LOWEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mrs. LOWEY. Mr. Speaker, I rise today to honor White Plains Hospital as it hosts its 125th Anniversary Gala on Saturday, September 29, 2018.

White Plains Hospital is a not-for-profit health care organization aimed at providing quality and affordable health care to Westchester County and the surrounding areas. In the year following its founding in 1893 by 22

women and three men, the hospital treated 31 patients. Today, it has a staff of 1,100 and treats more than 200,000 patients a year. White Plains Hospital has truly become a cornerstone of our community.

White Plains Hospital not only provides both inpatient and outpatient services, but also aims to improve the health care of the local and professional communities and the business sector. It greatly expanded access to care by opening locations across Westchester County with excellent physicians in, but not limited to, primary care, pediatrics, obstetrics and gynecology, oncology, dermatology, geriatrics, cardiology, medical & surgical specialties, and urgent care.

Mr. Speaker, I am proud to have worked alongside White Plains Hospital to support quality health care for area residents. I urge my colleagues to join me in recognizing this organization and applauding its 125 years of service to our community as it celebrates this quasiquintennial anniversary.

IN RECOGNITION OF ASHLAN  
BORSARI AND CHILDREN'S CAR-  
DIOMYOPATHY AWARENESS  
MONTH**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. KEATING. Mr. Speaker, I rise today in sincere recognition of Ashlan Borsari of Plymouth, Massachusetts, and to recognize September as Children's Cardiomyopathy Awareness Month.

Ashlan Borsari was diagnosed at birth with a rare, chronic, and degenerative heart disease called hypertrophic cardiomyopathy. By the time Ashlan reached kindergarten, her heart had left her barely able to climb a flight of stairs, and keeping up with her friends was impossible. Ashlan underwent her first open heart surgery at the age of five, and for the next nine years, she lived close to a typical life. Unfortunately, at the age of 14, she experienced a series of sudden cardiac arrests which required her to be revived through CPR. Ashlan was airlifted to Boston Children's Hospital where doctors implanted an internal defibrillator.

Children and infants diagnosed with cardiomyopathy face some of the worse outcomes in pediatric cardiology. Forty percent of patients diagnosed with pediatric cardiomyopathy die at a young age or undergo a heart transplant within the first two years of their diagnosis. Despite this, little is known about the causes of this disease and there currently is no cure. While there is tremendous variation in symptoms among the four different types of cardiomyopathy, each case poses enormous challenges and dangers to those who suffer from the disease. As Members of Congress, we need to do all that we can to get the word out about this little understood, yet life-threatening autoimmune disease.

Mr. Speaker, I am honored to recognize Ashlan Borsari for her remarkable spirit and perseverance, and in recognizing September as Children's Cardiomyopathy Awareness Month. Her story reminds us that through education, awareness, and research, we can better understand pediatric cardiomyopathy. I

pledge to continue to raise awareness and do what I can to secure the resources needed to build upon the steady strides already achieved in understanding and finding a cure for cardiomyopathy.

# RECOGNIZING TAIWAN NATIONAL DAY

**HON. TOM EMMER**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. EMMER. Mr. Speaker, I rise today in recognition of the 107th National Day of Taiwan. The United States and Taiwan have enjoyed a fruitful partnership for decades, and I would like to wish the people of Taiwan a very Happy National Day.

Taiwan is a critical partner of the United States and my state of Minnesota. Over the last decade, Taiwan has shown and continues to be a prosperous nation characterized by strong economic growth, a commitment to democracy and respect for basic human rights and freedoms.

Where trade and economic prosperity are concerned, our two countries have made great strides. In 2017, Taiwan was ranked as the 11th largest trading partner of the United States, the 11th largest U.S. export market overall and the 7th largest market for U.S. agricultural products. Taiwan imported \$3.57 billion of food and agricultural products from the U.S., representing more than 28 percent of total imports of those products.

Taiwan regularly sponsors trade missions to the United States in pursuit of agricultural products. Last year, those missions culminated in the signing of letters of intent to purchase approximately \$2.8 billion in U.S.-produced grains between 2018 and 2019. Just in late September, another trade mission from Taiwan visited the United States with the intent to purchase \$300 million in soybeans and other agriculture products. The mission also traveled to Minnesota, one of the biggest agriculture and soybean producing states in the U.S. In fact, Taiwan is Minnesota's 5th largest export market in Asia, with over \$450 million in goods exported in 2016. Our two countries will continue to seek avenues where we can work together, and I hope my colleagues will join me in promoting this cooperation wherever possible.

Minnesota and the rest of the country benefit from our relationship with Taiwan and continuing this important partnership. It is my privilege to congratulate the celebrants of the "Double Tenth Day," and I look forward to celebrating this important event for many years to come.

**CARR & DUFF**

**HON. DONALD NORCROSS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. NORCROSS. Mr. Speaker, I rise today to honor the achievements of Carr & Duff, Inc, its founders Edward Duff and Harold Carr, and the tireless lineman they employ, as the company celebrates the 60th anniversary of the company.

I have a special connection to this company—as a young man, Edward Duff and Harold Carr were gracious enough to hire me. I worked in a variety of roles for the company, including journeyman, foreman and high voltage lead splicer. I can tell you firsthand that Carr & Duff is a company that truly sets the industry standard in hard work and dedication. And as I moved on to other positions in my life, the skills I acquired in my time with Carr & Duff stayed with me—shaping me as a leader and providing me with an invaluable foundation and experience.

The story of Carr & Duff is one not only of business success, but also unsurpassed excellence in the field of community service. The men and women employed at this company have shown us time and time again that they are willing to go above and beyond in the name of excellent customer service, and they have been a lifeline to both of our districts, as well as the Tri-state Area, throughout the company's history.

The company is renowned for going the extra mile in times of emergency. During storms, floods, and severe snow, the incredibly skilled electricians at Carr & Duff have proven themselves invaluable—working long hours to restore power to impacted communities. Carr & Duff has such a large supply of transformers and generators that they are often able to loan out their stock to local utility companies in times of need. The people of Carr & Duff think nothing of it—it's just another opportunity for them to help their neighbors any way they can.

I ask you to join me in celebrating the impact that Carr & Duff Incorporated has made during its sixty-year history, and honoring the transformative legacy of a company that has truly shaped the Camden and Philadelphia area for more than half a century.

# RECOGNIZING COACH AL LESLIE

**HON. TIM WALBERG**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. WALBERG. Mr. Speaker, I rise today to recognize Coach Al Leslie of Saline, Michigan who was recently named the ALL-USA Boys Track and Field Coach of the Year.

Al has been a track coach for 17 years—the last 12 of which have been at Saline High School, home of the Hornets.

This past season, the Boy's Track Team won their 8th straight conference championship, their 8th consecutive regional title, and placed third at the state championship. Later, at a national competition, the Hornets won the 800 and 1600 medley relays.

Coach Leslie's commitment to excellence, as well as the unity and team spirit that he seeks to promote, has created a winning formula at Saline.

In fact, his favorite quote, attributed to Bo Schembechler, is "The team, the team, the team."

In addition to his success as a track coach, Al is also a beloved assistant football coach at Saline, where he currently teaches 8th grade history.

Once again, I wish to congratulate Coach Leslie on this impressive achievement. The investment he makes in the lives of young peo-

ple, both on and off the field, will impact our community for years to come.

# IN RECOGNITION OF THE CHESAPEAKE BAY STRING OF PEARLS PROJECT OF THE NORTHERN VIRGINIA CONSERVATION TRUST

**HON. BARBARA COMSTOCK**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mrs. COMSTOCK. Mr. Speaker, I rise to honor very special landowners in northern Virginia who are the latest contributors to the Chesapeake Bay String of Pearls Project of the Northern Virginia Conservation Trust. The trust adds to and sustains places in our communities that enhance our natural, historical and cultural value, by assisting private landowners and local jurisdictions conserve and care for our natural and working lands and waters.

On November 16, seven newly conserved properties have been added to the 62 other parcels that make up the String of Pearls in the Chesapeake Bay Watershed. These treasured private lands are in Great Falls, McLean and Oakton, and are the first conserved lands to be honored in the Commonwealth of Virginia.

As the member of Congress representing this area, I want to express my deep appreciation to these visionary landowners who have preserved their land forever, thus "saving nearby nature" to benefit current and future generations of Virginians and Americans. I also want to express my gratitude to the leadership of the Northern Virginia Conservation Trust, who, over the past 20-plus years has conserved 6,500 acres in the region and has been such an invaluable resource for conservation management, through its stewardship of protected land, encouragement of volunteer conservation activities, and critical technical assistance to local governments as they implement their comprehensive plans.

Mr. Speaker, I ask that you and our colleagues join me and all the people of the 10th Congressional District, in recognizing and thanking the Northern Virginia Conservation Trust and the sixty-nine conservation landowners of the Chesapeake Bay String of Pearls Project for their everlasting contributions to the quality of life of the residents of Northern Virginia and the Chesapeake Bay watershed.

# TRIBUTE TO MAXINE AND BOB HAMM

**HON. DAVID YOUNG**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and honor Maxine and Bob Hamm of Clarinda, Iowa on the very special occasion of their 70th wedding anniversary. They celebrated their anniversary on September 14, 2018.

Maxine and Bob's lifelong commitment to each other and their family truly embodies

Iowa values. As they reflect on their 70th anniversary, I hope it is filled with happy memories. May their commitment grow even stronger, as they continue to love, cherish, and honor one another for many years to come.

Mr. Speaker, I commend this great couple on their 70th year together and I wish them many more. I ask that my colleagues in the United States House of Representatives join me in congratulating them on this momentous occasion.

#### TRIBUTE TO LARRY ITLIONG

#### HON. NANETTE DIAZ BARRAGÁN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Ms. BARRAGÁN. Mr. Speaker, I rise today to commemorate the extraordinary life of Larry Itliong and to celebrate Larry Itliong Day on October 27, 2018 in California's 44th Congressional District.

Whereas on October 25, 1913, Larry Itliong was born into a family of six children in Pangasinan Province of the Philippines;

Whereas at the age of 14, Larry Itliong immigrated to the United States and became a farmworker who would travel between Alaska, Washington, Montana, South Dakota, and California;

Whereas Larry Itliong led the Agricultural Worker Organizing Committee and organized 1,500 Filipinos to strike against grape growers in the Central Valley, in what became the famous Delano Grape Strike, which lasted for more than 5 years;

Whereas in 1965, Larry Itliong and the Filipino workers joined forces with César Chávez's National Farm Workers Association and merged into the United Farm Workers;

Whereas Larry Itliong, also known as Seven Fingers, has been described as one of the fathers of the West Coast Labor movement;

Whereas the City of Carson became the first city in the United States to recognize Larry Itliong Day; and

Now therefore, I declare and hereby recognize the date of October 27, 2018 to be Larry Itliong Day in Carson, California, marking the 4th annual celebration of this remarkable man.

#### HONORING GROUNDWORK HUDSON VALLEY SCIENCE BARGE 10TH ANNIVERSARY

#### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. ENGEL. Mr. Speaker, the Yonkers waterfront is a remarkable natural resource for our community, and for 10 years now Groundwork Hudson Valley has made incredible use of it with their Science Barge.

The Science Barge is a prototype sustainable urban farm developed by NY Sun Works and acquired by Groundwork Hudson Valley in October, 2008. Since then, it has been operated as an environmental education center. The Science Barge greenhouse, floating on the Hudson River, grows an abundance of fresh produce including tomatoes, melons,

peppers, eggplant, and lettuce with zero net carbon emissions, zero pesticides, and zero runoff. All of the energy needed to power the Barge is generated by solar panels, wind turbines, and biofuels while the hydroponic greenhouse is irrigated solely by collected rainwater and purified river water, thus operating completely "off the grid." It is the only fully functioning demonstration of renewable energy supporting sustainable food production in New York. The Science Barge is open for weekday educational programs and field trips for schools, camps, and other groups from mid-April through the beginning of November.

Mr. Speaker, our planet is changing. Climate change is real and having a profound impact already. We need more initiatives like the Science Barge to help us learn and adapt to these changes, while simultaneously teaching us about sustainability. I'm proud to have the Science Barge in my district and I congratulate the entire Groundwork team on 10 terrific years.

#### PERSONAL EXPLANATION

#### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Ms. ESHOO. Mr. Speaker, I was unable to be present during roll call vote numbers 409, 410, 411, and 412 on September 27, 2018, due to recent surgery. I would like to reflect how I would have voted:

On roll call vote number 409, I would have voted NO.

On roll call vote number 410, I would have voted NO.

On roll call vote number 411, I would have voted NO.

On roll call vote number 412, I would have voted NO.

#### HONORING THE CHILD CARE COUNCIL OF WESTCHESTER

#### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mrs. LOWEY. Mr. Speaker, I rise today to honor the Child Care Council of Westchester as it hosts its 50th Anniversary Celebration on October 18, 2018.

The Child Care Council of Westchester promotes quality child care and education to support the healthy development of children and families. For children, the Council is a safe space to learn and grow. For parents, the Council eases the financial burden of child care by providing high quality, affordable child care for working families. For child care professionals, the Council acts as an information hub on running a business, providing quality care, and meeting legal obligations. Finally, for Westchester employers, the Council provides parents with resources and referrals to have successful employment and careers.

The Child Care Council's continued success in Westchester can be largely attributed to its Executive Director Kathy Halas. Since 2003, Ms. Halas has led the Council as it advocates for the importance of healthy childhood development and quality child care. Ms. Halas' unwavering activism is an inspiration to us all

and can be credited with the care of countless children throughout Westchester County and beyond.

Mr. Speaker, I am proud to have worked alongside Kathy Halas and the Child Care Services of Westchester to support quality early care and education for all children. I urge my colleagues to join me in recognizing this incredible organization and applauding its 50 years of service to Westchester County as it celebrates this golden anniversary.

#### TRIBUTE TO NOVA AND LESTER LEIGHTON

#### HON. DAVID YOUNG

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. YOUNG of Iowa. Mr. Speaker, I rise today to recognize and honor Nova and Lester Leighton of Griswold, Iowa on the very special occasion of their 75th wedding anniversary. They were married on September 22, 1943 in Council Bluffs, Iowa.

Nova and Lester's lifelong commitment to each other and their family truly embodies Iowa values. As they reflect on their 75th anniversary, I hope it is filled with happy memories. May their commitment grow even stronger, as they continue to love, cherish, and honor one another for many years to come.

Mr. Speaker, I commend this great couple on their 75th year together and I wish them many more. I ask that my colleagues in the United States House of Representatives join me in congratulating them on this momentous occasion.

#### CELEBRATING THE LIFE OF DONALD PANOSZ

#### HON. DOUG COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2018*

Mr. COLLINS of Georgia. Mr. Speaker, I rise today to recognize the life of an extraordinary man and fellow Northeast Georgian, Mr. Donald E. Panos.

Mr. Panos, the son of immigrants from Avezzano, Italy, was born on February 13, 1935. While attending Greenbrier Military Academy, he met his wife Nancy, and both went on to serve in the U.S. Army.

After his service, Mr. Panos established many businesses in and around Georgia's 9th Congressional District. Some of these include Elan Pharmaceuticals in Gainesville, Château Elan Winery & Resort in Braselton, and Panos LLC in Hoschton. Panos also served as Chairman of the Board of Directors for NanoLumens in Norcross.

However, Mr. Panos will be most remembered for founding the American Le Mans Series—which brought European-style endurance sports car racing to America—and Milan Pharmaceuticals, which developed the method of delivering medicine through transdermal technology.

Mr. Panos passed away on September 11, 2018 after a battle with cancer. As we remember his legacy, I join others in thanking him for his military service and recognizing his entrepreneurial spirit and success.

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S6367–S6400*

**Measures Introduced:** Eight bills and four resolutions were introduced, as follows: S. 3525–3532, S. Res. 660–662, and S. Con. Res. 49. **Page S6388**

#### Measures Reported:

H.R. 606, to designate the facility of the United States Postal Service located at 1025 Nevin Avenue in Richmond, California, as the “Harold D. McCraw, Sr., Post Office Building”.

H.R. 1209, to designate the facility of the United States Postal Service located at 901 N. Francisco Avenue, Mission, Texas, as the “Mission Veterans Post Office Building”.

H.R. 2979, to designate the facility of the United States Postal Service located at 390 West 5th Street in San Bernardino, California, as the “Jack H. Brown Post Office Building”.

H.R. 3230, to designate the facility of the United States Postal Service located at 915 Center Avenue in Payette, Idaho, as the “Harmon Killebrew Post Office Building”.

H.R. 4407, to designate the facility of the United States Postal Service located at 3s101 Rockwell Street in Warrenville, Illinois, as the “Corporal Jeffery Allen Williams Post Office Building”, with amendments.

H.R. 4890, to designate the facility of the United States Postal Service located at 9801 Apollo Drive in Upper Marlboro, Maryland, as the “Wayne K. Curry Post Office Building”.

H.R. 4913, to designate the facility of the United States Postal Service located at 816 East Salisbury Parkway in Salisbury, Maryland, as the “Sgt. Maj. Wardell B. Turner Post Office Building”.

H.R. 4946, to designate the facility of the United States Postal Service located at 1075 North Tustin Street in Orange, California, as the “Specialist Trevor A. Win'E Post Office”.

H.R. 4960, to designate the facility of the United States Postal Service located at 511 East Walnut Street in Columbia, Missouri, as the “Spc. Sterling William Wyatt Post Office Building”.

H.R. 5349, To designate the facility of the United States Postal Service located at 1325 Autumn Avenue in Memphis, Tennessee, as the “Judge Russell B. Sugarmon Post Office Building”.

H.R. 5504, to designate the facility of the United States Postal Service located at 4801 West Van Giesen Street in West Richland, Washington, as the “Sergeant Dietrich Schmieman Post Office Building”.

H.R. 5737, to designate the facility of the United States Postal Service located at 108 West D Street in Alpha, Illinois, as the “Captain Joshua E. Steele Post Office”.

H.R. 5784, To designate the facility of the United States Postal Service located at 2650 North Doctor Martin Luther King Jr. Drive in Milwaukee, Wisconsin, shall be known and designated as the “Vel R. Phillips Post Office Building”.

H.R. 5868, to designate the facility of the United States Postal Service located at 530 Claremont Avenue in Ashland, Ohio, as the “Bill Harris Post Office”.

H.R. 5935, to designate the facility of the United States Postal Service located at 1355 North Meridian Road in Harristown, Illinois, as the “Logan S. Palmer Post Office”.

H.R. 6116, to designate the facility of the United States Postal Service located at 362 North Ross Street in Beaverton, Michigan, as the “Colonel Alfred Asch Post Office”.

S. 3209, to designate the facility of the United States Postal Service located at 413 Washington Avenue in Belleville, New Jersey, as the “Private Henry Svehla Post Office Building”.

S. 3237, to designate the facility of the United States Postal Service located at 120 12th Street Lobby in Columbus, Georgia, as the “Richard W. Williams Chapter of the Triple Nickles (555th P.I.A.) Post Office”, with amendments.

S. 3414, to designate the facility of the United States Postal Service located at 20 Ferry Road in Saunderstown, Rhode Island, as the “Captain Matthew J. August Post Office”.

S. 3442, to designate the facility of the United States Postal Service located at 105 Duff Street in



Macon, Missouri, as the “Arla W. Harrell Post Office”. **Page S6387**

#### Measures Passed:

**Enrollment Correction:** Senate agreed to S. Con. Res. 49, providing for a correction in the enrollment of S. 2553. **Page S6375**

**Short Term FAA Extension:** Senate passed H.R. 6897, to extend the authorizations of Federal aviation programs, to extend the funding and expenditure authority of the Airport and Airway Trust Fund. **Pages S6390–91**

**PROGRESS for Indian Tribes Act:** Senate passed S. 2515, to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian Tribes. **Pages S6391–97**

**National Workforce Development Month:** Committee on the Judiciary was discharged from further consideration of S. Res. 632, designating September 2018 as “National Workforce Development Month”, and the resolution was then agreed to. **Pages S6397–98**

**Sickle Cell Disease Awareness Month:** Senate agreed to S. Res. 661, expressing support for the designation of September 2018 as “Sickle Cell Disease Awareness Month” in order to educate communities across the United States about sickle cell disease and the need for research, early detection methods, effective treatments, and preventative care programs with respect to sickle cell disease, complications from sickle cell disease, and conditions related to sickle cell disease. **Page S6398**

**Campus Fire Safety Month:** Senate agreed to S. Res. 662, designating September 2018 as “Campus Fire Safety Month”. **Page S6398**

#### House Messages:

**Sports Medicine Licensure Clarity Act—Agreement:** Senate began consideration of the amendment of the House of Representatives to the amendment of the Senate to H.R. 302, to provide protections for certain sports medicine professionals who provide certain medical services in a secondary State, after agreeing to the motion to proceed to consideration of the House message to accompany the bill, and taking action on the following motions and amendments proposed thereto: **Pages S6398–99**

Pending:

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill. **Pages S6398–99**

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill, with McConnell Amendment No. 4026 (to the motion to concur in the amendment of the House

to the amendment of the Senate), to change the enactment date. **Page S6399**

McConnell Amendment No. 4027 (to Amendment No. 4026), of a perfecting nature. **Page S6399**

McConnell motion to refer the House message to accompany the bill to the Committee on Commerce, Science, and Transportation, with instructions, McConnell Amendment No. 4028, to change the enactment date. **Page S6399**

McConnell Amendment No. 4029 (the instructions (Amendment No. 4028) of the motion to refer), of a perfecting nature. **Page S6399**

McConnell Amendment No. 4030 (to Amendment No. 4029), of a perfecting nature. **Page S6399**

A motion was entered to close further debate on McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Friday, September 28, 2018, a vote on cloture will occur at 5:30 p.m., on Monday, October 1, 2018. **Page S6399**

A unanimous-consent agreement was reached providing that notwithstanding Rule XXII, at 5 p.m., on Monday, October 1, 2018, Senate resume consideration of the House message to accompany the bill, as if in Legislative Session; that at 5:30 p.m., Senate vote on the motion to invoke cloture on McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill; and that if cloture is invoked, Senate remain in Executive Session and the post-cloture time continue to run as otherwise under the Rule, and that upon the use or yielding back of post-cloture time, Senate vote, as if in Legislative Session, on McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill. **Page S6399**

**Support for Patients and Communities Act—Agreement:** A unanimous-consent-time agreement was reached providing that at a time to be determined by the Majority Leader, in consultation with the Democratic Leader, Senate begin consideration of the House Message to accompany H.R. 6, to provide for opioid use disorder prevention, recovery, and treatment; that the Majority Leader, or his designee, be recognized to make a motion to concur, that there be up to four hours of debate on the motion, equally divided in the usual form, and that following the use or yielding back of that time, Senate vote on the motion to concur, with no intervening action or debate. **Page S6398**

**Signing Authorities—Agreement:** A unanimous-consent agreement was reached providing that the Majority Leader and Senator Boozman be authorized



to sign duly enrolled bills or joint resolutions during the upcoming recess of the Senate. **Page S6399**

**Kavanaugh Nomination:** Senate began consideration of the nomination of Brett M. Kavanaugh, of Maryland, to be an Associate Justice of the Supreme Court of the United States. **Page S6399**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Executive Session to consider the nomination. **Page S6399**

**Nominations Received:** Senate received the following nominations:

Jean Nellie Liang, of Illinois, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2010.

Darrell E. Issa, of California, to be Director of the Trade and Development Agency.

Andrew P. Bremberg, of Virginia, to be Representative of the United States of America to the Office of the United Nations and Other International Organizations in Geneva, with the rank of Ambassador.

Jeffrey L. Eberhardt, of Wisconsin, to be Special Representative of the President for Nuclear Non-proliferation, with the rank of Ambassador.

Christopher Paul Henzel, of Virginia, to be Ambassador to the Republic of Yemen.

Lynne M. Tracy, of Ohio, to be Ambassador to the Republic of Armenia.

Virgil Madden, of Indiana, to be a Commissioner of the United States Parole Commission for a term of six years.

Monica David Morris, of Florida, to be a Commissioner of the United States Parole Commission for a term of six years.

A routine list in the Army. **Page S6400**

**Nomination Withdrawn:** Senate received notification of withdrawal of the following nomination:

Anthony Kurta, of Montana, to be a Principal Deputy Under Secretary of Defense, which was sent to the Senate on July 25, 2017. **Page S6400**

**Messages from the House:** **Page S6383**

**Measures Referred:** **Page S6383**

**Measures Read the First Time:** **Pages S6383, S6390**

**Enrolled Bills Presented:** **Page S6383**

**Executive Communications:** **Pages S6383–87**

**Executive Reports of Committees:** **Pages S6387–88**

**Additional Cosponsors:** **Pages S6388–89**

**Statements on Introduced Bills/Resolutions:** **Pages S6389–90**

**Additional Statements:** **Page S6383**

**Amendments Submitted:** **Page S6390**

**Adjournment:** Senate convened at 2 p.m. and recessed at 6:21 p.m., until 3 p.m. on Monday, October 1, 2018. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S6399.)

## Committee Meetings

(Committees not listed did not meet)

### BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported the nomination of Brett M. Kavanaugh, of Maryland, to be an Associate Justice of the Supreme Court of the United States.

# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 45 public bills, H.R. 6964–7008; and 11 resolutions, H. Res. 1099–1109 were introduced. **Pages H9404–06**

**Additional Cosponsors:** **Pages H9408–09**

**Reports Filed:** There were no reports filed today.

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Poe (TX) to act as Speaker pro tempore for today. **Page H9155**

Amending title 10, United States Code, to modify the requirement for certain former members of the Armed Forces to enroll in Medicare Part B to be eligible for TRICARE for Life, and to amend title XVIII of the Social Security Act to provide for coverage of certain DNA specimen provenance assay tests under the Medicare program: The House agreed to discharge from committee and pass H.R. 6886, to amend title 10, United States Code, to modify the requirement for certain former members of the Armed Forces to enroll in Medicare Part B to be eligible for TRICARE

for Life, and to amend title XVIII of the Social Security Act to provide for coverage of certain DNA specimen provenance assay tests under the Medicare program, as amended by Representative Sam Johnson (TX). **Pages H9156–58**

**Protecting Family and Small Business Tax Cuts Act of 2018:** The House passed H.R. 6760, to amend the Internal Revenue Code of 1986 to make permanent certain provisions of the Tax Cuts and Jobs Act affecting individuals, families, and small businesses, by a yeas-and-nays vote of 220 yeas to 191 nays, Roll No. 414. **Pages H9158–74, H9256**

Rejected the Larson (CT) motion to recommit the bill to the Committee on Ways and Means with instructions to report the same back to the House forthwith with an amendment, by a yeas-and-nays vote of 184 yeas to 226 nays, Roll No. 413. **Pages H9172–74, H9255**

Pursuant to the Rule, the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, modified by the amendment printed in part C of H. Rept. 115–985, shall be considered as adopted. **Page H9158**

H. Res. 1084, the rule providing for consideration of the bills (H.R. 6756), (H.R. 6757), and (H.R. 6760) was agreed to yesterday, September 27th.

**Suspensions:** The House agreed to suspend the rules and pass the following measure:

*Providing for the concurrence by the House in the Senate amendment to H.R. 6, with an amendment:* H. Res. 1099, providing for the concurrence by the House in the Senate amendment to H.R. 6, with an amendment, by a  $\frac{2}{3}$  yeas-and-nays vote of 393 yeas to 8 nays, Roll No. 415. **Pages H9174–H9255, H9256–57**

**Committee on Transportation and Infrastructure—Communication:** Read a letter from Chairman Shuster wherein he transmitted copies of nineteen resolutions that include 11 alteration projects, five lease prospectuses, and two construction projects included in the General Services Administration's Capital Investment and Leasing Programs. The resolutions were adopted by the Committee on Transportation and Infrastructure on September 27, 2018. **Pages H9257–H9357**

**Renaming the Stop Trading on Congressional Knowledge Act of 2012 in honor of Representative Louise McIntosh Slaughter:** The House agreed to discharge from committee and pass H.R. 6870, to rename the Stop Trading on Congressional Knowledge Act of 2012 in honor of Representative Louise McIntosh Slaughter. **Page H9357**

**Designating the facility of the United States Postal Service located at 9609 South University Boulevard in Highlands Ranch, Colorado, as the “Deputy Sheriff Zackari Spurlock Parrish, III, Post Office Building”:** The House agreed to discharge from committee and pass H.R. 5791, to designate the facility of the United States Postal Service located at 9609 South University Boulevard in Highlands Ranch, Colorado, as the “Deputy Sheriff Zackari Spurlock Parrish, III, Post Office Building”. **Page H9357**

**Designating the facility of the United States Postal Service located at 90 North 4th Avenue in Brighton, Colorado, as the “Deputy Sheriff Heath McDonald Gumm Post Office”:** The House agreed to discharge from committee and pass H.R. 5792, to designate the facility of the United States Postal Service located at 90 North 4th Avenue in Brighton, Colorado, as the “Deputy Sheriff Heath McDonald Gumm Post Office”, as amended by Representative Comer. **Page H9357**

Agreed to amend the title so as to read: “To designate the facility of the United States Postal Service located at 90 North 4th Avenue in Brighton, Colorado, as the ‘Detective Heath McDonald Gumm Post Office’.”. **Page H9357**

**Designating the facility of the United States Postal Service located at 7521 Paula Drive in Tampa, Florida, as the “Major Andreas O’Keeffe Post Office Building”:** The House agreed to discharge from committee and pass H.R. 6780, to designate the facility of the United States Postal Service located at 7521 Paula Drive in Tampa, Florida, as the “Major Andreas O’Keeffe Post Office Building”. **Page H9357**

**Designating the facility of the United States Postal Service located at 501 South Kirkman Road in Orlando, Florida, as the “Napoleon ‘Nap’ Ford Post Office Building”:** The House agreed to discharge from committee and pass H.R. 6591, to designate the facility of the United States Postal Service located at 501 South Kirkman Road in Orlando, Florida, as the “Napoleon ‘Nap’ Ford Post Office Building”. **Pages H9357–58**

**Missing Children’s Assistance Act of 2018:** The House agreed to take from the Speaker’s table and pass S. 3354, to amend the Missing Children’s Assistance Act. **Pages H9358–59**

**Reauthorizing the Family Violence Prevention and Services Act:** The House agreed to discharge from committee and pass H.R. 6014, to reauthorize the Family Violence Prevention and Services Act. **Page H9359**

**Reauthorizing the Congressional Award Act:** The House agreed to take from the Speaker's table and pass S. 3509, to reauthorize the Congressional Award Act. **Page H9359**

**Juvenile Justice Reform Act of 2018:** The House agreed to discharge from committee and pass H.R. 6964, to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974. **Pages H9359–69**

**Global Food Security Reauthorization Act:** The House agreed to take from the Speaker's table and pass S. 2269, to reauthorize the Global Food Security Act of 2016 for 5 additional years. **Page H9369**

**Amending title 18, United States Code, to provide for assistance for victims of child pornography:** The House agreed to discharge from committee and pass S. 2152, to amend title 18, United States Code, to provide for assistance for victims of child pornography, as amended by Representative Marino. **Pages H9369–73**

**Abolish Human Trafficking Act:** The House agreed to discharge from committee and pass S. 1311, to provide assistance in abolishing human trafficking in the United States, as amended by Representative Marino. **Pages H9373–81**

**Trafficking Victims Protection Act:** The House agreed to discharge from committee and pass S. 1312, to prioritize the fight against human trafficking in the United States, as amended by Representative Marino. **Pages H9381–90**

**Tiffany Joslyn Juvenile Accountability Block Grant Program Reauthorization Act:** The House agreed to discharge from committee and pass H.R. 68, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize the Juvenile Accountability Block Grant program, as amended by Representative Marino. **Pages H9390–92**

**Providing for the continued performance of the functions of the United States Parole Commission:** The House agreed to discharge from committee and pass H.R. 6896, to provide for the continued performance of the functions of the United States Parole Commission. **Pages H9392–93**

**Meeting Hour:** Agreed by unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Tuesday, October 2nd. **Page H9393**

**Library of Congress Trust Fund Board—Appointment:** The Chair announced the Speaker's appointment of the following individuals on the part of the House to the Library of Congress Trust Fund Board for a 5-year term: Mr. Lawrence Peter Fisher of Chevy Chase, Maryland, and Mr. Gregory Paul Ryan of Hillsborough, California. **Page H9402**

**Harry S. Truman Scholarship Foundation—Appointment:** The Chair announced the Speaker's appointment of the following Member on the part of the House to the Board of Trustees of the Harry S. Truman Scholarship Foundation: Representative Granger. **Page H9402**

**Member Resignation:** Read a letter from Representative Jenkins, wherein he resigned as Representative for the Third Congressional District of West Virginia, effective at midnight September 30, 2018. **Page H9402**

**Senate Referrals:** S. 1768 was referred to the Committee on Science, Space, and Technology, the Committee on Natural Resources, and the Committee on Transportation and Infrastructure. S. 3170 was referred to the Committee on the Judiciary. S. 3354 was held at the desk. **Page H9402**

**Senate Message:** Message received from the Senate today appears on page H9255.

**Quorum Calls—Votes:** Three yea-and-nay votes developed during the proceedings of today and appear on pages H9255, H9256, and H9257. There were no quorum calls.

**Adjournment:** The House met at 9 a.m. and adjourned at 2:15 p.m.

## *Committee Meetings*

### CONTRIBUTING FACTORS TO C-130 MISHAPS AND OTHER INTRA-THEATER AIRLIFT CHALLENGES

*Committee on Armed Services:* Subcommittee on Seapower and Projection Forces held a hearing entitled "Contributing Factors to C-130 Mishaps and Other Intra-Theater Airlift Challenges". Testimony was heard from Rear Admiral Upper Half Scott D. Conn, Director, Air Warfare, Office of the Chief of Naval Operations, Department of the Navy; Lieutenant General Jerry D. Harris, Deputy Chief of Staff for Strategic Plans and Programs, Department of the Air Force; and Lieutenant General Donald Kirkland, Commander, Air Force Sustainment Center, Department of the Air Force.

### EXAMINING OPPORTUNITIES FOR FINANCIAL MARKETS IN THE DIGITAL ERA

*Committee on Financial Services:* Subcommittee on Financial Institutions and Consumer Credit held a hearing entitled "Examining Opportunities for Financial Markets in the Digital Era". Testimony was heard from public witnesses.

## EXAMINING SOBER LIVING HOMES

*Committee on the Judiciary:* Subcommittee on the Constitution and Civil Justice held a hearing entitled "Examining Sober Living Homes". Testimony was heard from Representatives Judy Chu of California and Rohrabacher; Erik Peterson, Mayor Pro Tempore, Huntington Beach, California; Dave Aronberg, State Attorney, 15th Judicial Circuit, Florida; and public witnesses.

## BUSINESS MEETING

*Permanent Select Committee on Intelligence:* Full Committee held a business meeting. A vote to release certain executive session material to the Intelligence Community, transmit 53 executive session witness depositions to the ODNI for classification review, and publicly release 53 executive session witness depositions passed. This meeting was closed.

## Joint Meetings

No joint committee meetings were held.

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## COMMITTEE MEETINGS FOR MONDAY, OCTOBER 1, 2018

*(Committee meetings are open unless otherwise indicated)*

### Senate

No meetings/hearings scheduled.

### House

No hearings are scheduled.

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## CONGRESSIONAL PROGRAM AHEAD

Week of October 1 through October 5, 2018

### Senate Chamber

On *Monday*, Senate will resume Executive Session.

At 5 p.m., Senate will resume consideration of the House message to accompany H.R. 302, Sports Medicine Licensure Clarity Act, and vote on the motion to invoke cloture on McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill, at 5:30 p.m.

During the balance of the week, Senate may consider any cleared legislative and executive business.

### Senate Committees

*(Committee meetings are open unless otherwise indicated)*

*Committee on Banking, Housing, and Urban Affairs:* October 2, to hold hearings to examine implementation of the Economic Growth, Regulatory Relief, and Consumer Protection Act, 10 a.m., SD-538.

October 4, Full Committee, to hold hearings to examine combating money laundering and other forms of il-

licit finance, focusing on regulator and law enforcement perspectives on reform, 10 a.m., SD-538.

*Committee on Commerce, Science, and Transportation:* October 3, to hold hearings to examine implementation of positive train control, 10 a.m., SR-253.

October 3, Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security, to hold hearings to examine protecting United States amateur athletes, focusing on examining abuse prevention efforts across the Olympic movement, 2:30 p.m., SR-253.

October 4, Full Committee, to hold hearings to examine broadband, focusing on opportunities and challenges in rural America, 10 a.m., SR-253.

*Committee on Energy and Natural Resources:* October 2, business meeting to consider S. 32 and H.R. 857, bills to provide for conservation and enhanced recreation activities in the California Desert Conservation Area, S. 90 and H.R. 428, bills to survey the gradient boundary along the Red River in the States of Oklahoma and Texas, S. 414, to promote conservation, improve public land management, and provide for sensible development in Pershing County, Nevada, S. 441, to designate the Organ Mountains and other public land as components of the National Wilderness Preservation System in the State of New Mexico, S. 483, to designate and expand wilderness areas in Olympic National Forest in the State of Washington, and to designate certain rivers in Olympic National Forest and Olympic National Park as wild and scenic rivers, S. 569, to amend title 54, United States Code, to provide consistent and reliable authority for, and for the funding of, the Land and Water Conservation Fund to maximize the effectiveness of the Fund for future generations, S. 685, to authorize the Dry-Redwater Regional Water Authority System and the Musselshell-Judith Rural Water System in the States of Montana and North Dakota, S. 785, to amend the Alaska Native Claims Settlement Act to provide for equitable allotment of land to Alaska Native veterans, S. 884, to amend the Omnibus Budget Reconciliation Act of 1993 to require the Bureau of Land Management to provide a claimant of a small miner waiver from claim maintenance fees with a period of 60 days after written receipt of 1 or more defects is provided to the claimant by registered mail to cure the 1 or more defects or pay the claim maintenance fee, S. 941, to withdraw certain National Forest System land in the Emigrant Crevice area located in the Custer Gallatin National Forest, Park County, Montana, from the mining and mineral leasing laws of the United States, S. 966, to establish a program to accurately document vehicles that were significant in the history of the United States, S. 1012, to provide for drought preparedness measures in the State of New Mexico, S. 1149, to amend the Alaska Native Claims Settlement Act to repeal a provision limiting the export of timber harvested from land conveyed to the Kake Tribal Corporation under that Act, S. 1219, to provide for stability of title to certain land in the State of Louisiana, S. 1403, to amend the Public Lands Corps Act of 1993 to establish the 21st Century Conservation Service Corps to place youth and veterans in national service positions to conserve, restore, and enhance the great outdoors of the United States, S. 1481, to make

technical corrections to the Alaska Native Claims Settlement Act, S. 1522 and H.R. 3186, bills to establish an Every Kid Outdoors program, S. 1548, to designate certain land administered by the Bureau of Land Management and the Forest Service in the State of Oregon as wilderness and national recreation areas and to make additional wild and scenic river designations in the State of Oregon, S. 1572 and H.R. 3279, bills to amend the Mineral Leasing Act to provide that extraction of helium from gas produced under a Federal mineral lease shall maintain the lease as if the helium were oil and gas, S. 1787, to reauthorize the National Geologic Mapping Act of 1992, S. 1926 and H.R. 2156, bills to provide for the establishment of a national memorial and national monument to commemorate those killed by the collapse of the Saint Francis Dam on March 12, 1928, S. 1987 and H.R. 2600, bills to provide for the conveyance to the State of Iowa of the reversionary interest held by the United States in certain land in Pottawattamie County, Iowa, S. 2062, to require the Secretary of Agriculture to convey at market value certain National Forest System land in the State of Arizona, S. 2078 and H.R. 4257, bills to maximize land management efficiencies, promote land conservation, generate education funding, S. 2160, to establish a pilot program under the Chief of the Forest Service may use alternative dispute resolution in lieu of judicial review of certain projects, S. 2166 and H.R. 4465, bills to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2023, to require a report on the implementation of those programs, S. 2249, to permanently reauthorize the Rio Puerco Management Committee and the Rio Puerco Watershed Management Program, S. 2290, to improve wildfire management operations and the safety of firefighters and communities with the best available technology, S. 2297, to direct the Secretary of Agriculture to transfer certain National Forest System land to Custer County, South Dakota, S. 2560, to authorize the Secretary of the Interior to establish a program to facilitate the transfer to non-Federal ownership of appropriate reclamation projects or facilities, S. 2809, to establish the San Rafael Swell Western Heritage and Historic Mining National Conservation Area in the State of Utah, to designate wilderness areas in the State, to provide for certain land conveyances, S. 2831 and H.R. 5751, bills to redesignate Golden Spike National Historic Site and to establish the Transcontinental Railroad Network, S. 2870, to authorize the Secretary of the Interior to conduct a special resource study of the site known as "Amache" in the State of Colorado, S. 2876, to amend the National Trails System Act to provide for the study of the Pike National Historic Trail, S. 2889 and H.R. 4895, bills to establish the Medgar Evers Home National Monument in the State of Mississippi, S. 2968, to amend the Energy Reorganization Act of 1974 to clarify whistleblower rights and protections, S. 3001 and H.R. 6040, bills to authorize the Secretary of the Interior to convey certain land and facilities of the Central Valley Project, S. 3088, to amend the Energy Policy Act of 2005 to require the Secretary of Energy to establish a program to prepare veterans for careers in the energy industry, in-

cluding the solar, wind, cybersecurity, and other low-carbon emissions sectors or zero-emissions sectors of the energy industry, S. 3172, to amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Park Service Legacy Restoration Fund to address the maintenance backlog of the National Park Service, S. 3176 and H.R. 5979, bills to establish the Mill Springs Battlefield National Monument in the State of Kentucky as a unit of the National Park System, S. 3245, to require the Secretary of Agriculture to transfer certain National Forest System land in the State of Texas, S. 3287 and H.R. 5655, bills to establish the Camp Nelson Heritage National Monument in the State of Kentucky as a unit of the National Park System, H.R. 132, to authorize the Secretary of the Interior to convey certain land and appurtenances of the Arbuckle Project, Oklahoma, to the Arbuckle Master Conservancy District, H.R. 1967, to amend the Reclamation Project Act of 1939 to authorize pumped storage hydropower development utilizing multiple Bureau of Reclamation reservoirs, H.R. 2075, to adjust the eastern boundary of the Deschutes Canyon-Steelhead Falls and Deschutes Canyon Wilderness Study Areas in the State of Oregon to facilitate fire prevention and response activities to protect private property, H.R. 2630, to authorize the Secretary of the Interior to convey certain land to La Paz County, Arizona, and H.R. 4446, to amend the Virgin Islands of the United States Centennial Commission Act to extend the expiration date of the Commission, 10 a.m., SD-366.

*Committee on Environment and Public Works:* October 3, Subcommittee on Superfund, Waste Management, and Regulatory Oversight, to hold an oversight hearing to examine the Environmental Protection Agency's implementation of sound and transparent science in regulation, 2:15 p.m., SD-406.

*Committee on Finance:* October 2, to hold hearings to examine the nomination of Andrew M. Saul, of New York, to be Commissioner of Social Security, 10:30 a.m., SD-215.

*Committee on Foreign Relations:* October 2, to hold hearings to examine Russia's role in Syria and the broader Middle East; to be immediately followed by a closed session in SVC-217, 10 a.m., SD-419.

October 4, Full Committee, to hold hearings to examine the nomination of Eric George Nelson, of Texas, to be Ambassador to Bosnia and Herzegovina, Department of State, 10 a.m., SD-419.

*Committee on Health, Education, Labor, and Pensions:* October 3, Subcommittee on Children and Families, to hold hearings to examine rare diseases, focusing on expediting treatments for patients, 2:30 p.m., SD-430.

*Committee on Homeland Security and Governmental Affairs:* October 3, to hold hearings to examine the nominations of Steven Dillingham, of Virginia, to be Director of the Census, and Michael Kubayanda, of Ohio, to be a Commissioner of the Postal Regulatory Commission, 10 a.m., SD-342.

*Committee on Indian Affairs:* October 3, business meeting to consider S. 664, to approve the settlement of the water rights claims of the Navajo in Utah, to authorize construction of projects in connection therewith, and

H.R. 5317, to repeal section 2141 of the Revised Statutes to remove the prohibition on certain alcohol manufacturing on Indian lands; to be immediately followed by an oversight hearing to examine Government Accountability Office reports relating to broadband internet availability on tribal lands, 2:30 p.m., SD-628.

*Committee on Judiciary:* October 2, Subcommittee on the Constitution, to hold hearings to examine threats to religious liberty around the world, 2:30 p.m., SD-226.

October 3, Full Committee, to hold hearings to examine big bank bankruptcy, focusing on 10 years after Lehman Brothers, 10 a.m., SD-226.

October 3, Subcommittee on Antitrust, Competition Policy and Consumer Rights, to hold an oversight hearing to examine the enforcement of the antitrust laws, 2:30 p.m., SD-226.

*Committee on Small Business and Entrepreneurship:* October 3, to hold hearings to examine expanding opportunities

for small businesses through the tax code, 2:30 p.m., SR-428A.

*Select Committee on Intelligence:* October 2, to receive a closed briefing on certain intelligence matters, 2:30 p.m., SH-216.

October 4, Full Committee, to receive a closed briefing on certain intelligence matters, 2 p.m., SH-219.

*Special Committee on Aging:* October 3, to hold hearings to examine patient-focused care, focusing on a prescription to reduce health care costs, 9:30 a.m., SD-562.

*United States Senate Caucus on International Narcotics Control:* October 2, to hold hearings to examine combating the trafficking of illegal fentanyl from China, 9:30 a.m., SD-226.

### House Committees

No hearings are scheduled.

*Next Meeting of the SENATE*

3 p.m., Monday, October 1

*Next Meeting of the HOUSE OF REPRESENTATIVES*

12:30 p.m., October 2, 2018

## Senate Chamber

**Program for Monday:** Senate will resume Executive Session.

At 5 p.m., Senate will resume consideration of the House message to accompany H.R. 302, Sports Medicine Licensure Clarity Act, and vote on the motion to invoke cloture on McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill, at 5:30 p.m.

## House Chamber

**Program for Tuesday:** House will meet in Pro Forma session at 12:30 p.m.

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