United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, SECOND SESSION

Vol. 164 WASHINGTON, TUESDAY, DECEMBER 18, 2018 *No. 199*

House of Representatives

The House was not in session today. Its next meeting will be held on Wednesday, December 19, 2018, at 12 p.m.

Senate

TUESDAY, DECEMBER 18, 2018

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

PRAYER

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

Let us pray.

Eternal God, how brief seems the span of human life when compared to the enormity of Your universe. Infuse our lawmakers with reverential awe as they remember that Your ways are so much higher than our own. Give our Senators the faith to believe that although You inhabit eternity and You still give each of them Your undivided attention and infinite patience.

Thank you for the many opportunities You provide us each day to celebrate Your greatness. Help us all to rise above petty rivalries, irrelevancies, and trivialities to a fresh unity of idealism and purpose.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mrs. HYDE-SMITH). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

FIRST STEP ACT

Mr. MCCONNELL. Madam President, yesterday the Senate voted to advance the pending criminal justice legislation. As I noted, at the request of President Trump and after improvements were secured, we are considering the bill on the floor this week.

Particular credit for this belongs to Senator CORNYN, who has carefully and impressively balanced his role as majority whip with his own personal support for the legislation. His leadership has benefitted everyone who shares his position and would like to see this bill become law, and he deserves every bit of their gratitude.

With respect to the substance of the legislation, a number of Members continue to have outstanding concerns that the bill currently leaves unaddressed. Members will have an opportunity to debate and vote on the pending germane amendments before we vote on final passage.

TRIBUTE TO JON KYL

Mr. MCCONNELL. Madam President, on another matter, to the untrained eye, it might seem that I have completed my thanks and farewells to all my Republican colleagues who will depart at the end of this Congress, but I would be remiss if I did not also mention the junior Senator from Arizona, our good friend JON KYL.

When Senator KYL bid farewell to this body in 2012, it took me quite a while to come to terms with the prospect that we had cast our final votes together. I went through stages of grief. Eventually, I came to acceptance, but, as it turned out, the great State of Arizona was not quite finished with this distinguished leader after all. If JON had planned on a relaxing, undisturbed post-Senate career, then, his biggest mistake was leaving a record as one of the most earnest and effective legislators this body had seen in recent memory, because when the people of Arizona needed to step in and honor the towering legacy of our friend John McCain, through the end of this Congress, his counterpart of 18 years was the natural choice.

As the entire Nation mourned the loss of a decorated hero and statesman, JON KYL volunteered his even keel and sound judgment to fill the void, and while the Senate may have changed in some small ways in the 6 years since JON left us, he has likely noticed over the past few months that some things never do. This floor remains the stage for the most important policy challenges facing our country. There is still an urgent need for hard-working public servants with expertise to enter the fray, and he is still the junior Senator from Arizona.

From his first day back, JON has smoothly continued Senator McCain's habit of making an outsized impact for his State. He cast his vote to confirm a well-qualified Supreme Court nominee.

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

He has joined in advancing major legislation, and he has continued his advocacy for improving our Nation's military readiness.

As we say good-bye one more time, I know every Member of this body will join me in gratitude that JON answered the call when his experience and talents were needed.

Like the others who have been lucky enough spending 18 years with JON already, I am especially grateful for this opportunity to work alongside such a dear friend. So I want to thank JON for his abiding commitment to service. We wish him and his wonderful wife Caryll much health and happiness in the years to come.

TRIBUTE TO JOHN KELLY

Mr. MCCONNELL. Madam President, bidding farewell to our departing colleagues is never easy. Neither is seeing off a number of colleagues beyond the Senate with whom we have had the privilege of working closely.

For the past 2 years, America has been treated to a brilliant example of public service on one of its highest possible stages. First, as Secretary of Homeland Security, and then, as White House Chief of Staff, John Kelly has served the President and the Nation with great distinction, but this was far from the first chapter. His entire career and life have been utterly oriented around his deep patriotic commitment.

John Kelly spent the better part of four decades in the Marine Corps, stationed far from Washington. As thousands of his peers waited to be drafted into military service, John took the initiative. He enlisted. Then he completed Officer Candidate School.

He earned a reputation as a loyal brother in arms and an outstanding leader of marines. He commanded infantry units at Camp Lejeune, Quantico, and Camp Pendleton. He served at the Supreme Allied Command in Europe and as Commander in the U.S. Southern Command.

He took on real hardship postings, like the House of Representatives. He served there in the Commandant's liaison office.

When the call came, he led marines into combat in Iraq. As his marines would tell anyone, he leads with a confidence that comes with decades of dedicated preparation. He leads with a resolve that comes from deep-rooted patriotism, and he leads with an understanding—as personal and painful an understanding as could be possible—about the sacrifice that our freedom requires.

General Kelly once said this to a gathering of his fellow Gold Star parents:

> Those with less of a sense of service to the nation will never understand it when men and women of character step forward and look danger and adversity straight in the eye, and refuse to blink or give ground even to their own deaths. The protected can't begin to understand the price paid so they and their families can sleep safe and free at night.

John Kelly and his family know that price. They have paid that price as fully as anyone has, but as is so often the case, it is those who have already given so much who seem the most willing to give even more.

John's service as Secretary of Homeland Security and now as White House Chief of Staff reflected the values and instincts that made him such an effective leader of marines. It was only by working closely with him and his team that this Congress has been able to record so many substantial accomplishments for the American people.

The Marine Corps is stronger for John Kelly's years of leadership. America is better for his distinguished career of service.

As he departs the White House this month, I extend my deep gratitude for a job well done.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I just want to thank my colleague, the majority leader, for his comments about me.

He asked if there were differences between the time that I served before and this most recent time, and I must say that the thing that I have noticed most is the kindness with which I have been treated by my colleagues and by staff—I am talking about colleagues and staff on both sides of the aisle—and by other people who work here at the Capitol, including, most especially, the Capitol Police.

I never expected to be welcomed back with that degree of kindness, and I have commented that it might be a nice thing if we could extend that same degree of kindness to each other every day, rather than to just those who come back after a long absence.

But I do very much appreciate your comments, Mr. Leader, and most especially your leadership and friendship over the years. Thank you very much.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

GOVERNMENT FUNDING

Mr. SCHUMER. Madam President, with only 4 days remaining until a lapse in government funding, Democrats still have not heard back from President Trump about whether he is willing to accept either of our offers to keep the government funded. For that matter, Republicans in Congress—both the House and Senate—have been almost entirely silent about what plan they might support to avoid a shutdown. They say that they want to avoid a shutdown, but our Republicans in the House and Senate have no plan. Senate Republicans were telling reporters they had no idea what the White House's plan was or even if it had one.

Let me remind my Republican colleagues and President Trump that Democrats have put two reasonable ways to avoid a shutdown on the table: the six appropriations bills plus a 1-year CR for homeland security or a CR for all seven bills to fund the government.

Neither proposal contains a single Democratic demand. No Democrat is pounding a fist on the table, saying that we have to shut down the government unless we get our way—the way President Trump is. We only want to fund the government. If President Trump were to accept either proposal, it would sail through the House and Senate, and we could conclude the Nation's business before the Christmas holiday.

The only proposal that cannot pass is the President's demand for an unnecessary, ineffective, exorbitantly expensive border wall. So if President Trump throws a temper tantrum and clings to his position on the wall, he will not get a wall, but he will cause a Trump shutdown over Christmas.

With only a few days to go until appropriations lapse on Friday at midnight, President Trump needs to come out of hiding and accept one of our proposals to keep the government open. Either will get a majority of votes on the floor of the House and the Senate.

AFFORDABLE CARE ACT

Mr. SCHUMER. A ruling last Friday from a Federal judge in Texas has put the future of the Affordable Care Act in doubt. Every American should be aware of the fact that if the rule is upheld, the entire law will come crashing down, including health insurance for 20 million Americans, protections for 130 million Americans living with preexisting conditions, parental health coverage for millions of Americans under the age of 26, and essential benefits like maternity care, mental health treatment, preventive screenings, money for opioid treatment.

It would cause nothing short of chaos in our healthcare system and calamity for millions of American families if this court case were to prevail.

We don't believe the ruling should stand or will stand, but the danger it poses is so great that we can't simply hope for the right result. We should do something quickly to allow the Senate to be heard and to persuade the courts not to tear down the healthcare law.

Senator MANCHIN has a resolution to authorize the Senate legal counsel to defend the Affordable Care Act on behalf of the Senate. We intend to force a vote on his resolution as soon as possible.

Every Republican who claims to be for protections for preexisting conditions ought to vote aye on that resolution. It is the quickest and best way to ensure that the court case against the Affordable Care Act does not remove these protections and the rest of our healthcare law.

Legislation—some of my colleagues are seeking refuge: Well, we will just pass legislation to tweak this or tweak that. Legislation would be difficult and slow and, frankly, unnecessary at this stage. We know how hard it is to do any healthcare legislation in this body.

Unfortunately, a good number of Republicans and President Trump, by their actions, have shown they want to cut healthcare. We are never going to get a deal with Democrats in the Senate—or the House Democrats who are going to be in charge—on doing that.

Senator MANCHIN's proposal is the best and first way to go. I urge my friends on the other side—all who talked about preexisting conditions: Put your money where your mouth is and support Senator MANCHIN's solution. To Leader MCCONNELL, who says he wants to protect preexisting conditions: Bring the Manchin resolution to the floor.

FIRST STEP ACT

Mr. SCHUMER. Later this afternoon, the Senate will likely vote on a package of amendments and then final passage of bipartisan criminal justice reform. I wholeheartedly support the bill and intend to vote yes on final passage later today.

Among other important changes, the legislation will give judges more discretion in sentencing for low-level, nonviolent drug offenders who cooperate with the government. It will provide more support and new incentives for prisoners to participate in programming or other productive activities that will better prepare them to return to society as productive individuals, and it will effectively end the practice of juvenile solitary confinement and the cruel shackling of pregnant prisoners.

Despite what some of the opponents of the bill claim, the legislation is certainly not a ''get out of jail free'' card for violent criminals or sex offenders. That is simply not true.

Rather, the bill makes smart changes to our criminal justice system in ways that make it more fair, more humane, and more just. Individuals serving time in prison for these low-level prison crimes—nonviolent drug offenders—will eventually be released.

It is in the interest of both currently incarcerated individuals and the communities to which they will eventually return to ensure we are doing everything in our power to set them up for successful reintegration into our society so that they don't commit another crime. It is very important and the right thing to do. We need workers. We need productive citizens. We can't take 5 percent of America and just write them off. This bill says that we can't.

I want to commend so many people who did such good work on this bill. I want to thank my colleague Senator DURBIN. This has been a passion of his for many years. I want to thank Senator BOOKER, who was principled. He knew when to hold, knew when to fold. That is why we have such a good bill. I want to thank Senator WHITEHOUSE, who worked really hard to make sure those in prison would get the kind of training and drug treatment they need so that they can be successful and productive citizens when they get outside.

I want to thank some of our Republican colleagues—the Senator from Iowa and the Senator from Utah—who had the courage to stand up and do the right thing here. There will be those on either side who object to things that were left out or included in the bill. As I say often, that is the nature of compromise. You can't let the perfect be the enemy of the good.

This bill, with strong bipartisan support, should pass this afternoon with strong bipartisan majorities.

TRIBUTE TO JOE DONNELLY

Mr. SCHUMER. Finally, on a matter near and dear to my heart, the great Senator from the great State of Indiana—unfortunately, we are going to be saying goodbye to Members of our caucus who won't be returning to the 116th. This morning, I want to share some words about the senior Senator from Indiana, my dear friend JOE DONNELLY.

Most folks don't know this, but JOE is actually a native New Yorker. Maybe it is because of his affable personality, his agreeableness, his midwestern decency that folks don't think he came from New York, and they are surprised to learn it.

After falling in love with Indiana after college, JOE is now fond of saying: ''You can pick where you live, but you can't pick where you're born.'' JOE, on behalf of all New Yorkers, I officially forgive you for saying that.

But like all of the young Irish Catholic kids from Long Island, JOE's dream was to go to Notre Dame. JOE likes to say that all good Irish Catholic kids are handed an application to Notre Dame, along with their baptism, and go to Notre Dame JOE did, where his long career and life in the State of Indiana began.

Something about JOE's inherent decency drew people toward him. His first foray in politics came when he received a phone call from a local official in the Democratic Party. JOE thought he was calling to ask for a donation, but the official instead asked him if he would like to run for the State legislature. JOE responded: ''OK, I'm eating my cereal; I'll get back to you on that.'' The people of Indiana and the people of America are glad JOE finished that bowl of cereal and decided a career in public service might suit him.

It didn't happen right away though. JOE lost that first race. A few years later, he found himself coaching the son of his opponent from that race in a local basketball league. At the first practice, sensing trepidation in the young man, JOE hugged him and said: Don't worry. It won't affect your playing time.

That is the kind of little story that shows the decency of JOE DONNELLY—what a good man he is, how he cares about other people's feelings, how he holds no grudges or resentments and always gives his political opponents and, in this case, their children the benefit of the doubt.

He always tried to see things from other people's perspective. That quality is what made him such an effective and well liked Member of this body. It is hard to be both effective and well liked here. JOE is both.

And, of course, he hustled. A DONNELLY day in Indiana is legendary among his staff. It begins before sunrise and ends long after the sun has set.

I travel to every county in my State every year, which is 62. JOE, of course, outdid me. He makes it to each of Indiana's 92 counties every year. When he offers an opinion on where to find the best gas station or fried chicken in Indiana, you know it is coming from real authority.

JOE's dad was a small business owner on Long Island who used to tell him as a boy: JOE, just do the work. That is what JOE DONNELLY did. He did the work. And because he did the work, even in this divided Congress and this divided partisan era, JOE got a whole lot done. He passed right-to-try legislation, which, according to Republican Senator RON JOHNSON, ''would not have happened without JOE DONNELLY.''

There are going to be people who live decades from now because of his hard work and passion on that bill. JOE worked tirelessly on behalf of veterans as a member of Armed Services, and he passed legislation to reduce the number of military suicides. Again, there are going to be families who don't have to live with suicide of a family member, service member because of JOE's hard work and dedication and political skill in getting this passed.

JOE worked across the aisle with Senator YOUNG, his colleague, to pass a bill that would improve mental health assistance for our police because he knew, coming from a family of police officers, the daily strain that officers undergo in risking their lives for our safety.

I could go on, but suffice it to say that JOE DONNELLY will leave this Chamber with an outstanding bipartisan legacy in his wake.

So at a time when our politics is so angry and divisive, losing someone like

JOE DONNELLY is a real loss. It is a loss for this body, a loss for the State of Indiana, and a real loss for America. He is an independent man and an honest person, and in a politics that is far too short on both, we will miss his steady hand here in the Senate, but also at first base, where he was relied on in the Congressional Baseball Games year after year.

We thank Jill, his lovely wife, whom he met in Indiana. Maybe she was the first reason he never went back to New York. We thank his children, Molly and Joe, Jr., for letting us borrow him these past 6 years.

JOE and I are friends for life. This election result will not break that friendship and that bond.

Iris and I and all of the Members of this Chamber wish JOE and his family the very best. Since there are no New York schools in the college football playoffs, this Senator will be rooting for JOE's beloved Fighting Irish.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. DONNELLY. Madam President, I thank the leader, who is my friend and colleague, CHUCK SCHUMER, for his kind words.

I thank Senator DURBIN, who is here, as well, and I thank all the Members.

I see my friend Senator FISCHER. We team up on the Strategic Forces Subcommittee.

Of my friend Senator GRASSLEY, not everybody knows Senator GRASSLEY has relatives who are spending eternal rest in Michigan City, IN, which is not too far away from where I live.

To everybody who works here—to the incredible team that makes everything go and to all of our pages who have done such a wonderful job—it has been such a privilege to serve in the U.S. Senate. What an unthinkable thing for a kid to have a chance to do. To actually be here takes your breath away. Our Nation is so extraordinary, such a wonderful place. The trust we are given to represent our people is something that we take so seriously.

To the whole team, nothing we do could ever be done without your hard work, and the effort we have put in to be part of that is something I will never forget. I just say thank you. Thanks to everybody here. It has been such a privilege.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SAVE OUR SEAS ACT OF 2017—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the House message to accompany S. 756, which the clerk will report.

The senior assistant legislative clerk read as follows:

House message to accompany S. 756, a bill to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes.

Pending:

McConnell motion to concur in the amendment of the House to the bill, with McConnell (for Grassley) amendment No. 4108, to provide for programs to help reduce the risk that prisoners will recidivate upon release from prison.

Division I of McConnell (for Kennedy/Cotton) amendment No. 4109 (to amendment No. 4108), to require the Director of the Bureau of Prisons to notify each victim of the offense for which the prisoner is imprisoned the date on which the prisoner will be released.

Division II of McConnell (for Kennedy/Cotton) amendment No. 4109 (to amendment No. 4108), to require the Director of the Bureau of Prisons to notify each victim of the offense for which the prisoner is imprisoned the date on which the prisoner will be released.

Division III of McConnell (for Kennedy/Cotton) amendment No. 4109 (to amendment No. 4108), to require the Director of the Bureau of Prisons to notify each victim of the offense for which the prisoner is imprisoned the date on which the prisoner will be released.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, because it has been announced that we have gone to the bill, it makes it necessary for me to ask to speak for a few minutes, as in morning business, on a subject that is unrelated to the bill before us.

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

Mr. GRASSLEY. Madam President, before I go to that subject, I just heard Senator SCHUMER speak about the bill before the Senate, the criminal justice reform bill, but he has left the floor now. I thank him for his kind remarks and his backing of that bill—a very overwhelmingly bipartisan piece of legislation that is going to be the first major change in criminal justice legislation since the Clinton era of the early 1990s.

TRIBUTE TO JILL KOZENY

Madam President, throughout my 38 years in the U.S. Senate, I have come to the floor tens of thousands of times. I have come to vote, to give speeches, to manage bills, and to debate issues that impact Iowans and the American people. As all of us do, I also vote from the Senate floor. Since 1981, I have cast 12,800 votes on behalf of Iowans. I take pride that I haven't missed a single vote since 1993. In fact, I hold the longest consecutive voting streak in Senate history. Since my reelection to a seventh term, I am now the longest serving U.S. Senator from Iowa.

It is the privilege of my life to represent my home State. I wake up every day being grateful to work another day for my fellow Iowans. I am also grateful for the service, dedication, and loyalty of my Senate staff, who work every day to help me to serve Iowans. The work of my staff is what brings me to the Senate floor today. I am here to pay tribute to an extraordinary staffer who is also an extraordinary individual.

Jill Kozeny has served on my staff for the last 30 years. To put that in perspective, she has worked on behalf of Iowans and the American people for more than half of her life and has done that right here in the Senate. Jill is a patriot and a public servant and has a servant's heart through and through.

They say all good things come to an end, and at the end of the 115th Congress, Jill Kozeny, my chief of staff, will close this incredible chapter in her life.

After graduating from the University of Nebraska at Lincoln, the Omaha native worked for Nebraska Senator David Karnes. Then she applied to be my assistant press secretary. I offered her the job. At first, she turned it down. She said she had decided she wanted to attend law school. Yet 24 hours later, she called back. She had changed her mind and wanted to come to work for me. She never looked back. Nebraska's loss was Iowa's gain.

Jill first joined my Senate staff in 1989. She arrived to Hart 135 under the name of Jill Hegstrom. After having worked for 30 years for the people of Iowa, I would say Jill more than qualifies as an honorary Iowan. In fact, she was married in Des Moines to Tom Kozeny, her husband. As many of my colleagues know, for the last 38 years, I have held a meeting in each of Iowa's 99 counties—at least 1 every year—and for the last 30 of those years, Jill has staffed hundreds of those county meetings and Q and A's along the way. This is where the rubber meets the road—in sitting down and talking to Iowans and in meeting Iowans in their hometown communities to hear their concerns and doing it face-to-face.

Day after day, Jill Kozeny has worked her tail off to make sure that our office and my staff have addressed the concerns of Iowans. Whatever uncertainty Jill had before joining my staff has evaporated completely through these years. Her confidence and her competence have grown as she has risen through the ranks. As press secretary and director of communications, she worked for years in leading my communications staff. She developed respect, trust, and credibility with reporters, and that is hard to do in this town. A request for information from even a weekly newspaper in Iowa was treated as importantly as one from a national correspondent or a television news anchor.

Jill has been a loyal and trusted adviser to me and a trusted leader and mentor to my entire staff. In 2013, when the job opened up, I didn't hesitate to hire her to lead my office as chief of staff. Jill's tenure as a trusted and loyal adviser truly understates the depth of her contribution and service over these many years. At every turn, she has gone the extra mile—above and beyond the call of duty—to make sure my office has operated effectively and efficiently for Iowans. With Jill at the

helm, I have never once had to worry if the office has been working the way ''Grassley works.'' Those two words, ''Grassley works,'' are famous in Iowa because they have been my campaign slogan since 1978.

Jill has set a tone of professionalism, courtesy, fairness, and integrity. As chief of staff for 15 staffers in Iowa and 25 here in Washington, Jill has set a tone of camaraderie, collegiality, respect, and confidence. Just ask members of my current staff or even people who had left my staff, maybe, 10 years ago about Jill Kozeny or ask her work colleagues in the press corps. They describe Jill's reputation and work ethic as dependable, substantive, thorough, and exemplary. Reporters say she is fair, patient, professional, and has ''set no better standard.''

She has known how to build policy coalitions and how to navigate high-stakes political dramas that require a thick skin and a shrewd intelligence. It is a pressure cooker here in Washington, DC, on any day, and Jill has never rattled. Throughout her service, Jill's leadership has been instrumental in advancing the important legislative achievements and oversight work, including the historic tax cuts and the judicial confirmations achieved just this Congress. She has served as a pivotal political adviser to me in my last four political campaigns as well.

Without a shadow of a doubt, I will miss having her by my side. I have total confidence in her ability and complete trust in her advice. As Jill has shared with staff through the years, I quote her: ''I grew up in the Grassley 'cut-your-teeth school of work ethic,' where anonymity and hard work are the most effective way to serve and be effective.''

For over 30 years, she has mentored scores of employees, from interns to entry-level staffers, to the most senior investigators and attorneys in my office. Both current and former staff have counted on her counsel and leadership. They say she has offered uncommon grace, goodness, and guidance. Jill has brought joy to the job, and it has shown in her work product and our workplace. She has been a highly skilled communicator, well organized, very articulate, and gracious. There is no other way to say it. For 30 years, Jill has brought 100-percent devotion to this job and 100-percent devotion to the people of Iowa, and I would have to say, without equivocation, that she has made me a better Senator.

As a chief of staff in the U.S. Senate, Jill has reached the highest rungs of the congressional staff ladder on Capitol Hill. She has made her mark in these marbled hallways and has done so with an unassuming anonymity, with competence, and with a confidence that has been hard earned but has been very well deserved.

My staff has become like family to one another. After so many years of working together at all hours of the day—you might say 365 days a year for the last 30 years—the professional relationship that I have grown to value tremendously has evolved into a warm friendship that Barbara, my wife, and I have valued even more. Capitol Hill staffers know that this workplace and its work pace are all-consuming. Yet life marches on. It is a true joy to share in the joys of life that my staff share with one another and with Barbara and me.

Without a doubt, Jill takes pride in her work. After a long day's work, Jill goes home to her most cherished pride and joy. Jill and Tom, her husband, are proud parents to three beautiful children. Mary is a sophomore in high school, and their twin boys, Andrew and Teddy, are in the seventh grade. As Jill once said, ''a full nest is best.''

Barbara and I have had opportunities to attend a couple of the boys' baseball games. They are very good athletes. They bring this same determined mindset to the game as their mom does to her job. As one of the boys approached the batter's box, he purposely tapped his bat to the underside of his cleats. Clear-eyed and laser-focused, it was obvious the steely, competitive spirit was inherited from Mom.

The sense of family and friendship was manifested, more than ever, on that famous day we refer to as 9/11. Shortly after 11 a.m. that morning, Barbara and I, along with dozens of staff members from the office, took refuge in Jill's home near Capitol Hill. It is a day we will never forget for so many reasons, one of which is how Jill opened up her home because everybody needed a place to go because you couldn't go anyplace else.

When terrorism struck the Nation's Capital, Jill Kozeny showed grace under fire. As usual, she set the tone: Keep calm and carry on.

Earlier this year, Jill woke up very early to catch an international flight to China. She and another staffer were joining me on a congressional trade trip. As she prepared to leave for the airport, she smelled smoke. It turned out that the neighbor's house next door was on fire, but it affected her home as well. After putting out fires for 30 years in the Grassley office, Jill, also known as, as we call her in our office, not CEO, but COE—chief of everything—she jumped into the crisis mode and got her family safely outside. But she also had that flight to catch, so she left the substantial mess—tremendous smoke damage and inconvenience—in the capable hands of her husband.

I would like to express my gratitude to Jill's family because they also participate in this thing we call public service, which is a noble calling. It often requires unsung sacrifice from family members, as happened on that day last April.

Although Jill wasn't on my staff when I was elected to the House of Representatives, she knows I admired my predecessor. He represented Iowa's Third District—Congressman H.R. Gross—for 26 years. His approach to constituent service was legendary. He once advised me in the first days of my membership in the House of Representatives that if a little old lady called and wanted her toenails trimmed, well, clip her toenails. Throughout my public service, I have used that as a benchmark.

I have worked to uphold the highest standard of constituent service in representative government, and it takes a person's staff—people like Jill—to help get that job done. Throughout her service to me and to the people of Iowa, Jill Kozeny has fulfilled and exceeded this expectation that Congressman H.R. Gross set for me, including my priority to respond to every Iowan who writes or calls into my office. Some days, constituent correspondence may seem like the movie ''Groundhog Day,'' but it is the way ''Grassley Works.'' And Jill has ingrained and managed this philosophy with my staff throughout her years of service.

In closing, I have a message for my chief of staff. Honestly, I am sad to see her go. At the same time, I am happy for her. Considering all that she has done and sacrificed for the people of Iowa and, more importantly, for me, I wish her the very best.

I thank you from the bottom of my heart for your loyalty and service. Barbara and I extend our warmest wishes to you and your family. It is hard to think about the passing of the baton. You have had a remarkable run in the Senate. May God bless you as you blaze a new trail. I have no doubt it will be extraordinary.

Being extraordinary runs in Jill's veins.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DURBIN. Madam President, let me first acknowledge my good friend and my colleague CHUCK GRASSLEY, who has just paid tribute to a member of his staff who has served for more than 30 years. I don't know her personally, but we can tell his words were heartfelt and could tell of his appreciation for her public service.

On behalf of the Senate, I want to thank her and all of the staff people who make our careers possible. As talented as we may think we are, we wouldn't be anywhere without staffers who are determined to serve the people and serve us.

His tribute to his chief of staff—chief of everything, as he described her—was certainly heartfelt from a man I know is a very sincere and positive individual. I just wanted to say those words.

TRIBUTE TO JOE DONNELLY

Mr. DURBIN. Madam President, I also wanted to add my comments to what was said earlier by the Democratic leader, Senator SCHUMER, about our departing colleague JOE DONNELLY. We are really going to miss him. We are going to miss all four who are not going to be back with us.

JOE is my neighbor in the State of Indiana. There is hardly a meeting of

Democratic Senators where you don't hear some laughter and look at the center of the meeting and see that it is JOE DONNELLY. He makes us all feel good about who we are and what we do, even when some of these assignments we receive are pretty tough.

I want to join CHUCK SCHUMER in saying thanks to JOE DONNELLY for serving Indiana and for being such a great colleague during these last 6 years. We will miss him.

Mr. DURBIN. Madam President, on a separate subject, this bill, S. 3747, is a bill which is historic. It is 149 pages, and the first 60 are pages that address prison reform. This bill in its entirety has been endorsed by the political spectrum of America. I would say to Senator GRASSLEY that I can't remember another bill that had this kind of support, left and right, liberal, conservative, Republican, Democrat. It is all there, supporting this legislation.

To have a bill that Senator GRASSLEY and I worked on with Senator LEE and Senator BOOKER tells a story in and of itself—the four leaders on this legislation—but then to consider the fact that President Trump has endorsed it, that Vice President PENCE has come to the Republican conference lunch saying he is behind it and urging the Republican caucus to support it as well, really speaks to the political bipartisanship that we rarely, if ever, have seen in Washington.

The groups who are behind it are equally amazing. To have the support, on an important criminal justice reform bill, of the Fraternal Order of Police is a great starting point, as far as I am concerned. Then to have the leading prosecutors—the leading criminal prosecutors association—join with the police really tells us that on the law enforcement side, we have the major players. On the other side, incredibly, we have the American Civil Liberties Union supporting this and most of the major civil rights organizations.

I think we have really struck a good point here where we have worked and compromised for 5 or 6 years to reach this moment. It is possible that as early as today, this bill will be up for us to vote on, but before we reach that point, there is the possibility of amendments that are going to be offered—three amendments, as we understand it, under the current procedure. I would like to address generally the amendments that will be offered.

Senator COTTON of Arkansas is the lead sponsor of these amendments. There are three amendments because Senator COTTON took his original amendment and literally divided it into three pieces, which is his right under the Senate Rules of Procedure. I have taken a look at those—a very close look, I might add—and I want to put on the record some facts that I hope Members of the Senate on both sides will consider when the Cotton amendments come before us on the floor.

One of the major elements in Senator COTTON's amendment is ''notification of victims.'' In other words, if we are going to change the status of a person in Federal prison to the point where they may be released early, Senator COTTON suggests that we must—we must—notify crime victims. It sounds reasonable on its face, and it is. In fact, it is so reasonable that we currently have a law that guarantees that.

The Crime Victims' Rights Act is the Federal statute, and under the Crime Victims' Rights Act, we say to victims: You have the right to know if a criminal defendant who perpetrated a crime against you is going to have a change in their status as a prisoner. We spell out many other things in about 10 different provisions giving rights to crime victims.

This isn't the only guarantee of crime victims learning what is happening to the criminal defendant who perpetrated the crime. It turns out that the Bureau of Prisons does the same thing. They notify crime victims of change in status of the criminal defendant.

What is the difference? What is Senator COTTON trying to add to this? He is adding to it an element that is very worrisome, and I am afraid he hasn't thought it through clearly.

You see, under the Crime Victims Act, it is up to the crime victim to determine whether they want to be notified. It turns out that over the last 5 years, 10 percent of the crime victims, when given the offer of being notified about a change in status of the criminal defendant, 10 percent of them—about 160,000—have said: No, we don't want to be notified. We have consciously decided. Don't notify us.

Why? Why would a crime victim say: Don't notify me. Well, there are a myriad of reasons. Consider the possibility that the victim is an infant or a child who has gone through the horrible experience involved in this crime, and the guardians or parents of that crime victim, who is a child, have decided that they don't want their child to be exposed to all of this information about some criminal defendant, for whatever reason. It could be as a result of psychological counseling. It could be that they don't want them to face retraumatization by going through—reliving that horrible criminal experience.

Think of an adult who decides as a crime victim: I want to put this behind me. I don't care to hear anything more about this. My life is going to go on on a separate track, and this is the past. I want to look to the future.

So a crime victim—even an adult—can decide, don't notify me. It is their decision. It is not a government decision; it is an individual decision. We give to crime victims the respect and the freedom to decide if they will be notified. Senator COTTON does not. Senator COTTON mandates notification, requires notification of the change in status. That is serious, and it could have a serious impact on someone who has already been victimized, forced into some horrible condition in their life that they would be forced again to revisit again when they do not want it, when they consciously do not want it.

What have the crime victims associations said about the Cotton amendment? It is universal—they have said it is wrong, and they have said that in very explicit terms. Let me tell you one group that I think is important for us to consider: the Crime Survivors for Safety and Justice. We believe it is the leading, largest crime victims organization in America. Over 30,000 crime victims are part of this organization to stand up for the rights of those who have been victimized by crime. What do they have to say about the Cotton amendment that would force notification on people who do not want it? Here is what they say:

> A mandatory notification requirement is contrary to the victim-centered approach of avoiding re-traumatization. Current law and DOJ policy permit a victim to determine whether he or she wants notification of release. A mandate—
>
> The Cotton amendment—
>
> like this requires notification for those who may not want it and could trigger trauma for thousands of victims many years later after the crime.

They go on to say:

> [Bureau of Prisons] data on the release date of any prisoner is publicly available on the [Bureau of Prisons] website. Victim notification is already required by law if victims choose to receive the notice. The Crime Victims' Rights Act provides the right to timely notice of any release.
>
> Victim notification already occurs through the [Department of Justice's] Automated Victim Notification System if victims opt to receive the notice. This system is a partnership with the [Bureau of Prisons], the FBI, the U.S. Postal Inspection Service, and the United States Attorney's Office. It is a free, computer-based system, which provides victims with information on scheduled court events, the outcomes of events, custody status and release dates.

In other words, all of the information about the disposition of a criminal defendant is currently available online, easily accessible by crime victims if they choose to receive it. Ten percent of them—1 out of 10—say: No, we don't want to receive it. Senator COTTON, with his amendment, does not respect that decision by the 10 percent and says they will be required to receive it. That is not good for crime victims. It certainly violates the spirit of the Crime Victims' Rights Act, where we leave that decision, when it comes to minors and even adult victims, to the families affected. Why would we override that provision in the law?

There is another group who has come forward, a woman by the name of Tricia Forbes, a regional training manager with the Texas-based Crime Survivors for Safety and Justice. In The Hill newspaper that was published this morning, she has a lengthy article opposing the Cotton amendments. Here is what she says:

> Cotton and Senator Kennedy claim they are trying to protect victims with an amendment to force the Federal Bureau of Prisons

to notify victims of a crime when the perpetrator is being transferred to pre-release custody, but their real goal is simply to delay, dilute, and derail the bill. The existing draft of the FIRST STEP Act was the result of careful, bipartisan and bicameral negotiations. By adding their last-minute amendments, Cotton and Kennedy want nothing more than to break up the broad bipartisan coalition that has come together to support this bill.

There is also a letter from Anne Seymour, project director for Fairness, Dignity & Respect for Crime Victims & Survivors. This letter, which she sent to all Members of the Senate, says:

I write today to urge you to vote No on Senators Cotton and Kennedy's ''Victim Notification'' Amendment. It is clear that Congress can and must do more to support the needs and rights of crime victims and survivors. I am disappointed that almost no elements of the FIRST STEP Act are tailored specifically to the needs of victims. However, Senators Cotton and Kennedy's proposed amendments neither comply with best practices in trauma-informed victim services, nor improve this bill.

She closes by saying:

I urge you to vote No on Senators Cotton and Kennedy's amendments, and encourage you to offer solutions that are better tailored to identify and address the critical needs of crime victims and survivors in a manner that is survivor-centered and trauma-informed.

So crime victims groups have come forward and said that the Cotton amendments would be harmful to crime victims.

Those who wish to be notified have every right to be, and they are provided that notification under statute and under existing policy of the Bureau of Prisons. Those who opt out and say ''I don't want to be notified'' should be respected. We should not force this on them.

I encourage my friends—those who are considering this bill and discussing it with their staffs—to look closely at what the crime victims organizations say about the Cotton amendments and understand that if we are going to be respectful of these people who have been victimized by crime, we have to vote no on those amendments.

The second element that has been raised by Senator COTTON in the amendments relates to the crimes that are listed as making someone ineligible for prison reform programs or early release programs. Our bill is 60 pages long. More than a third of the bill is filled with a list of over 60 different Federal crimes, and we say: If you committed this crime, you are not eligible as a Federal prisoner for the rehabilitation program in this bill. There are 60 different ones that we have added.

Members would come up to us—Senator GRASSLEY, myself, Senator BOOKER, Senator LEE—and say: We think you ought to add such-and-such crime. We would take a careful look at it, and in most cases, we agreed to do it. Let me give an example.

Senator TED CRUZ, a conservative Republican from Texas—and I think he wears that label proudly—said he would consider voting for our bill if we would consider adding a number of crimes to the list of crimes that would make a criminal defendant ineligible to ask for help under this bill. We looked at it carefully. There were about six or eight of these that we thought were acceptable. We asked if we could add those to the list—a list of already 60 crimes. Unfortunately, Senator COTTON objected. He did not want that added to the bill. Now it turns out he is going to argue in his amendment that he wants part of the Cruz list to be added at this point.

Well, we had a chance to do it, and it was a bipartisan measure, but he objected to our adding it. However, he has one provision in his amendment that goes far beyond Senator CRUZ's list or the enumerated crimes that we said make you ineligible. He has created a new category of crime. I have read a lot of definitions over the years, but it is really hard to follow what he is trying to achieve here because, in addition to the enumerated crimes that would make you ineligible, he adds the following: any offense that is not otherwise listed in the subsection for which the offender is sentenced to a term of imprisonment of more than 1 year and ''has as an element, the use, attempted use, or threatened use of physical force against the person or property of another.'' I have never seen that definition—''physical force against the person or property of another.''

We went to the Sentencing Commission and said: How many crimes would that include? They said: It is impossible to calculate. But we think that at least 30,000 people would be ruled ineligible—by those words that I have just read—who might otherwise be eligible for earlier release.

So what he has come up with is his own definition of criminal standard, one which we have never seen before, and he wants that to apply to this bill, which we worked on for 6 years.

So I would say, when it comes to the Cotton amendments, Members of the Senate really have a very clear and stark choice: They can support a bill that has been worked on on a bipartisan basis and enjoys the support of police, prosecutors, and those groups which protect our constitutional rights—all together, right and left, supporting; they can support a bill that has bipartisan support here on the floor of colleagues and Members who rarely come together, but we have come together on this bill because we found a good compromise; they can support a bill that has the support of survivors and criminal victims organizations; or they can vote for the Cotton amendments.

Supporting the Cotton amendments that are being offered—opposed by crime victims' rights groups across the board, by the leading crime victims' rights groups—is basically saying to these crime victims: We are going to force this information on you whether it is in the best interests of your family, whether you want it or not. That is not respectful of crime victims.

I hope my colleagues will join me in opposing the Cotton amendments.

Mr. BOOKER. Would the Senator yield?

I wish to express my gratitude on the floor. I have been here in the Senate for almost exactly 5 years, and Senator DURBIN and Senator GRASSLEY have been nothing short of heroic, in my eyes, in consistently working the entire 5 years to get us to this point where we are, to use a football metaphor, on the 1-yard line in getting this over. Obviously, Senator MIKE LEE and Senator WHITEHOUSE have also been in that category.

You did an incredibly good job of laying out that we have amendments that go counter to the victims groups and to their interests and to their well-being, their often emotional well-being, being retraumatized, forced to be back out there.

But I want to ask you a question about that last amendment COTTON is making about that so-called exclusion list, people who won't be eligible for particular programs before they are released. In other words, there are programs they can enroll in while they are in prison that would ultimately shave a little bit of time off their sentences. These programs, though—I would like you to maybe go into them because they are evidence-based programs that actually lower recidivism rates, and they save taxpayer money. The idea behind this—maybe you could explain it—is to make sure that when people are released, they don't come back. In other words, if they don't get into these programs, it is more likely that those very people he has tried to exclude might come back. Can you explain why these programs are important and why they make sense?

Mr. DURBIN. I thank the Senator.

Yesterday, our colleague Senator CORNYN, a Republican from Texas, came forward and said that his State of Texas and other States are showing that they can reduce recidivism—in other words, committing another crime after you are released—by treating prisoners differently in their State prisons. As I said on the floor, you may be shocked to think that Texas would be a leader in this, but they have been, and they have seen a reduction in the incidence of crime and a reduction in the incidence of incarceration—things we like to see happen. Reduce the cost to taxpayers of the prisons, but reduce crime on the streets too. Make sure you do both.

He believes they have achieved it. What they did was they looked at programs that work. So what we did was the same thing. Senator GRASSLEY and I, as well as, as you mentioned, Senator CORNYN and Senator WHITEHOUSE, looked at these prison reform programs in the States and said: What can we learn from them?

What we did was to establish the obligation of the Attorney General—this

is not the obligation of social workers but the obligation of the Attorney General of the United States to take a hard look at the programs that work for prisoners. What can we do to make sure they don't commit another crime, create another victim, and come back to prison?

We spell out exactly what we are looking for: the most effective and efficient, evidence-based recidivism-reduction programs. That is a long title. What that basically means is that we don't want to waste any more time here. We want to focus tax dollars on programs that have proven results, and unless they commit one of the crimes that make them ineligible, we offer these to prisoners. By participating in them, they can reduce the time they serve or be released to a halfway house or something similar to that. That is what this is all about, start to finish, and we believe this will work.

What if they mess up in the course of being enrolled in the program? We have a provision in here that says: You are done. You are either going to do this in good faith, positively, without any violations of your responsibilities as a Federal prisoner—we will give you a chance for less time but no nonsense.

Good program. Good participation. We hope good results, and we are going to measure it. We are going to come back. The General Accounting Office is going to give us a report on our success—of those who are released, how many turned around and committed another crime? So we are going to take a hard look at this—an honest look, I might say. I believe this is the best way to do it. Make sure it is evidence-based. Make sure it is a fair opportunity for those who want to participate and turn their lives around to do just that.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. KYL). The Senator from Connecticut.

BIPARTISANSHIP

Mr. BLUMENTHAL. Mr. President, sometime in the next 2 weeks, we will leave this body and this session, and many of us will return in January for the next one. We will leave many challenges unmet and many problems unsolved, partly because of the partisanship that has paralyzed the Congress, our Federal Government, and many of our States.

The model for what we should adopt as the spirit going forward as we begin that new session is articulated powerfully in a letter that was recently sent to us by 44 former colleagues—10 Republicans, 32 Democrats—coming together to cite the challenges this Nation faces and the need for us to do so in a bipartisan way, coming together in the spirit of what makes this country the greatest in the history of the world.

I hope my colleagues will pay attention to that letter. Yesterday, I entered it into the CONGRESSIONAL RECORD, and I am proud today to cite parts of it that I think are worthy of our attention. They say—and they are right—that ''we are at an inflection point [in our Nation's history] in which the foundational principles of our democracy and our national security interests are at stake, and the rule of law and the ability of our institutions to function freely and independently must be upheld.''

That is a quote from a letter which puts us on notice that we have a historic obligation to work together, as they have come together in this letter, as they did so often to accomplish great things in this body.

They say:

> We are on the eve of the conclusion of special counsel Robert S. Mueller III's investigation and the House's commencement of investigations of the president and his administration. The likely convergence of these two events will occur at a time when simmering regional conflicts and global power confrontations continue to threaten our security, economy and geopolitical stability.

Above all the issues that occupy us in these closing days of the session and will confront us as we begin the next, the backdrop is a dangerous world and severe jeopardy to our democracy and rule of law.

They say, and we should keep in mind, that during their service in the Senate, at times we were allies and at other times opponents, but never enemies.

That is the spirit that must move us as we end this session, but, more importantly, as we begin the next session. That commitment to the rule of law that these 44 of our former colleagues have expressed must animate us as well.

The three former colleagues who signed from Connecticut could not be more different. Senators Weicker, Dodd, and Lieberman are different as people, in character, and in background in almost every way, except in their commitment to this country and in their allegiance to that principle of coming together in a bipartisan way.

I hope we will take this lesson. I am far from the most appropriate Member of this body to be lecturing anyone on the spirit of this great institution, but it has impressed me over a long time. My colleagues who were here today supporting criminal justice reform, on both sides of the aisle, embody that spirit as well.

We have a real opportunity on criminal justice reform to do real tangible good. The United States has less than 5 percent of the world's population. Yet, at 2.1 million incarcerated people, we have nearly a quarter of the world's prisoners. Anybody who has been a prosecutor—and we have many in this body—knows the complexities and the challenges of dealing with crime and ensuring fairness and justice in our criminal system.

As a former U.S. attorney and attorney general of the State of Connecticut, I have been proud and privileged to work with the professionals of our law enforcement community. I have marveled at their dedication, professionalism, and skills. I have been impressed so deeply by our corrections officers and the men and women who every day go to work staffing and manning the prisons and other correctional facilities where the justice system extends its reach over people's lives. My experience has taught me that protecting public safety is not simply a matter of locking up people for the longest possible time.

The Federal Government currently spends billions every year maintaining our prison population—the largest in the world. If we really want to keep people safe, there should be more dedication of resources to State and local enforcement, who patrol our streets, keep our communities safe, and provide role models for many of our young people.

Much of the money that we spend now could be better devoted to more effective investigation, training, and equipping prosecutors with the tools they need, ensuring the most dangerous of the criminals are not only apprehended but kept behind bars and the least dangerous are given an opportunity and a second chance to make good out of their lives.

Targeted innovative programs have been shown to deal with crime more effectively than broad, blunderbuss, lock-them-up kinds of programs. Spending billions of dollars on extended prison sentences for nonviolent criminals may seem tough on crime, but toughness in a war on crime has been shown to be insufficient. More than being tough, we need to be smart. The human and financial costs of mass incarceration simply are not worth the costs. This legislation sets a marker that it is time to make a change.

Opponents of reform want to play on our fears. They want to see every convict as a threat, every ex-convict as a menace. They deny the fundamental premise of our human justice system and our criminal justice—that we must seek rehabilitation and recovery, not just punishment; that people can make good from second chances.

As an example, let me cite Reginald Dwayne Betts, who is a Connecticut resident and a graduate of the Yale Law School. When Betts was 16, he made a serious mistake. He joined a few friends and others he hardly knew, getting into a car with them and joining in a robbery. The driver of the car, a man in his early twenties, was unknown to Betts. He appeared to be in charge. Betts asked him for his pistol. He was given the firearm and told to keep the safety on so there would be no accidental gunshot. They headed to a mall where Betts, holding the gun, signaled for a man to get out of his car. Betts and his friend stole the vehicle and drove away. They were arrested the next day.

That was Betts' crime. He pleaded guilty to carjacking, attempted robbery, and a firearm charge. He faced a maximum sentence of life plus 13 years

in prison. At his hearing, Betts apologized. He apologized, first and foremost, to his mother and his family and the man he had terrorized. He expressed genuine remorse for his actions. His apology was heartfelt. He knew he had broken the law. He knew he had to face the consequences, and he owned that responsibility.

For the very real crimes he committed as a 16-year-old, he was sentenced to 9 years in an adult prison. That is hard time. Like so many children, he was tried as an adult and he was imprisoned with grown men.

During that time in prison, Betts read every book he could, he completed a paralegal course, and he learned Spanish. He demonstrated an initiative and willingness to learn which was extraordinary. He embodied the principle of rehabilitation and redemption that our criminal justice system treasures as a vital principle, but the system never gave him an opportunity to reenter society as a productive citizen.

His reading was not part of an education program that gave him college credits or degrees. The paralegal course he took did not produce any certification. The Spanish he learned was not formally recognized by anyone. None of the skills he taught himself would qualify him in the eyes of an employer when he was released from prison as a 24-year-old. Most employers wouldn't even look past the box that he was forced to check identifying himself as an ex-felon.

Fortunately for Betts, and very unusually for him, the literary knowledge he acquired during his time in prison was enough to impress the owner of a bookstore who gave him a job. He enrolled in a community college and graduated with honors. He went to the University of Maryland on a scholarship. He earned a bachelor's degree and a master's in fine arts in poetry, and, eventually, he went to Harvard for a Radcliffe fellowship and published a book of poetry.

Mr. Betts had a criminal record, and it was an ongoing punishment, as it is for every ex-felon and every former convict in America. It follows him everywhere, as it does everyone convicted of a felony, regardless of how much time he served or where he did it. Despite his stellar academic record, the fact that he was an active member of his community and a loving husband and father, he couldn't get a single interview for a job.

Betts tried again. He applied to law school and was accepted at one of the finest institutions of the country. He chose to go to Yale Law School and become an attorney, which he is today.

Betts will be the first to tell you that his extraordinary story is unusual among people who have been convicted of a felony. He has spoken with eloquence and passion about the struggles people like him face, both in prison and once they enter society again.

Most of my life has been spent in law enforcement. Most of my career has been devoted to pursuing cases against people who break the law. I know that justice involves both punishment and redemption. It is supposed to be penance and rehabilitation. We do not discard the people who have committed crimes. We do not abandon them in our country. In principle—but in action, all too often—yes, they are discarded and abandoned, and so they become recidivists, a polite euphemism for people who commit crimes again and again because they are given no constructive alternative.

Some are dangerous and need to be locked away for life or for long periods of time that are necessary to rehabilitate, but we also know that many nondangerous convicts could be released with rehabilitation, skilled training, and education—the kind of training that Mr. Betts had.

We are debating a bill now, the FIRST STEP Act, which tries to bring balance back to our criminal justice system. The current system throws away and discards people like Dwayne Betts—a loss to us and to society. These draconian prison terms provide few incentives for prisoners to prepare for reentry, and that is the gap the FIRST STEP Act seeks to address. It is an injustice it seeks to correct. The bill will allow judges to sentence below the mandatory minimum sentences for low-level nonviolent drug offenders who cooperate with the government.

That is a first step to a more humane and effective system. This bill would make the Fair Sentencing Act retroactive, making it possible for nearly 2,600 Federal prisoners sentenced on racially discriminatory drug laws to petition for a reduced sentence.

That is also a first step toward a fairer, more humane system.

The bill includes prison reform. Under this legislation, prisoners can earn 10 days off their time behind bars for every 30 days of recidivism reduction programming. That is the kind of program that would make reentry into society for people like Dwayne Betts just a little bit easier, and it gives prisoners incentives to earn skills in prison so that they can be productive members of society after they have paid their debt. That is another first step toward a more humane and just system.

The bill includes commonsense reforms—measures like prohibiting the shackling of pregnant prisoners and providing feminine healthcare products to incarcerated women.

It ends the horror of Federal juvenile solitary confinement. It helps tackle the drug epidemic that America faces by expanding opioid and heroine abuse treatment behind bars.

There are other crucial, fiercely negotiated reforms in this bill, all of which seek to take that kind of first step toward a better criminal justice system, and one day, it will be cited as an exemplar of American ideals of liberty and justice.

I urge my colleagues to support this measure. It is a good first step, and it is one we can be proud of supporting on a bipartisan basis in the best spirit of that letter from 44 of our former colleagues, urging us to come together and support common ground where we can improve the greatest Nation in the history of the world.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Iowa.

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

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

TRAUMATIC BRAIN INJURY PROGRAM REAUTHORIZATION ACT OF 2018

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 730, H.R. 6615.

The PRESIDING OFFICER. The clerk will report the title.

The legislative clerk read as follows:

A bill (H.R. 6615) to reauthorize the Traumatic Brain Injury program.

The PRESIDING OFFICER. Is there objection to proceeding?

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4155) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Traumatic Brain Injury Program Reauthorization Act of 2018''.

SEC. 2. PREVENTION AND CONTROL OF INJURIES.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended—

(1) in section 393C (42 U.S.C. 280b–1d) by adding at the end the following:

''(c) NATIONAL CONCUSSION DATA COLLECTION AND ANALYSIS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may implement concussion data collection and analysis to determine the prevalence and incidence of concussion.'';

(2) in section 394A(b)(42 U.S.C. 280b–3(b)), by striking ''$6,564,000 for each of fiscal years 2015 through 2019'' and inserting ''$11,750,000 for each of fiscal years 2020 through 2024''; and

(3) by striking section 393C-1 (42 U.S.C. 280b–1e).

SEC. 3. STATE GRANTS FOR PROJECTS REGARDING TRAUMATIC BRAIN INJURY.

Section 1252 of the Public Health Service Act (42 U.S.C. 300d–52) is amended—

(1) in subsection (a), by inserting ", acting through the Administrator for the Administration for Community Living," after "The Secretary";

(2) by striking subsection (e);

(3) by redesignating subsections (f) through (j) as subsections (e) through (i), respectively; and

(4) in subsection (i), as so redesignated, by striking "$5,500,000 for each of the fiscal years 2015 through 2019" and inserting "$7,321,000 for each of fiscal years 2020 through 2024".

SEC. 4. STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES.

Section 1253 of the Public Health Service Act (42 U.S.C. 300d–53) is amended—

(1) in subsection (a), by inserting ", acting through the Administrator for the Administration for Community Living," after "The Secretary"; and

(2) in subsection (l), by striking "$3,100,000 for each of the fiscal years 2015 through 2019" and inserting "$4,000,000 for each of fiscal years 2020 through 2024".

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

The bill was read the third time.

The bill (H.R. 6615), as amended, was passed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

FIRST STEP ACT

Mr. CORNYN. Mr. President, the Senate has before it a bill called the FIRST STEP Act. The name is significant because it shows that this is not a comprehensive fix for the problems of our criminal justice system but, rather, a first, critical step in the right direction.

A study by the U.S. Sentencing Commission found that nearly half of the people released from Federal prison in 2005 were arrested again in the next 8 years—half of the people released from Federal prison since 2005 were rearrested within 8 years.

Considering that 95 percent of State and Federal prisoners at some point will be released, those odds are pretty bleak, but here is the reality: Almost everybody in prison will serve their time and get out of prison. The question for us is, Will they be better prepared to live life on the outside in a productive way or will they simply reengage in a turnstile—or as one gentleman referred to himself in Houston, TX, a few years ago when we were talking about this issue—he called himself a frequent flyer in the criminal justice system.

Unfortunately, we see that in the Federal system, according to the U.S. Sentencing Commission, half of the people repeat their mistakes within 8 years. This is bleak but not hopeless because we know there are reforms that will work that help improve the chances that more people will be able to live a lawful life productively outside a prison system and will not reoffend.

We have seen these changes implemented across the country at the State level, including my home State of Texas, which has yielded incredible results. This might cause some people a little bit of a shock because Texas, of course, has a reputation for being tough on crime. People don't run for public office saying: I am going to be soft on crime in Texas and get elected. But what we have seen is that people have said: I think we can be smarter about crime and produce better results at a lower cost. That message and those things that have followed have been enormously successful. So let me talk about that a little bit.

In Texas, the initial interest in criminal justice reform was first cost-driven. In other words, people were wondering: How are we going to continue to pay for 17,000 more prison beds that we think we are going to need because of our growing population? The growing prison population was simply outpacing the corrections budget, so State legislators were faced with a very difficult financial choice. But as it turned out, the reforms that we adopted did a lot more than alleviate the budget strain on the criminal justice system.

Using recidivism reduction programs, including job training and vocational education, we reduced our incarceration rate and our crime rate by double digits at the same time.

So using the sorts of recidivism reduction programs that are included in the FIRST STEP Act at the State level, we were able to reduce our incarceration rate and our crime rate by double digits at the same time.

I remember a few years ago, when former Attorney General Michael Mukasey testified in front of the Senate Judiciary Committee, he said that the single most important measurement of whether the sentencing practices are working is the crime rate—the crime rate. This was at a time when people were talking about "Well, we put too many people in prison, so we have to let some out," but they weren't paying attention to how that impacted the crime rate.

That stuck with me over these many years because I think he is exactly right. If these programs do not protect the public safety, then we shouldn't be doing them. If they don't lower the crime rate, they are not worth the effort. But our experience in Texas, Georgia, North Carolina, Rhode Island—in places that have implemented these programs, they have seen their incarceration rate and their crime rate drop at the same time. So we are trying to replicate those successes at the Federal level through the FIRST STEP Act.

In so doing, we hope to allow people to transform their lives as we allow low-risk offenders to lead productive lives in their communities once they leave prison, assuming they comply with all of the rules and regulations. I believe this legislation will lead the way for additional steps that we will take afterward, but this is an important first step.

This bill will provide funding for the Federal Bureau of Prisons to develop risk assessment tools to pair individuals with programs proven to reduce the risk of recidivism.

This isn't just social engineering or some hope that we have. This is based on proven examples of programs that will help people, for example, deal with their drug or their alcohol addiction.

Senator CASSIDY from Louisiana has put in this bill some very important provisions relating to the diagnosis and treatment of people with dyslexia.

I am convinced that there are people in prison who were told as they were growing up that they were too stupid to go to school because they couldn't read, and they simply dropped out, and their dyslexia, which was holding them back, was not diagnosed and properly treated. So I am grateful to Senator CASSIDY for some of the provisions in the bill relating to the identification of people with dyslexia and providing them access to programs that will help them learn and succeed and improve their lives and, at the same time, reduce the likelihood that they will end up back in prison after having been arrested again.

By spending time in prison, completing evidence-based programming, as I have mentioned—education, job training, drug treatment, life skills, faith-based programs—we can give people an opportunity to prepare themselves for their transition to life after prison.

This is because the incentives in this program are really important. I think we, as human beings, all operate based on incentives, and the incentive for prisoners is to go through the program, gain the earned credit so that they can be released—not to shorten their sentence but in less confining conditions, for example, a halfway house.

I want to remind our colleagues that not all offenders, of course, are eligible for these credits. The bill specifically lists 48 offenses that disqualify offenders from earning time credits, including crimes like murder, assault, carjacking that results in injury and death, and the unlawful possession or use of a firearm by violent criminals and drug traffickers.

In other words, by focusing our efforts on low-risk offenders and by giving them the opportunity to access these programs—these education programs, these addiction treatment programs—we can focus our attention and our money on the truly violent and high-risk offenders, which I think is also an important feature of this legislation.

But it is important to remember that just because a specific crime is not included in the exclusion list of 48 offenses, it doesn't mean that the offender is automatically entitled to the earned-time credit.

The person must first be determined to be low risk; in other words, that is the failsafe. But notwithstanding whether the offense is listed, if you are not a low-risk offender, as determined by the testing that is done by the Bureau of Prisons, you will not be eligible for these less confining conditions.

This is not a determination made by Washington bureaucrats or even politicians. It is left to experienced law enforcement officers and wardens who work with these individuals on a daily basis.

We want to give the opportunity to those who would take advantage of it to turn their own lives around, but we will not do so at the cost of public safety. That is exactly what these risk assessment tools are designed to do, to tell us who is at highest risk of reoffending.

I believe this legislation is an investment with the potential for astronomical returns. We are not just talking about money, we are talking about human potential. We are investing in the men and women who want to turn their lives around once they are released from prisons, and we are investing in so doing for stronger and more viable communities. We are investing tax dollars in a system that helps produce stronger citizens.

When it comes to positive results, don't take my word for it. There is plenty of research that shows how valuable these programs can be. For example, in 2013, a study by RAND Corporation found that prisoners who participated in education programs were 43 percent less likely to return to prison than those who did not. Employment after release was 13 percent higher among prisoners who participated in these programs, and those who participated in vocational training were 28 percent more likely to be employed after they were released.

Our prisons should be more than just a warehouse for human beings. They should also serve as places where rehabilitation takes place, and hopefully people can take advantage of the opportunity once they have made a mistake and served their time to transform their own lives into productive citizens. That is what this legislation tries to do, and that is why it has gained such broad support on both sides of the aisle.

By investing in these education and training programs and these recidivism reduction programs, we can ensure that of the people who get out of prison, more will actually stay out of prison.

This bill is our opportunity to make meaningful changes in our criminal justice system, our opportunity to begin fixing a problem that plagues our country, and an opportunity to take a model that has been working in the States for more than a decade and use it to benefit all Americans. The odds of these individuals leaving prison and becoming more productive members of society should be higher than the odds of a coin flip.

I am proud to be a cosponsor of this legislation, and I look forward to voting yes when it comes up for a vote later today or tomorrow.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. KLOBUCHAR. Mr. President, I come to the floor to urge my colleagues to join us in supporting the FIRST STEP Act, a bipartisan legislation that will make needed changes to Federal sentencing rules and prison reforms. A number of us have been working on this issue for years, but I do want to thank Chairman GRASSLEY, who is here with us today, and Senator FEINSTEIN for their leadership in getting it through the Judiciary Committee as well as Senator DURBIN, who has been a longtime leader on this issue, and Senator BOOKER, who has worked so hard on this, as well as Senator WHITEHOUSE and Senator CORNYN, who is here with us today, and many others. Senator LEE took on this cause at a time when it wasn't as easy as it is right now at the end of the year. I also want to thank the administration for working with us on this bill as well.

As a former chief prosecutor in Minnesota's largest county, I understand the need to use our resources to target the most serious offenders to maintain public safety. You have to make decisions in those kinds of jobs every day: decisions about your priorities, where you are going to put your criminal justice money, what is the safest thing to do for the community, knowing that a number of our offenders do reenter into society, what is the best way to make sure that if they do come back into society, they are going to be functioning members of society; that they are not going to go back to drugs or they are not going to commit additional crimes.

It is fine to pretend that it is not happening and people are going away forever, and some people rightfully do. Violent criminals and murderers don't come out again, but a number of offenders do come out again. So the question is, What do we do to make it the most safe for our community but also to allow them to become functioning members of our society? That is what this bill is about at its core.

We need a justice system that both protects the victims of crime and punishes those who break the law. Someone once said that prosecutors—my old job—were ministers of justice. That is what we are doing with this bill. We are acknowledging that there are issues with our criminal justice system that we have to deal with. We are not just closing our eyes and pretending it is fine to pretend everyone goes away forever when we know they don't. Some people are coming out, and they should come back out again, and the FIRST STEP Act gets at those hard issues.

Our criminal justice system must administer justice fairly. The sentencing laws on low-level drug offenders were implemented decades ago, and in a number of cases they have diverted limited law enforcement resources away from important public safety initiatives that would allow us to actually go after violent criminals. This has resulted in prison sentences that actually don't fit the crime. Today our country has over 20 percent of the world's incarcerated people, even though we have less than 5 percent of the world's population. We need a criminal justice system that works for our communities. That is why I fought for bipartisan criminal justice reform for years.

As a former prosecutor, I have long supported important policies, including more law enforcement resources. I lead that bill with Senator MURKOWSKI and the COPS Program to get more law enforcement resources to our police. I think that is very important. I worked hand in hand with our police in Minnesota for 8 years. They have very hard jobs.

As a former prosecutor, I also supported important policies that make it better for the community and the police to work together. That includes better training for our law enforcement, that includes videotaped interrogations, that includes reforms with the eyewitness process. We were one of the first States to make changes there, including body cameras, diversity in hiring, and meaningful work between law enforcement and our citizens—fair jury selection processes. There are a number of things we have done but must continue to do to increase that trust between the community and our law enforcement.

As a member of the Senate Judiciary Committee, I supported the bipartisan Sentencing Reform and Corrections Act for years. My colleagues and I worked across party lines to pass that bill out of committee earlier in February and last Congress as well. Although the bill was never brought to the floor of the Senate until this week, today we finally have an opportunity to make meaningful progress.

The FIRST STEP Act represents a concerted bipartisan effort to strike an effective balance to improve the fair administration of justice while keeping our communities safe. Even though this bill is not perfect, it is the result of a compromise between two sides and people with a lot of different views and many groups that are here to advocate for citizens. It is a compromise that

has the endorsement of a range of groups that you don't usually see, such as from the Fraternal Order of Police to the ACLU. This bill represents a critical opportunity that shouldn't be lost.

One of the most important reforms in this bill are the changes to mandatory minimums. We all know people who have been caught up in a criminal justice system that can be unfair. I believe strongly in enforcing our laws on the books and putting criminal offenders behind bars to protect public safety, but for nonviolent, low-level drug offenders, there are more creative and evidence-based ways to deal with them than longer prison sentences.

The FIRST STEP Act allows judges to sentence below the mandatory minimum for low-level, nonviolent drug offenders who work with the government.

It also reduces some of the longest sentences now on the books, including decreasing the second-strike mandatory minimum of 20 years to 15 years and reduces the third-strike mandatory minimum of life in prison to 25 years.

This bill includes a crucial provision to allow people who were sentenced under discriminatory drug laws, which required a longer mandatory minimum sentence for the possession of crack than for the possession of the same amount of cocaine, to petition to be resentenced under the reform guidelines we passed in 2010.

Significantly, this bill will not automatically reduce any one person's prison sentence. Instead, the bill simply allows people to petition courts and prosecutors for an individualized review based on the particular facts of their case.

That is what justice is supposed to be about. It is not always a one-size-fits-all. It is giving the people who work in the justice system knowing you have mandatory minimums still in place, knowing you want fairness across the system, but it allows judges and prosecutors to look at an individualized case and decide what is best for public safety and what is best for the community. By giving prosecutors and judges this discretion, we will give them the tools to better see that justice is done.

The FIRST STEP Act also incorporates much needed reforms to our Federal prisons to treat people more humanely and to encourage participation in programs intended to help people from committing another crime after they are released.

In my old job as Hennepin County attorney, I always said we would try as much as possible to run our operation as a business. We would be efficient, we would keep track of what we were doing and be accountable to the public and show them what the results were with regard to our prosecutions and the numbers and what the sentences would be. We did all that, but one of the things I also knew is, while you want to run government as much as possible as efficiently as a business, there was one way we were not like a business in the criminal justice system: We did not want to see repeat customers at our doors. That is not what you want when you are running the prosecutor's office. We wanted to make sure people could get their lives back and their acts together so they didn't keep cycling through the criminal justice system.

This bill, the FIRST STEP Act, includes a provision to require that Federal prisoners be placed in a facility as close to their primary residence as possible. That makes sure families aren't separated, and they can continue to have visitors. One of the things we know is, it is very important for them to make that transition when they get back in the community. This straightforward change is an important step toward reducing recidivism because research suggests that people who maintain contact with their families while they serve time are less likely to commit crimes after they are released. Other key provisions in this legislation expand access to treatment and education.

I look at this two ways. One, when I first became a lawyer at a private law firm in the Twin Cities, I actually got involved in a program called Amicus, where we went to visit people in prisons. I visited a woman for a number of years until I became chief CA—that became a little awkward—but she went on to serve her sentence and got back out into the community. That program was really the community saying: We want to keep the thought out there that there is hope, that these people are going to get out at some point, and they need role models and people who are willing to work with them. I saw that work with my own eyes.

The other reason I care so much about this bill is that I am a child of an alcoholic—someone who went through treatment and who, after a number of DWIs, was finally pushed into treatment and was, in his own words, ''pursued by grace.'' I think other people, whether they are in the prison system or not, should be able to have that same opportunity for themselves and for their kids.

I was able to see my dad literally climb the highest mountain as an adventurer, a mountain climber, and a columnist but sink to the lowest valley because of the disease of alcoholism.

You see that all the time in our prison system. Whether it is drugs or whether it is alcohol, that is one of the reasons people get involved in crime, to feed their addiction or because they are not functioning normally and making decisions they would make if they weren't addicted.

This bill encourages the use of evidence-based treatment for opioid and heroin abuse and will help to address the addiction that is the root cause of so many crimes.

I come from a State that believes in treatment. We are known as the ''Land of 10,000 Lakes,'' and every so often people jokingly call it the ''Land of 10,000 Treatment Centers.'' That includes, of course, Hazelden Betty Ford. We are very proud of their work, but there are also multiple other treatment centers in our State. It is a major part of our criminal justice system and our drug courts. We had one of the first major drug courts in the country, and I continue to carry on that work as a Senator.

Taken together, the prison reforms in this bill and the recidivism reforms and reentry reforms are an important step that will help us to make progress toward reducing the number of repeat offenders.

As a prosecutor, I have always believed that our job was to serve the cause of justice, and that was to convict the guilty but protect the innocent. Sometimes the innocent are, of course, victims of crime. That is the first thing that comes to mind. But the innocent are also people who are unfairly accused of crimes. That is why it is so important to have all of these measures in place, whether it is videotaped interrogations or jury selection that is fair—to make sure our process is fair.

At some point, when someone has served a sentence and turned their life around, they go from guilty, which they once were, to having a chance to go out there as an innocent person who is just trying to lead a life. That is what our job is as Senators—to do justice, to make sure we have rules in place that make sure the guilty go behind bars if they have committed a serious crime but also to protect the innocent. That includes the families of victims and the families of offenders.

There is still much work for us to do to improve our criminal justice system, and I am committed with my colleagues, many of whom I mentioned earlier, who have been leaders on this bill—I see Senator LEAHY here from the State of Vermont, former chair of the Judiciary Committee, who worked so hard on this as well. So many people have contributed to the effort from the left and from the right, from the Democratic Party and from the Republican Party.

This is a victory for justice today as we consider this bill. I urge my colleagues to support it.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

TRIBUTE TO JON KYL

Mr. LEAHY. Mr. President, before I begin, I would note my long friendship with the Presiding Officer. I was delighted to see him come back to the Senate. I wish him well now as he leaves the Senate. He is always welcome, by both Democrats and Republicans, when he comes back.

I realize the Presiding Officer is constrained and cannot respond to whatever I say about him, but I assure him that I will stay within the Senate rules and say only nice things because that is all I know about him.

FIRST STEP ACT

Mr. President, I want to thank the Senator from Minnesota who has just spoken. She, like me, is a former prosecutor. I have often said that is the best job I ever had. My wife, Marcelle, reminded me of some of those times at 3 a.m., when I was going to murder scenes, and that maybe it is easier to be in the Senate where you can sleep all night.

A lot of us who have been prosecutors, both Republicans and Democrats, or those who have been defense attorneys, Republicans and Democrats, have come together. Because of that, the Senate is considering passing probably the most significant bill to reform our criminal justice system in nearly a decade.

The First Step Act takes modest but important steps to remedy some of the most troubling injustices within our sentencing laws and our prison system. It is my hope that this bill represents not just a single piece of legislation, but a turning point in how Congress views its role in advancing criminal justice because there will be a lot of advances we must look at.

I have been working to bring fairness to our criminal justice system for decades, both before I was in the Senate and since I have been in the Senate. For far too long, the legislative response to any and all public safety concerns was as simple as it was flawed: No matter the perceived ill, we turned to arbitrary and inflexible mandatory minimums to cure it. That knee-jerk response, I believe, is changing. I truly believe the error of mandatory minimum sentencing is coming to an end.

Today is a glowing recognition that one-size-fits-all sentencing is neither just nor effective. It routinely results in low-level offenders spending far longer in prison than either public safety or common sense requires. It comes at a steep human cost, especially in communities of color. It also comes at a steep fiscal cost that leaves us less safe. The United States houses more prisoners and has higher incarceration rates than any other country in the world. This is not something for Americans to point to with pride. The cost of housing Federal offenders consumes nearly one-third of the Justice Department's budget. Because public safety dollars are finite, this strips critical resources away from law enforcement strategies that have been proven to make our communities safer.

By taking steps to responsibly reduce our prison population, we can save both money and reduce crime. That is a lesson states across the country have already learned. Prison rates and crime rates can fall together. It is past time for the Federal criminal justice system to catch up with the States.

Five years ago, as Chairman of the Judiciary Committee—and drawing on my own experiences as a prosecutor—I convened hearings and advanced the core pieces of legislation that now form the basis of the FIRST STEP Act. Despite strong bipartisan votes in Committee at the time, some doubted we had the support needed to ensure passage on the Senate floor. Each year since then, an expanding group of dedicated Senators and advocates have methodically built support for these reforms. Today, that support is outstanding. It's not just bipartisan; it is nearly nonpartisan. And with the efforts of Senator DURBIN, who has been championing these efforts as long as anyone, along with Senators GRASSLEY, WHITEHOUSE, LEE, BOOKER, and others, we now stand poised to pass meaningful criminal justice reform for the first time in a decade.

It is true, this legislation doesn't go as far as I would like. Far from it. I support ending mandatory minimum sentences. I would prefer we do more to fix racially disparate treatment. I would like to see the full elimination of the existing crack-powder cocaine disparity—a glaring injustice we must eventually address. You can have a well-respected person on Wall Street or in a law firm or anywhere else spend a certain amount of money for powder cocaine. You can have somebody in the inner city spend exactly the same amount for crack cocaine. We have told the person who has the good social standing: What a terrible thing you have done. You may have to spend a few weekends volunteering at soup kitchens, and we hope you don't do it again. The person from the inner city, spending the exact same amount on crack cocaine, is going to have a mandatory sentence in prison.

I would like to see a broader judicial safety valve and additional retroactive activity. Any laws that we consider unjust today were just as unjust yesterday or a year ago or even a decade ago.

But this is the nature of compromise. You don't get everything you want. And when I look at the scope of reforms before us today—including a modest expansion of the safety valve, retroactive application of the Fair Sentencing Act, a reduction to some of the most indefensible mandatory minimums on the books, as well as reforms to add evidence-based practices to our prison system and reentry efforts—I believe this is a historic achievement.

The FIRST STEP Act also includes my Second Chance Reauthorization Act, which I introduced with Senator PORTMAN. Our bill both extends and improves Federal grant programs providing reentry service to ex-offenders. That includes employment assistance, housing, substance abuse treatment, victim support, and more. Almost every single offender in our justice system, someday, is going to be released. We owe it to both them and to the communities where they will live in to ensure they can lead productive lives.

In many ways, the FIRST STEP Act represents the best of the Senate. It represents what this institution is capable of when Senators listen to each other, and when they come together to solve complex and contentious issues, instead of exploiting them for momentary political gain. When Senators are willing to be patient, to compromise, and to persist through inevitable setbacks, real progress is possible.

Senators, no matter what their political party, understand that each one of us is here to be part of the conscience of the Nation, and we should work together. For the remaining Members of the Senate who are not yet ready to support this legislation, I hope you will reconsider. I hope you will review the breadth of bipartisan support, both here in the Congress, in the White House and in the broader stakeholder community. I hope you will consider why even important law enforcement voices like the Fraternal Order of Police and the National District Attorneys Association support this bill.

For the Members who do support the FIRST STEP Act, I hope you will continue to work to reform our criminal justice system in the years ahead. Many of our lives are based on decades-old, misguided assumptions, and they don't reflect evidence-based practices. There is still so much work to be done, and injustices and racial disparities to address.

This week, we are showing what is possible. By working together, we can continue to enact meaningful legislation in the years to come that will keep us safe, save money, and prove America is a nation of fairness and second chances. This is a carefully negotiated compromise.

I hope all Members will vote no on amendments to this carefully negotiated compromise and vote yes on final passage. This former prosecutor would be very happy if we do.

There is a Senator seeking recognition.

I yield the floor.

The PRESIDING OFFICER (Mr. CRUZ). The Senator from Oklahoma.

NATIONAL DEFENSE STRATEGY

Mr. INHOFE. Mr. President, we have talked about this recently more than we have in quite some time: Defending America needs to be our No. 1 commitment. To many of us, it has always been. That is why we have been coming to the floor, talking about the national defense strategy, the Armed Services Committee, and we have had the honor and privilege of hearing from some really well-informed people—Members and people from the outside—and they look and see the threats that we are facing. Now, they don't always agree with each other, but I really believe we are in the most threatened position we have been in as a country in the years I have been here. That will come as a little surprise because people know we have had threats, that we have been at war for two decades, and that we still have the threat of terrorism. It is out there. They have seen dangerous behavior in rogue states.

I like the idea the administration came up with as we were looking at our peer competitors, which are China and Russia. These are countries that actually have passed us up in many areas. I

talk to the American people when I go back to my State of Oklahoma, and they find out we have countries that actually have things that are better than what we have. There are quotes we have heard from our various top people on the types of artillery our competition has. Not only do we have peer competition from China and Russia, but we also have the rogue countries that are out there—North Korea, Iran, and all of them. So the threat is there. It is a very real thing.

We need to have answers, so the Department of Defense has created a new defense strategy. This new defense strategy is one that, I think, has been done very well. It takes into consideration the problems of countries that are peer competition along with the rogue nations. I think it has really done a good job.

We had a hearing about 2 weeks ago on the National Defense Strategy Commission that was put together. I have been here for quite some time and have seen a lot of Commissions and a lot of reports come up. I have never seen one that—I wouldn't even call it bipartisan—was just nonpartisan. One of the individuals, Gary Roughead, who is an admiral and was a cochairman of the National Defense Strategy Commission, said he didn't have any idea who on that Commission was appointed by Democrats and who by Republicans. There were an equal number of Democrats and Republicans from the House and an equal number of Democrats and Republicans from the Senate. It did come out just with the very difficult truth that we had to deal with. I think one of the cochairmen was Ambassador Edelman, and he said it was so bipartisan that there was no way of telling who had appointed whom.

Anyway, this is something that has been put together, and the Commission report has a bunch of stuff that tells the whole ugly truth. It is an ugly truth to realize, particularly when you talk to people out there in the real world throughout America. They assume we have the best of everything. So to find out we have a real threat kind of makes you go back and remember the good old days of the Cold War, when we had two superpowers, because we knew what they had, and they knew what we had. Mutual assured destruction meant something. It doesn't mean anything anymore.

One of the significant individuals on this report was Senator KYL from Arizona. The reason I say that is, Senator KYL, in my opinion and in the opinions of many people, has been historically in the U.S. Senate and has been, perhaps, one of the most—if not the most—knowledgeable of individuals on the threats we face and on our capabilities we have in this country. It is unique that Senator KYL is on this Commission because, when he got on the Commission, he was not a member of the U.S. Senate. He came back after the death of Senator John McCain and is serving for what appears to be just a short period of time. So he is in the unique position of serving on the Commission and of having been, for many years, in a position to help us meet something we have not met before that is a real challenge.

Senator KYL, why don't you kind of talk about, maybe, the Senate and its bipartisan nature and how this thing came together, which would be very similar as to how it was expressed when we had our meeting, I think, 2 or 3 weeks ago for this Commission. It has been very successful, and I applaud the Senator for his work on it.

Mr. KYL. Mr. President, I thank the chairman of the Senate Armed Services Committee for engaging in this brief colloquy and for specifically calling for a hearing a couple of weeks ago at which the two cochairmen of the National Defense Strategy Commission presented the findings of the Commission's report. I agree that the hearing, which was attended by, I believe, every member of the Senate Armed Services Committee, was a remarkable hearing because the members of the Commission, represented by the two cochairs, made it clear that their report—our report—was, indeed, a bipartisan document and nonpartisan, as cochairman Admiral Roughead said.

Perhaps it would be good to just dwell for a moment on how this Commission was created, and then we can talk a little bit more about the report itself because I think one of the biggest factors about the report is the credibility of the people who helped to design it.

A couple of years ago, the two Armed Services Committees in the House and Senate put a provision in the National Defense Authorization Act to create a commission that would be comprised of 12 members—6 of whom to be appointed by the Senate and 6 of whom to be appointed by the House. Three each would be appointed by the chairmen and the ranking members of the two Armed Services Committees so there would be a balance of six Democrats and six Republicans—I think. I say that because, like Admiral Roughead, I am not sure of the politics of everybody who served on the Commission. They all knew my politics, as I was a retired Republican Senator at the time, and I knew a couple of the other members of the Commission. Yet, frankly, the politics were left at the door. We went in and debated about the status of our national security and, in particular, about the Secretary of Defense's national strategy.

We concluded, first of all, that the Secretary was correct in that we had to reorient the priorities of our national defense to reflect the fact that China and Russia now both presented a challenge to the United States that had not existed in the prior several years but that the challenge was increasingly difficult to confront and important to confront because of the attitudes of those two countries and that the other threats from Iran, from North Korea, and from terrorists, while still very significant, would be relegated, in effect, to a secondary position. We thought, in that regard, the Secretary's strategy was correct, and we commended him for that.

We also found the basic strategy he laid out for confronting the challenges was satisfactory but with a big caveat, and that was that unless the Defense Department was adequately reauthorized to confront these challenges, the strategy could not succeed. So much of what the Commission dwelt on was what we would need to do in the near and medium future in order to rebuild our military to successfully defend the United States against these emerging threats.

Mr. INHOFE. That is one of the things I was really impressed with on this report. You guys didn't hold any punches. You said exactly what it was. In fact, I have a list of the quotes that were in there that I actually used on the floor yesterday. I guess they were from the different members—the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, and the rest of them—that showed very clearly it was not adequately reauthorized and that we were going to have to do something about it.

I do want to ask what the Senator's recommendation was on the Commission to do it.

Where is that chart? That is not the one I want.

This is kind of a shocker for a lot of people. People don't realize this is just one element of it that shows that China is actually passing us up. By 2030, it is going to have a larger navy than we have. You and I have been on both the House Armed Services Committee and on the Senate Armed Services Committee and have watched. It is kind of hard to concede that the time we always feared was going to be there is there now, that we are now faced with that problem.

What kind of recommendation did the Commission come up with to get us out of this hole?

Mr. KYL. Mr. President, the chairman of the Armed Services Committee is exactly correct. You could illustrate the same things with charts relating to our Air Force, to our Army, to our Marine Corps—all elements of our services. It is not just in the number of ships but in the quality of the ships. Both the Russians and the Chinese, I would note, have made some significant advances in submarine technology, for example, that would pose a real threat to the U.S. Navy.

What the Commission concluded was, three major changes were necessary to the way we fund our military.

The first is, the top line, the total amount Congress appropriates each year, needs to be increased. We didn't specify a particular amount, but we noted that just to satisfy the 20-year budget projections of President Obama's Secretary of Defense, this would require a minimum of 3- to 5-percent increases annually above the rate

of inflation; in other words, real growth in the topline spending.

Secondly—and these are two faults of the U.S. Congress—the Commission pointed to the Congress and said: You have been funding government for far too long with continuing resolutions rather than your getting on with the job of passing appropriations bills that actually note each year's requirements and appropriate an amount of money to reflect those requirements. The continuing resolutions, or CRs, make it almost impossible for the planners at the Defense Department to plan more than just a couple of months in advance, and when we are talking about enormously long-term acquisitions that cost billions of dollars, this makes it a very inefficient way and ineffective way to fund defense.

Finally, we recommended that the Budget Control Act, which currently controls the way the Congress spends money, needs to have a change in it. The sequestration trigger in that bill has harmed defense spending more than anything else. It has resulted in about one-half trillion dollars, over 10 years, in lost appropriations for the Department of Defense. That law is still in effect, and it will govern the appropriations of the last 2 years of the decade of its being in effect unless Congress repeals it or modifies it. So the third recommendation is, the sequestration trigger in the Budget Control Act needs to be eliminated.

Mr. INHOFE. I think that has been something we have talked about for a long period of time.

I think we have to recognize the problem we had been in during the Obama years, during the last 5 years, which is a shocker. It kind of gives people an idea of how we got into this mess to start with. If you take and use the years 2010 to 2015—that would have been the last 5 years of the Obama administration—and use constant 2018 dollars, in 2010, the budget would have been $794 billion. In 2015, it would have been $586 billion dollars. That is a reduction of $210 billion over a 5-year period. Nowhere else in government did we have any kind of a reduction in any program, but that is where it really got into trouble. I believe we will have to face this and recognize what the problem really is and tell everyone what the problem is.

Now, I say to my friend from Arizona that he has been active in nuclear deterrence, and we have not been so much. I can remember—and he can remember—back in the sixties when this was recognized as a problem. I think the last time we actually did any nuclear modernization was in the eighties. We had the triad system for a long period of time when China didn't have it and when Russia didn't have it, but they have it today, and they have actually done more.

We have a chart for this that shows what we have not done and what they have been doing.

So, in the area of a nuclear deterrent or of nuclear modernization, it might be a good idea to see what the folks on this Commission were looking at it in terms of that threat we are facing.

Mr. KYL. Mr. President, I certainly appreciate this comment by the chairman of the Senate Armed Services Committee because the Secretaries of Defense and the Chairman of the Joint Chiefs have all said our strategic deterrent has to be our No. 1 priority. Why is that? It is because this is the one area in which the entire U.S. security is at risk. This is the existential threat—the threat that could destroy the entire United States. Obviously, a nuclear war between either the United States and China or Russia would be devastating to the entire world, but because it is a direct threat to the homeland, it has to be the No. 1 priority.

Yet, as the chairman notes, through our negligence, the administration's and Congress's past, we have allowed three things to deteriorate all at the same time, and the bill is now coming due on all three. Therefore, it is going to be a difficult proposition to get funded.

The first are the laboratories in which our nuclear weapons were designed. There was testing and, to some extent, they have been modified or refurbished and have had their life extended through a program operated at our National Labs.

The National Labs are in incredible need of modernization. We have a 1946-built facility in which our uranium is being produced, and the roof is literally falling in—I have been there—in Oak Ridge, TN. In Los Alamos, there is a great need to make changes, and we have to create a new facility for the production of plutonium pits. This is all highly technical, but the bottom line is, our laboratories are in dire need of refurbishment.

Secondly, the nuclear weapons themselves, designed in the 1950s and 1960s and some as late as the 1970s but built in the 1970s and 1980s, are in extreme need to be checked for their safety and their security and to have their life extended by the replacement of certain components, making certain everything else is in operating order. I was given as a souvenir a vacuum tube which was taken out of one of our nuclear weapons, having been replaced with a more modern circuit board. These are the kinds of things we are doing to extend the life of the nuclear weapons, and it is not inexpensive.

Third, our triad, our delivery systems—the bomber force, the intercontinental ballistic missiles, and our nuclear-powered submarines that carry the missiles that currently represent part of our triad and our strategic deterrent—have all been allowed to deteriorate and need replacement at the same time. Instead of doing this seriatim, we are faced with a bill that is going to come due for all three.

The good news is, through the good efforts of the chairman of the Armed Services Committee and others, provision has been made in the past NDAA bills to begin this modernization. It has begun, but barely begun, and it is going to have to continue for a period of 13 to 15 years, something like that.

The other piece of good news is, while all three components of our nuclear deterrent are needed and are going to have to be paid for at roughly the same time, at no time in the budget does the combination of all three of these things represent more than 6.4 percent of the defense budget. In fact, in most years, it is 3 to 4 percent.

So for the most strategically important element or component of our national security, we are really spending a very small amount in proportion to what we have to spend on everything else. That is one of the reasons I think the committee has found it so important to ensure that all three of these things move forward, on time, and in the right way, so our strategic deterrent will, in fact, deter any potential adversary from miscalculating and thinking that the cost of aggression against the United States is worth whatever they might seek to achieve.

Mr. INHOFE. We have done a lot in recognition of what is coming up. I can't tell you how important it was to have this document. It is the first time I have seen everything written down so we understand it and the unvarnished truth about the threats out there.

Right now we have this as the blueprint we are using. We are also doing what we did this last year on the NDAA. The National Defense Authorization Act is one which has to be done and done in a timely manner. We were able to do it last year. We are going to do the same thing this year, but when we talk about rebuilding the readiness, the brigade combat teams, up until about 2 years ago, we were only at 35 percent of what could actually be used. Of course, the Marines and the Navy use the F–18s, and only 31 percent of those were actually flyable at the time. We have a lot of that type of thing that is going to be necessary.

You mentioned the triad. A lot of people don't know what that is, but now that both China and Russia know what it is, it is important we do the job we are supposed to do.

Acquisition reform. I can remember when the Senator from Arizona and I were both on the House Armed Services Committee. At that time, 30 years ago, we were talking about acquisition reform. We haven't been doing it. We have some really dedicated people who have background in that, and we are going to try to get something done, but I think the main thing right now is going to have to be funding.

The Senator mentioned the 3- to 5-percent increase in funding over and above the amount of inflation. When you stop and think about it, when we started out 2 years ago, in fiscal year 2018, we raised it to $700 billion; in fiscal year 2019, we raised the budget for the military up to $716 billion; then the first budget that came out from this President for fiscal year 2020 is $733 billion. If you do the math, between fiscal

year 2016 and fiscal year 2033, it is only increasing it by 2.1 percent, which isn't even inflation.

At that level, we are not carrying out the recommendation that came from the Commission and all those individuals who agree with it—the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, and everyone else knowledgeable in the field. So we have our work cut out for us.

Mr. KYL. I couldn't agree with the chairman more. I applaud the chairman and the chairman of the House Armed Services Committee for going to the President, along with Secretary of Defense Mattis, and talking about the need to continue with his defense modernization, noting the fact that the improvements the Senator has made in the last 2 years have not rebuilt the military or even begun to close the gap. It has staunched the flow of blood. It has been like a tourniquet on the arm to prevent any more loss of blood for the military.

The Senator is absolutely right. What the President then said after his meeting with the Senator, that he thought a number somewhere around $750 billion was a more accurate number, is exactly correct. In fact, I think it would be a little more than $750 billion to represent the 5 percent or 3 percent above the rate of inflation. I will have to do the math when I sit down here.

The point is, some people think the last 2 years, because you all were very effective—this is before I came back to the Senate—in staunching that flow of blood, that, therefore, the fight is over. Nothing could be further from the truth. Really, a 13- to 15-year program to rebuild our military has just begun.

Mr. INHOFE. I have to say, the figure we are talking about right now came right out of this book. You guys did a great job. My hope is, you will continue to serve in some capacity because we desperately need you. It has been great to have you back, for however brief the time. We accomplished a lot during that brief time.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak for 10 minutes.

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

FIRST STEP ACT

Mr. MENENDEZ. Mr. President, I rise in support of the FIRST STEP Act. This legislation, as the title says, is an important first step toward desperately needed criminal justice reform.

I thank Senators DURBIN, GRASSLEY, and LEE, as well as my good friend and colleague, Senator CORY BOOKER, for advancing this bipartisan compromise. I want to particularly recognize the junior Senator from New Jersey, who has been relentless in his efforts to bring moral urgency to this issue, and I think we can thank Senator BOOKER for his passion and his devotion to justice.

The need for criminal justice reform was an issue constituents consistently and frequently raised with me as I crisscrossed New Jersey over the past year. From Woodbury to Paterson, to Newark, and everywhere in between, I heard from faith leaders calling for solutions to a mass incarceration crisis that has disproportionately torn apart communities of color. Indeed, the NAACP found that, nationally, African Americans and Hispanics make up approximately 32 percent of the U.S. population, but they represented 56 percent of all incarcerated people in 2015.

I also heard from young people pushing for drug policy reform so fewer students charged with marijuana offenses lose access to Federal financial aid.

I met with leaders like former New Jersey Governor Jim McGreevey, whose work with New Jersey Reentry Corporation helps formerly incarcerated individuals—especially those struggling with addiction—find jobs and avoid ending up back in prison.

I met with African-American law enforcement organizations, like the Bronze Shields, about their efforts to build positive relationships in their communities and address challenges like racial profiling and uneven enforcement.

The FIRST STEP Act will not solve all of these problems—far from it. I certainly would have liked to see more concrete reforms to Federal minimum mandatory sentences. However, I am pleased to support a bill that reverses some of the most detrimental effects of Federal mandatory minimum sentences.

As a longtime proponent of the Second Chance Act, I am also glad to see provisions reauthorized under this bill that will give nonviolent, low-risk offenders and their families greater hope for a brighter future. Under the FIRST STEP Act, more Americans in the Federal prison system will finally get their second chance.

While most offenders are incarcerated at the State level, we know Federal mandatory minimums for drug offenses are among the harshest in the Nation. According to The Sentencing Project, half of the U.S. Federal prison population is serving time for a drug offense, the vast majority of them nonviolent.

Under this legislation, low-risk offenders will be able to earn credit by completing anti-recidivism programs that help better prepare them for life after prison. Inmates can then apply these credits for early placement in a halfway house, home confinement, or other types of early release. We know that when prisoners are equipped with the right tools and resources, they are better able to reintegrate into society and avoid old behaviors that could result in them winding up back behind bars. That is not only good for them, it is good for their families and good for their communities.

These provisions are important back-end reforms, but I will not stop calling for greater reforms on the front end—the enforcement side of the equation. This is a serious problem in New Jersey. In July 2017, The Sentencing Project reported that racial disparities in New Jersey's marijuana arrests were at an alltime high. In 2013, African Americans were arrested for marijuana possession three times as often as their White counterparts, despite marijuana use being similar among racial groups.

The disparities extend far beyond arrest rates. Recently, a 6-month investigation by NJ Advance Media found ''hard evidence of racial disparities in police use of force across New Jersey.'' The data revealed African Americans are three times likelier to face some type of police force compared to Whites. Even more troubling, African-American children faced a disproportionate amount of force. From 2012 through 2016, of the more than 4,600 uses of force against people under the age of 18, slightly more than half were African American. Yet African-American children account for only 14.5 percent of New Jersey's child population.

I don't highlight these statistics to denigrate our police force because the men and women who serve in law enforcement put their lives on the line every day to protect our communities, and their bravery will always have my respect, support, and admiration. I do highlight these statistics because they reveal a larger need for greater front-end criminal justice, sentencing, and police reforms that ultimately share our goal of building safe and thriving communities.

Passing the FIRST STEP Act is just that—a first step. It cannot be the only step. We have so much more work to do to fix a broken criminal justice system that leaves too many Americans behind.

The FIRST STEP Act does not address structural racism and racial disparities in our criminal justice system, nor does it completely alleviate some of the draconian sentences still in place for drug offenses.

What this legislation will do is to make a positive difference in the lives of thousands of Federal inmates working to turn their lives around and earn a second chance. I urge my colleagues to support this bill. I have always believed that the Federal policies we set can have a ripple effect across the Nation. May the passage of the FIRST STEP Act by Congress spur States across America to take additional steps forward—steps that, together, may advance our Nation's long march for equality and justice under the law.

Mr. President, I yield the floor.

RECESS

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

Thereupon, the Senate, at 12:46, recessed until 2:15 pm and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

SAVE OUR SEAS ACT OF 2017—Continued

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Thank you, Mr. President.

I ask unanimous consent to set aside the pending amendment and call up amendment No. 4123.

The PRESIDING OFFICER. Is there objection?

The Senator from Iowa.

Mr. GRASSLEY. Reserving the right to object, I would like to explain my—make a point before I object.

This amendment is inconsistent with current Federal law and would allow States the right to break existing law. If there is an attempt to legalize across the country, we should have that debate and let the Congress decide the issue instead of creating a back door to legalization.

Furthermore, the amendment would allow financial institutions to bank marijuana distributors. This is inappropriate to consider in the context of a criminal justice reform bill. Criminal justice is not a vehicle through which we create reform for banks to create more business.

The Senator from Colorado is very much an advocate for the people in his State. I understand that. I respect his position. He works hard on this, and he may be ahead of the time when there will be a real debate on this, and maybe there will be, at that point, an opportunity to consider his approach as something lesser than the legalization of marijuana generally.

For those reasons, I will object to what the Senator from Colorado is trying to accomplish.

The PRESIDING OFFICER. Objection is heard.

The Senator from Colorado.

Mr. GARDNER. I thank the Presiding Officer and Chairman GRASSLEY. After much debate, disagreement, and compromise, this week the Senate is going to be taking up a bill that he has worked very hard to see through to this day, a criminal justice reform package.

The package that is on the floor today that we are debating and talking about amending shows the American people that bipartisanship remains alive in the U.S. Senate. Leaders on both sides of the aisle, as well as the White House, should be commended for their admirable and persistent cooperation and determination on this legislation.

I believe the package's goals are noble. It is right to help those who have paid their debt to reenter society with the best possible chance to be productive contributors. It is right to take steps to ensure that sentences are fair and appropriately tailored to the defendant. It is right to calibrate the way we treat those in custody based on the risk they pose to society.

But being from Colorado, it is hard to think about Federal criminal justice reform without thinking about the biggest problem the Federal law creates for Colorado—the refusal to respect the will of Coloradans when it comes to their decision on marijuana. That is exactly what I am trying to do, is to create a debate so that we can address the conflict between State and Federal law.

Every day, Coloradans of good faith follow Colorado law to a T. Yet they are still criminals in the eyes of the Federal Government. Cancer patients who are using medical marijuana to control their pain and veterans who are using marijuana to alleviate the post-traumatic stress they suffer because they served their country—Federal law says they are criminals, even though they are perfectly legal within their rights under State law. The attempt we are making today is to fix the inconsistency between Federal and State law, to begin the debate, because the people don't think that they are criminals when they follow the law in Colorado. So we should change Federal law.

This disconnect doesn't affect just the industry's patrons or even the growers or retailers, for that matter; it also makes criminals of those outside of the industry. As we are talking about criminal sentencing reform, we should be thinking about plumbers, electricians, bankers, landlords, real estate service providers, employment and advertising agencies, insurance companies, and HR services. All of the everyday businesses that interact with the marijuana industry—like they do any other part of our economy—are affected by Federal law too. That is because when they take money from a marijuana business, Federal law considers them money launderers, putting them at risk for both criminal liability and civil asset forfeiture.

That means the mother who moved to Colorado to treat her child who has epileptic conditions—severe epilepsy, thousands of seizures a month—moved to Colorado to treat her child with CBD oil, derived from the work we are doing on marijuana, which reduces those seizures from 1,000 a month to a few—6, 7, 8, or a dozen a month—that is illegal in the eyes of the Federal Government, putting her at risk for criminal liability and civil asset forfeiture.

The disconnect forces Colorado's $1.5 billion market back into the pseudo-shadows, where business is in hard-to-track cash—$1.5 billion in cash—inviting dangerous robberies and hindering law enforcement efforts to ensure that legal marijuana sales benefit legitimate businesses rather than illicit cartels. This is an effort to bring that $1.5 billion in Colorado alone out of those shadows. It also means that researchers can't test marijuana for medical efficacy to help better understand impairment, because those researchers fear the loss of Federal funding.

All of this flies in the face of what the Colorado people have chosen to do for themselves. Indeed, it flies in the face of the 33 States that have legalized some form of marijuana, including 10 that allow regulated adult use. This year alone, Oklahoma, Missouri, and Utah have passed laws establishing medical marijuana programs, and Michigan and Vermont have passed laws permitting regulated adult use. Wisconsin voters in 16 counties overwhelmingly passed advisory referenda supporting legalization.

Here is the chart. Look at this chart. Green on this chart represents the States that have legalized some form of marijuana, whether it is recreational, whether it is medical, whether it is CBD, or some kind of hemp product, cannabis. Look at the green on this map. Over 95 percent of the population in this country live in a State that have made legalization happen in some way, shape, or form.

Let's go to the list of the States. It is almost every State. Here are the States allowing some form of marijuana: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida—it goes on and on.

It is easier to say the three States that have not allowed it: Idaho, Nebraska, and South Dakota. They are the only three States that have not.

Recent polling from Quinnipiac shows that more than 60 percent of the American people support legalized marijuana, and 93 percent support medical marijuana. The American people have made up their minds. This is happening. Let's be clear. This isn't just happening in blue States, like California or Massachusetts, or purple States, like Colorado. It is happening in bold, deep red States like Utah, Oklahoma, and West Virginia. It is happening in swing States like Florida, Ohio, Pennsylvania, Michigan, and Missouri. The bedrock principle of our government expressed in the Declaration of Independence is that governments derive their just powers from the consent of the government. As the Federal Government continues to ignore the will of the people, the people lose respect for the law. The Congress must respond because, one way or the other, the people of this country are having their say.

That is why Senator WARREN and I are offering the STATES Act as an amendment to this criminal justice package before the Senate. The act is a simple, straightforward plan. Within certain basic Federal guardrails, conduct and compliance with State marijuana law will not violate the Controlled Substances Act. This legislation is the embodiment of federalism our Founders envisioned. It allows each State to move—if at all—at their own pace. It lets States like Colorado be the laboratory of democracy that American people have come to expect. But most importantly, it lets Colorado be Colorado, South Carolina be South Carolina, and Florida be Florida—and they all will have Federal prosecutors backing up whatever decision they make with respect to this decision.

The people of Colorado have made their decision already. I did not vote

for legalization in 2012. I did not support legalization, but I respect my State's decision. Its people know what is right for the State of Colorado. The decision that Colorado makes may not be right for the people of South Carolina or Florida. But their decision should be respected and supported by the Federal Government just like the decisions in every other State.

I am all for helping those who have paid their debt to society, but there are many for whom there should be no debt. That is why the STATES Act should be included in Federal criminal justice reform.

Let's close with this map. Over 95 percent of the population of the United States lives in a State where they have legalized some form of marijuana. Every State in green is a State that has legalized some form of marijuana. By the year 2022, this industry will be over $20 billion—all of which can't be in the banking system because it is against Federal law. And what happens when you force a $20 billion all-cash economy? I guess that is what we ought to be dealing with here today. This isn't just about banking; that is a side effect of the STATES Act. The STATES Act recognizes that Federalist principle that a State can decide this issue for itself. This amendment at this time recognizes that you shouldn't go to Federal prison for following State law. That, in its essence, is sentence and reform. If we had a chance to vote on this amendment today, the amendment would be germane. It would have a 50-vote threshold—a simple majority, up or down.

I know this amendment has the support of this body on both sides of the aisle to fix this conflict and allow the States to make their own decisions without the heavy hand of Washington telling them what to do.

I yield my time and will not give up this fight.

The PRESIDING OFFICER. The Senator from South Dakota.

TRIBUTE TO LAMAR ALEXANDER

Mr. THUNE. Mr. President, before I begin, I would like to say a couple of words about Senator ALEXANDER.

I was very sad, as many of us here were, to hear that he will be leaving the Senate in 2 years—in other words, not running for reelection when he comes up in 2020.

While I am sure he will enjoy having more time to relax at home in his beloved Tennessee, his gain is our loss. Over the course of his 16-year career in the Senate, he has been a leader and a model for many of us, including me.

As a former Secretary of Education, he has, unsurprisingly, been a leader on education issues. He has also been a tremendous leader on healthcare. He combines an impressive knowledge of the issues with an ability to bring together Members of both parties to get things done.

He and I share the unusual distinction of having both been congressional staffers before becoming Members of Congress. We also both served as chairmen of the Senate Republican conference. I have to say that LAMAR was definitely a tough act to follow.

I will miss his presence in the Senate, but I am glad we have 2 more years to work together to improve the lives of the American people. I expect that in his last couple of years, he will get a lot done around here because there isn't anybody in the Senate who is a more effective or a more results-oriented legislator.

I look forward to the things we can get done together in the course of the next 2 years. But like many in this Chamber, I am going to be very sorry to see Senator ALEXANDER leave.

TRIBUTE TO JON KYL

Mr. President, I also want to mention Senator KYL, who announced he is retiring from the Senate for the second time.

Senator KYL initially retired at the end of the 112th Congress after a distinguished Senate career but stepped up to fill in after we lost Senator McCain earlier this year.

Senator KYL is rightly renowned in this body for his statesmanship and his deep knowledge, and it has been a pleasure having him back in the Senate, even if that was just for this brief time.

GOVERNMENT FUNDING

Mr. President, the 115th Congress is drawing to a close, and it is time to finish up our work. More importantly, of course, we need to fund the government.

While this year's Senate was the most efficient in two decades in terms of passing appropriations bills, we still have a significant amount of funding left to pass this week.

A critical part of this funding is border security. As all of us know, protecting our border is protecting our Nation. When we can't control the flow of goods and people across our borders, dangerous individuals and products enter our Nation without our knowledge.

The fact is, our borders are not sufficiently secure. As we have recently seen with the migrant caravans, they are a target for illegal entry.

Over the past year, illegal border crossing apprehensions shot up by more than 30 percent. A porous border leaves us susceptible to illegal entry by gang members, human traffickers, drug dealers, and weapons traffickers. Federal agents have seen a substantial increase in seizures of deadly drugs, including a 115-percent increase in the amount of fentanyl seized between ports of entry. Fentanyl is one of the most dangerous opioids out there and a major contributor to the opioid crisis raging in this country.

In 2017, opioids were involved in the deaths of almost 50,000 Americans. Roughly half or more of those deaths involved fentanyl. If this is what is being caught at legal points of entry, we know more is coming over our unsecured border.

Then there is human trafficking. Every year, between 14,500 and 17,500 individuals are trafficked into the United States—predominantly women and children. Then they are sold into domestic slavery or, more frequently, forced into pornography or prostitution.

Of course, there is the ever-present and very real danger that members of terrorist groups will exploit loopholes in our border security to enter our country and endanger our citizens.

I don't need to explain this to Democratic Members of the Senate. They know all of this, and they have supported measures in the past to protect our borders. In 2006, the Democratic leader and the ranking member on the Senate Judiciary Committee voted for legislation to authorize a border fence. They were joined in their vote by then-Senators Biden, Clinton, and Obama.

In 2013, every Senate Democrat supported legislation requiring the completion of a 700-mile fence along our southern border. This legislation would have provided $46 billion for border security and $8 billion specifically for the border wall. Nothing has changed. Border security is still a national security imperative, and it still needs to be funded. So I hope that Democratic support for border security will not change either.

In 2013, NANCY PELOSI said that a shutdown was ''an unthinkable tactic to use in the political debate.'' I have to agree that it is unthinkable that Democrats would jeopardize government operations and services to block funding to secure our border.

The American people are certainly not interested in a government shutdown. They made that clear back in January when Democrats shut down the government over illegal immigration. I know Democrats and Republicans in Congress are not interested in shutting down the government for Christmas.

I hope that an appropriations bill will pass this week. It is time to get the government funded.

NATIONAL DEFENSE STRATEGY COMMISSION

While I am on the issue of national security, I would like to take a few minutes to discuss the recent report from the National Defense Strategy Commission. The report is sobering, and it should give our work to restore military readiness a new level of intensity.

I would just like to highlight a few excerpts from that report:

> The security and wellbeing of the United States are at greater risk than at any time in decades. . . . The U.S. military could suffer unacceptably high casualties and loss of major capital assets in its next conflict. It might struggle to win, or perhaps lose, a war against China or Russia. The United States is particularly at risk of being overwhelmed should its military be forced to fight on two or more fronts simultaneously. Additionally, it would be unwise and irresponsible not to expect adversaries to attempt debilitating kinetic, cyber, or other types of attacks against Americans at home while they seek

to defeat our military abroad. U.S. military superiority is no longer assured and the implications for American interests and American security are severe.

Those are all findings from that report. I would say that the threats to our national security are many, and they are growing in complexity by the day. But it is not our strength that tempts our adversaries; it is our weakness.

The best way to ensure our security and that of our allies is to project strength, and the best way to project strength is to make sound investments in our men and women in uniform and the right investments in sustainment and modernization.

I hope that this report will be a wake-up call, and the Democrats will come to the table to continue the work of rebuilding our military in this next Congress. We need to continue the momentum led by President Trump in restoring our military readiness so that bad actors will rethink their actions.

If I can remind my colleagues, providing the Pentagon funding certainty allows it to leverage its greatest asset, and that is the men and women of our military. Investing in our national defense is an investment in the men and women who are currently standing watch around the world this holiday season, forgoing the comforts of home so that we can celebrate with our friends and family.

This last weekend, I had the honor of attending an activation ceremony of the Bravo Battery of the 1–147 Field Artillery of the South Dakota National Guard. Those in it are deploying in support of Operation Atlantic Resolve and demonstrating, yet again, America's commitment to security in Europe at a time of heightened tensions.

We thank them for their service, and we wish them a safe deployment. May we think of Bravo Battery and extend our thanks to all of the men and women in uniform who are defending our freedoms at this time of year. May we return in the 116th Congress with a renewed commitment to supporting their mission and needs.

I yield the floor.

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

FIRST STEP ACT

Mr. KENNEDY. Mr. President, I want to spend a few minutes talking about the so-called criminal justice bill that we will soon be voting on in the U.S. Senate. I want to make it very clear that I don't believe there is a single, solitary Member of this body who would do anything intentionally to jeopardize public safety. I don't believe that for a moment. I do believe, though, that there will be some sharp divisions over the merits of this bill. I don't intend to vote for the bill, but I recognize that sometimes fairminded people disagree. What I want to do today is to just share with you my perspective on this legislation.

There are some things in this bill I really like—the provisions to try to give prisoners job training and mental health counseling, and, in some cases, give them the opportunity to obtain a GED—the so-called anti-recidivism provisions. I support them. For years, I have argued that there is no reason, with technology, that we can't give every prisoner in State and Federal prison the opportunity to get a GED. I support the part of the bill that would house inmates, when we can, within 500 miles of their homes, so they can receive visits from family. I think that might help them not to recidivate.

There are other things in the bill that I like, but let me explain why I am not going to support—not going to vote for—the bill, although I will have some amendments to try to make it better.

My objection is to the approach of the legislation. I think it is backward. I believe the primary goal of a criminal justice system is not deterrence. It is an important goal, but it is not the most important goal. Neither is retribution nor rehabilitation. Rehabilitation, deterrence, and retribution are important goals of a criminal justice system, but they are not the most important. For most Americans, the most important goal of a criminal justice system is justice. Again, that is not to say that deterrence and rehabilitation aren't important, but they go to the effectiveness of your penal system. They have nothing to do with justice, which is what we try to do here in the U.S. Congress when we establish rules for sentencing criminals.

What is justice? It has been talked about, debated, and discussed through the ages. I can tell you what justice means to me and what it means to many people who are smarter than I.

Justice exists when people receive what they deserve. For example, justice exists when the people of Tibet are allowed to worship the Dalai Lama, because they deserve freedom of religion. Justice exists when a rapist receives a penalty that is proportionate to his crime. That, to me, is justice. I will say it again. Justice exists when people receive what they deserve. I didn't say that—not first. I agree with it. C. S. Lewis did in an essay called ''The Humanitarian Theory of Punishment.'' Before C. S. Lewis said it, Immanuel Kant said it, and before Immanuel Kant said it, Saint Augustine said it. I will say it again. Justice exists when people receive what they deserve, and that is what the American criminal justice system is about. It is not supposed to be primarily about deterrence and rehabilitation, though those are important goals. The ultimate goal is justice. That is why I think this bill is backward.

This bill says our sentencing provisions, as established by the U.S. Senate and the U.S. House of Representatives, are unjust. That is the assumption in the bill. Rather than try to fix them, we are going to give almost unfettered discretion—if you read the 150-page bill carefully, and I have—to the bureaucrats in the department of corrections to fix our mistakes. If you follow the logic of the proponents of this bill, it is like putting paint on rotten wood. The sentences are unjust, they assume. Therefore, we are going to give the wardens and the Director of Bureau of Prisons the authority to let out whomever he or she wants to.

I know there are checks and balances, supposedly, built in there, but read the bill carefully. In the final analysis, this is going to be a subjective call as to who gets out early and who doesn't.

If you wanted a debate on this floor of our sentencing provisions and whether they are just, I would pounce on it like a ninja—I would be here all day and all night—but I am not going to vote to pass the buck to the bureaucracy and trust it to do the right thing. That is our job. If the sentences are unjust, then, by golly—by God—let's fix them, but let's not just give our authority to the Bureau of Prisons and expect it to fix our so-called mistakes.

Now, I am not conceding that we have made mistakes. I don't know because we haven't focused on the sentencing part. I am not sure that this body has the courage. I am just not sure we have the courage, and that disappoints me. That is why I am against this bill. We have talked a lot about rehabilitation, and we have talked a lot about deterrence, which are both important things. Yet we have talked very, very little about justice, and in the final analysis, that is what the American people expect from us.

I am going to offer two amendments that, I think, will improve this bill, and if my glasses had not fallen off, I would have read them to you. Instead, I am going to tell you about them, but I wrote them down carefully so I could try to be precise. They are very simple amendments. Senator COTTON and I are offering these amendments together. I am going to let him explain his amendment. Here is what my two amendments would do.

My first amendment would say that victims count, that victims matter. It would direct the Director of the Bureau of Prisons, before he releases an inmate early—a rapist, for example, because the warden or the director thinks he is nonviolent—to contact the victim of that rape and say: Hey, I have made the decision to let this guy out early, and I wanted to tell you about it, and I wanted to give you the date that he is going to be released. I want to give you a chance to write me a statement about how you feel about it, and I promise to read it.

It doesn't give the victim veto power. I wish it could. All it says is that before a warden lets a child molester or a pedophile or a rapist or a fentanyl dealer go, he has to call the victim, and if the victim is dead, he has to call the victim's next of kin and say: Hey, I have made the decision to let this person out. I wanted to tell you about it.

Here is the date I am going to let him out. You have the right to write a statement about it, and I promise you I will read it.

Some of our colleagues call that a poison pill. I call it fairness to the victims. I call it common sense. I call it justice.

The second amendment is equally simple. It just says to the Director of Bureau of Prisons: You are going to be letting these criminals go. Once a quarter, you have to make available to the public, without naming the inmates names—we are going to keep them anonymous—a list of the people you let out of prison early. You have to publish the crimes for which they were in prison. You have to publish their rap sheets so we can know what else they served time for, if any, in prison. You also have to tell the public whether they have been rearrested and, if so, what for.

That is it. Some of my colleagues call this a poison pill. I call it transparency, and I call it common sense.

I deeply regret—and I will conclude on this note—that I cannot support this legislation, because I think there are ways we can improve our penal system. In my opinion, if we want to do justice in a piece of legislation, let's not do it by giving our discretion and our law-making authority to the bureaucracy to decide who gets to stay in prison and who gets to go home early. We make those decisions ourselves on the floor of the U.S. Senate, in front of God and country and the voters. We don't hide behind a bureaucracy. That is why I am going to oppose this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. KENNEDY. Certainly, I will.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, I rise on behalf of S. 756, the FIRST STEP Act. It is a first step, and it is a mighty important first step. Hopefully, this bill is going to pass later today.

This revised FIRST STEP Act is long overdue. I am proud to see that the House, the Senate, and the President are all working together, as they should, to pass this important bill. This country of ours incarcerates more people than any other country in the world. The Federal prison population has grown by over 700 percent since 1980, and it consumes one quarter of the Department of Justice's budget. No one questions that some people deserve to go to prison for the crimes they commit—sometimes for a long time. Yet it is time to bring some common sense back into our criminal justice system.

This legislation will allow judges to do the job that they were appointed to do—to use their discretion to craft an appropriate sentence to fit the crime. There are numerous stories of judges who are forced, by strict mandatory minimums, to sentence people to decades in prison for low-level drug offenses. How many times have we heard of a judge who says, ''I don't think that this sentence ought to be imposed, but I have no other choice for this is what the sentencing guidelines say''?

We have seen examples of people who have been sent to prison for more than 50 years for selling $350 worth of marijuana—a drug that is now legal in some States. In my State of Florida, the use of marijuana for medical purposes is legal. It was passed by three-quarters of the people in a constitutional amendment. These rigid sentences that do not fit the crimes ought to be turned around, and that is exactly what this legislation does. If we don't start this first step of turning it around, it will be so wasteful, so unfair, so costly. It is not how our criminal justice system was intended to work. I am sure the senior Senator from Illinois has already told you about the wide swath of groups, people, and organizations from across the political spectrum who understand that the system is broken and want it to be repaired.

In addition to the much needed sentencing reform, this legislation includes prison reform ending cruel and inhuman practices in our Federal prison system. It is Federal juvenile solitary confinement, a practice that now the psychiatrists tell us gives long psychological damage. It also prohibits the shackling of pregnant prisoners. Doctors have told us about the harm that can come to a pregnant female and serious harm to the fetus if she is not appropriately looked after, and shackling can interfere with that appropriate medical care. The American Medical Association and the American College of Obstetricians and Gynecologists strongly oppose the shackling of women who are pregnant.

This FIRST STEP Act also requires prisoners to be incarcerated closer to their home so family members can visit them. After all, don't we want to rehabilitate prisoners?

It provides opioid treatment to inmates that suffer from addiction—something that probably led to their incarceration in the first place.

There is more to do certainly. That is why this is just a first step. It is a bipartisan first step. It is a concrete improvement of our current system.

I am proud to support this legislation. This Senator gave his farewell address last week, but because of this very important legislation, which this Senator has wanted to see come to life and be enacted into law for such a long time, it was important for me to come to this floor and to speak on its behalf, as well as to thank the managers of the bill who have brought it through this long and torturous path.

It is finally going to become a reality. This, indeed, is an example that when people of goodwill put their minds to it and come together in a bipartisan fashion, in fact, you can get something done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I wanted to thank the Senator from Florida for his kind words of encouragement on this criminal justice reform bill that is pending before the Senate. I thank him. I know his personal interest in this subject. I am going to miss his service and his friendship here in the Senate Chamber. I want to thank him for his many years of serving the people of Florida and for standing by me in many causes. It is rare that one of these causes is so bipartisan, and this one is.

I heard the testimony or the statement earlier by the Senator from Louisiana, Mr. KENNEDY. I count him as a friend. We have cosponsored bills together, and I like him. We disagree on some issues, but we do it in a very positive way, and in the comments I am about to make, I want to be as positive as possible.

Senator KENNEDY brought a chart to the floor and suggested that there was no support by national law enforcement for the bill that is before us, and he said that most of the State and local law enforcement groups were opposed to it as well. I beg to differ with him.

I would like to submit for the record that currently we have the support on this Grassley-Durbin bill from the American Correctional Association, the American Federation of Government Employees, the AFL–CIO, and the Council of Prisons. The very prison guards whom Senator KENNEDY referred to on his chart are in support of our position. The Association of Prosecuting Attorneys, the Association of State Correctional Administrators, and the Fraternal Order of Police supports our bill, and, in addition, the International Association of Chiefs of Police.

I ask unanimous consent to submit for the RECORD the remainder of these law enforcement, corrections, and government groups.

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

FIRST STEP ACT SUPPORTERS

LAW ENFORCEMENT, CORRECTIONS & GOVERNMENT

American Correctional Association;

American Federation of Government Employees, AFL–CIO, Council of Prison;

Association of Prosecuting Attorneys;

Association of State Correctional Administrators;

Fraternal Order of Police;

International Association of Chiefs of Police;

International Community Corrections Association;

International Union of Police Associations AFL–CIO;

Law Enforcement Leaders to Reduce Crime and Incarceration;

National Association for Criminal Defense Lawyers;

National Black Prosecutors Association;

National Organization of Black Law Enforcement Executives (NOBLE);

National District Attorneys Association;

National Governors Association;
United States Chamber of Commerce;
United States Conference of Mayors;
Veterans of Foreign Wars of the United States;
172 former federal prosecutors and senior government officials including former Attorneys General Michael B. Mukasey and Alberto Gonzales.

Mr. DURBIN. Mr. President, at the heart of the amendments being offered by Senators COTTON and KENNEDY is an effort to provide notification to crime victims. I spoke to this early this morning, and I think it bears repeating.

It is interesting to note that they are arguing that their amendments are necessary for the sake of crime victims. At the same time, virtually every leading organization in America representing crime victims supports our bill and opposes the amendment being offered by Senators COTTON and KENNEDY. Why do they oppose it? Because we already have a law. The law says if you are a victim of crime, you have certain rights written into the statute—some 10 specific areas where you have the right to be consulted or notified if you are a victim and you want to know what is going to happen to the person who is accused of the crime of which you were a victim. It is only right that we do that, and we have done it for a long time.

We also have regulatory provisions where the Bureau of Prisons will not release someone without notification to the crime victims. So there is a healthy pattern established by law that victims of crime in the United States have the right to receive all of this information and, in some cases, can actually participate in the proceeding. We voted on that on a bipartisan basis years ago. That is the way it should be.

So what does the Cotton-Kennedy amendment add when it comes to crime victims? It adds something that the crime victims organizations oppose. Let me tell you what it is. You have a right as a crime victim to be notified, but you are not mandated and required to be notified. That is your call. It turns out that 10 percent of crime victims over the last 5 years—over 160,000 American crime victims—have chosen not to be informed. They don't want to be notified. Why? Why would they not want to be notified? What if the victim is a child in your family who was the victim of a crime at an early age and you have decided, for the sake of that child or our family, that you want to put this behind you? Don't put me on the list, then, to notify me about what happens with a criminal defendant. We want to put that chapter behind us. We want to move forward as a family.

Or perhaps as a crime victim you are dealing with psychological trauma—understandable. You are going through counseling, and you believe that constant reminders about the criminal defendant don't help you get well and don't help you move forward. You can make an individual personal decision—you have the right to make it—that you don't want to be notified.

Then, comes the amendment that will be on the floor tonight or tomorrow. The amendment by Senators COTTON and KENNEDY says: Forget that; you are going to be notified whether you want to or not.

I think that is wrong.

Don't take my word for it. Go to the crime victims organizations and ask them what they think. They think this mandatory notification will retraumatize many crime victims. They respect the right for a crime victim to say: I don't want to learn this. I don't want to know about it. Don't send me these notifications.

They respect the crime victims and the circumstances, and the Cotton-Kennedy amendment does not. So at the heart of their amendment process, in an effort to ''help crime victims,'' they have drafted a provision that the leading crime victims organizations oppose. No Senator of either party should vote for the Cotton-Kennedy amendments in this bill and believe they are helping crime victims. They are not. The existing law gives all crime victims the right to know and the right to be informed, as well as the right to say: I don't want to know. Don't contact me anymore. I want to put that behind me.

That is up to the individuals. The Cotton-Kennedy amendment, unfortunately, moves into new territory and forces this information on people who are not looking for it.

In addition to that, they have a list of crimes, if you have committed these crimes and have been convicted—a list of crimes that would be ineligible. You couldn't get the prison reform package that we are talking about, the possibility of early release, if you commit certain crimes. Well, we tried to take care to create a process that was sensitive to this, and we started with a challenge. There were 5,000 Federal crimes. You wouldn't believe how many there are. We had to go through and pick those that clearly should disqualify you from getting any special treatment when it comes to your prison sentence. We came up with a list that was 20 pages long of specific crimes—over 60 crimes—and after we produced the list, Members would come to us and say: Well, what about this crime? Well, if we thought it was a legitimate concern, we added it to the list. So we tried to be as inclusive as possible and to cover the most serious crimes, whether they involve violence or harm to an individual, and to be sensitive to them.

Along the way, Senator TED CRUZ of Texas produced a list that he wanted included. We took a good-faith look at it, and we agreed with him on about 8 or 10 of the provisions he made. We said: We will include these in our list. If you committed the crimes that Senator CRUZ came up with, you would be ineligible for this prison recidivist program.

So we started to put it in the bill, and we thought it was in the bill, incidentally, and we learned it had not been included. We asked for unanimous consent to amend our own bill to include these new categories and, unfortunately, the Republican leadership and Senator COTTON objected. They wouldn't let us include a new list of crimes which would make a person ineligible. That is unfortunate.

Sadly, the provision of one of the amendments from Senator COTTON is now attempting to include some of those crimes in his list. We made a good-faith effort to do this on a bipartisan basis, and we will continue to do that.

I see the Senator from Pennsylvania has come to the floor.

The last point is that there is a provision in one of the Cotton-Kennedy amendments that redefines the crimes that would make you ineligible to participate in this program. It is a new definition. It includes a reference to something that you don't see often—violence to property. I am not sure what that means. The use of physical force on property is in the law in many places, but the terms ''violence against property'' is something that I am not sure what Senator COTTON is trying to achieve with this. It is going to create confusion.

Unfortunately, if you add every crime that might involve some damage to property, you can see that it would expand the list dramatically and go way beyond what we are trying to achieve. We are trying to give those incarcerated who truly want to turn their lives around and who truly want to have training and be ready to move forward the opportunity to do just that.

So at this point I am going to conclude my remarks.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. TOOMEY. Mr. President, I rise today to speak about the FIRST STEP Act. I think this is a very important bill and important legislation. A lot of people have worked very hard on it, and there are only good intentions behind this legislation. I know it is an attempt to improve our criminal justice system generally, to reduce recidivism among offenders, and to increase public safety. Those are the goals. I am sympathetic to all of those goals, and I am seriously considering supporting this act. I want to see how this amendment process plays out, but I recognize that a lot of good work has been done here.

I want to begin by saying that I am also sympathetic to the legitimate concerns that have been raised about this legislation by law enforcement officers. I have spoken with people across

Pennsylvania who protect us every day who have some concerns about this. I am glad to see there were changes made along the way—changes that address some of the serious concerns I and others have raised. I think there is still room for more improvement. That is why I support the three modest amendments Senators COTTON and KENNEDY have proposed.

One of the amendments will simply ensure that all violent felons—such as carjackers and criminals who assault law enforcement officers and sex offenders—will not be eligible for the earned time credit. That is a good amendment, in my view.

A further feature is to notify victims of crimes before the prisoner who committed the crime is released. I think that is a reasonable provision for victims, to give them a chance to have their voice heard before the perpetrator is released.

Finally, another feature is to simply require the Department of Justice to track the outcomes. Let's make sure we know a few years from now, if this passes and is signed into law, whether we have reduced the recidivism rate. We should have that information.

These are commonsense amendments. I support them and urge my colleagues to do likewise. My real purpose is to highlight one of the amendments I have filed and hope I am going to be able to get a vote on. My amendment concerns especially victims of crime but specifically victims of child abuse, sexual assault, domestic violence, and other violent crimes, and the need to end Congress's longstanding injustice to these victims.

The FIRST STEP Act does a lot, especially for people who have committed crimes. Unfortunately, it doesn't do anything that I am aware of for the victims of crimes. These two things are not mutually exclusive. We have an opportunity here with this amendment to address something very substantive we can do for crime victims. Specifically, Congress should stop what I think is an unconscionable annual raid on the Crime Victims Fund. Since fiscal year 2000, Congress has diverted literally billions of dollars from the Crime Victims Fund by using a budget gimmick to withhold money from victims and the organizations that help victims. Here is how it works:

Every year, the Crime Victims Fund collects money from Federal criminal fines and penalties. There is no taxpayer money involved. These are criminal fines that result from convictions.

The fund was created in 1984 with a very simple principle in mind; that is, the money the Federal Government collects from those convicted of a crime ought to be used to help those who are victimized by the crime. Under the Federal statutes, the money collected in 1 year is supposed to be disbursed to victims of crime the next year. Unfortunately, starting in 1999, Congress began to systematically withhold some of the money that is supposed to go to the victims, effectively shortchanging the victims—people who, through no fault of their own, were victims of a crime.

You might ask, why would people do a thing like that? The reason it is done is because the Federal Government has bizarre and ridiculous budgetary rules. One of them holds that when you shortchange victims of crime this way, when you refuse to allocate the criminal penalties to victims as you are supposed to, you get to pretend for budgetary purposes that you are saving taxpayer money. It is totally untrue. It is not factually saving taxpayer money at all, but you get to pretend that it is. So in pretending that those savings have been achieved, it allows you to spend more money elsewhere, and there are few things Congress likes better than spending money. So this money, which is supposed to go to victims of crime, is instead spent on completely unrelated discretionary items in appropriations bills year after year.

How much, you might ask, does this matter? Does this actually add up to anything meaningful? Astoundingly, over the last two decades of this practice, Congress has used this gimmick to add $82 billion in unrelated Federal spending that has all gone to increase our deficit and our debt, all because every year they withheld money that was supposed to go to victims of crime.

Where did it go? The money could go to anything that Congress decides to spend it on, anything in the Commerce-Justice-Science approps bill. I will give one example. In 2014, Congress gave victims less than 6 percent of the money they were supposed to give to victims of crime—again, not taxpayer money; criminal penalty money. It used the remaining $11.8 billion for other spending. That year, the CJS bill funded $360,000 for a NASA study that paid individuals $18,000 to lie in bed for 70 days, $1.75 million for a PBS documentary to promote a New York Times bestselling book, and $150,000 so that a game designer could develop a zombie-fighting web game. These are just a few examples. This is beyond egregious.

Because of this disgraceful behavior on the part of Congress, it has been much more difficult for victims of crime to receive the services they are supposed to get. A lot of the Crime Victim Fund goes to people who are helping some of the most vulnerable in our society. Now, in part because this money is not fully allocated as it should be, abused children sometimes have to wait weeks before they can receive the full medical and emotional services and care they need. There are rape victims who are not able to obtain the prophylactic medications they need to prevent them from contracting HIV/AIDS. Victims fleeing domestic violence are often unable to find a bed for themselves and their children. This is all because Congress refuses to allocate the money it is supposed to allocate to these victims. We can fix this. We can fix it. We can fix it this afternoon.

In fairness, in the past few years, the extent of this gimmickry, this terrible practice, has diminished, and I give a lot of credit to Senator SHELBY. The chairman of the Appropriations Committee has decided to increase the appropriations in recent years to something approximating where it should be. But still there are billions that have not been allocated to victims, and there is no guarantee whatsoever that the next year, the year after, or at any point in time, Congress won't resume massively shortchanging victims as it has in the past.

What I think we need is a permanent solution to this, and my amendment will provide the fix we need. It is identical to a bill I have already introduced, which is called the Fairness for Crime Victims Act of 2018. This bill is endorsed by many, many victim advocacy groups. Last year, virtually identical legislation was unanimously passed out of the Budget Committee. Let me say that again. Not a single Republican, not a single Democrat opposed my legislation in the Budget Committee. All it does is returns honesty to the Crime Victims Fund by ensuring a steady stream of funds—the very funds from criminals that are supposed to go to victims and their advocates. It would simply ensure that they get what they are supposed to get.

As the Senate considers the FIRST STEP Act, I think we should take this opportunity to end this unconscionable raid on the Crime Victims Fund. If we are going to do something to help criminals, we should also do something to help victims.

All I am asking for is that we have a vote on this. If people disagree with me and they think we should continue this practice, OK, vote no, but let's have a vote. At a moment when we are doing so much for criminals, I think it is reasonable to do something for victims.

UNANIMOUS CONSENT REQUEST—AMENDMENT NO. 4120

Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 4120.

The PRESIDING OFFICER. Is there objection?

The Senator from Illinois.

Mr. DURBIN. Mr. President, reserving the right to object, when I spoke to Senator TOOMEY about this issue, it personally struck a chord with me. I recognize that we have had this same debate in the Appropriations Committee. Its champion in the committee is Senator JAMES LANKFORD of Oklahoma, who has at least for 2 years, or maybe longer, suggested the change the Senator from Pennsylvania brings to the floor. I think he made a compelling argument, and I voted with him for the change he wished to see in the law. We did not prevail in the Appropriations Committee—at least didn't prevail in changing the budget rules—but Senator LANKFORD, with his effort in the committee, has prevailed in changing the allocation of funds.

The amendment Mr. TOOMEY, the Senator from Pennsylvania, offers creates a new point of order against any CJS appropriations bill if it doesn't spend at least the 3-year average of collections in the Crime Victims Fund. There is good news. Because of Senator LANKFORD's effort and the support of Senator SHELBY, which the Senator from Pennsylvania noted, the amendment is not necessary. Since fiscal years 2015 through 2018, the CJS appropriations bill has spent at least the 3-year average of collections—a total of $12.4 billion—which has been returned to crime victims. So we have, in fact, changed the budget policy that governs how the Crime Victims Compensation fund is distributed.

What I would suggest, though, is that this good, worthy issue and battle, which I would be happy to join, does not belong on this bill. In fact, the result could complicate this bill and its passage. We have been working to put this measure together for 6 years, Democrats and Republicans. There were some 82 or more Senators—I know the Senator from Pennsylvania was not one of them—who voted for cloture on this bill because we felt we should move forward in this debate.

I might say, some of the amendments the Senator from Pennsylvania said he is going to support for this bill are not helpful. They are opposed by those who are behind the bill. Let's save this budget debate for another day. On behalf of myself and the ranking member of the Senate Appropriations Committee, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I am not shocked, but I am extremely disappointed. One of the things that is so disappointing and frustrating about serving in this body is, it was once a body where a difference of opinion would be litigated on the Senate floor, including culminating in a vote, and we would decide as a body whether we wanted to proceed in a certain direction. Now, our friends in the minority are refusing to even allow the vote to occur.

I am not asking for a guaranteed outcome. I am not asking for any outcome. I am simply asking that we have a chance to debate and vote on whether victims of crime across America are going to get the allocation they are supposed to get.

In recent years, the situation has improved. If that is the commitment of my friends on the other side, they should be willing to enshrine that improvement in law, but they are not, which might speak volumes about where this is headed.

I am very disappointed that we are not going to get a vote on this amendment today. I do, however, hope we will be able to vote on and pass the Cotton and Kennedy amendments.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I want to finish up where Senator KYL and I started off this morning and elaborate a little bit more about what responsibilities are concerning the nuclear modernization program.

Defending America should be our No. 1 priority. In most all of the administrations throughout the years, it has been our No. 1 priority. Today we are talking about the need to modernize our nuclear forces.

The reason I think this is important, there are a lot of people who say the nuclear forces are a relic of the past. This is not true. Some in Washington believe we don't need to modernize forces or that we can cut off one of the three legs—the three legs being the ICBM, bomber, and the submarine. It is not true. Our nuclear triad has to be kept intact.

The arsenal is aging, and most of it has not been modernized since it started in the 1960s. In the 1980s, the last modernization actually took place during the Obama administration. They had a bet. They believed if we reduced our role in the number of nuclear weapons, the other countries would come along and do the same thing. That didn't work out. In fact, they have done just the opposite.

As the Nuclear Posture Review said, very clearly, ''Since 2010 no potential adversary has reduced either the role of nuclear weapons in its national security strategy, or the number of nuclear weapons it fields.''

There is a comparison. The lighter color there is in development. In fact, Russia and China are both way ahead of us in that. In terms of fielding a system, we haven't even fielded a system. We are clearly behind in that respect.

Russia is modernizing every leg of the nuclear triad, but it is not just that. They are also building a vast arsenal of tactical nuclear weapons in addition to their triad.

We heard Putin talk about some of these things last spring, like the nuclear-armed hypersonic weapons. Those are the hypersonic weapons that react not like six per minute but many per tenth of a second. He claimed he is ahead of us in that respect; that they have a nuclear-powered cruise missile and nuclear-armed missiles and defenses. We are talking about in both offensive and defensive capability. That is what Putin has been doing.

What is more, Russian doctrine emphasizes using nuclear weapons to coerce the United States and NATO. Putin threatens NATO allies with nuclear strikes. This is interesting. You have to keep in mind, we are a nuclear NATO ally. In fact, that is about the time Putin made the statement that if they were to declare war on NATO—and that includes us and Western Europe—they would win. That is how things have become more and more serious and how they are very proud of themselves that they have been putting together a program faster than we are.

Meanwhile, there is China. They are also further along in modernizing its nuclear arsenal. I think they claim or others claim that soon they will have a complete nuclear triad, including an ICBM, a bomber, and a submarine.

I suggest that they very well have that already. This doesn't even get to North Korea's capabilities, Iran's nuclear ambitions, or the threats from terrorism. It should be clear, looking at all of these, that nuclear weapons are no Cold War relic. We need to modernize them for the current threat of the environment we face.

Some of the critics say nuclear modernization is too expensive. I will not say it is going to be cheap, but it is going to be affordable. At its peak, in 2029, nuclear modernization will cost about 6.4 percent of the military budget, the DOD budget. On average, over the next two decades, it will be about 5 percent of the DOD budget. I think that is a pretty good price, especially when you consider that we haven't been investing in it for over two decades.

This investment will get us a new B–1 bomber with modernized cruise missiles and a Columbia-class submarine. With this necessity to increase our capabilities comes some good news and helps us with our buildup. It will also bring command control to the 21st century and will help revitalize the infrastructure, including the Department of Energy. Some critics also say we have to choose between nuclear forces and conventional forces; that we can't modernize both at the same time.

This report we talked about this morning is the best report I have seen in showing where we are right now, where the other side is, what their capabilities are. They make it very clear that the nuclear and conventional forces are both indispensable to a balanced, effective defense. The Nation should not hollow out one set of capabilities to pay for another.

I think we are in a position now to go forward, and people will recognize what we are now trying to do and keep up with what our adversaries are doing.

In the past, there are some who have had very bipartisan support for our nuclear deterrent. In fact, some of the current modernization programs were started under the Obama administration when all the other parts of our national defense were deteriorating.

Secretary Mattis said last year, it is not possible to delay modernization of our nuclear forces if we are to preserve a credible nuclear deterrent, ensuring that our diplomats continue to speak from the position of strength on matters of war and peace.

I couldn't have said it better myself. We need to keep our deterrent credible. Let's keep in mind, though, that, yes, this is true. The only reason we are bringing up and emphasizing at this point the necessity for a nuclear modernization is that we have been neglecting it for so long. While we have been neglecting it, the other side has

been paying attention to their capabilities.

This book we talked about this morning—I didn't mention some of the highlights in the book that I think are important because we in the United States have to understand that we don't have the capabilities some of our adversaries have.

Here are some of the highlights in this manual that has been lauded as probably the most accurate bipartisan manual on defense we have ever analyzed. It says, and these are quotes, ''assesses unequivocally that the NDS''—that is the defense system—''is not adequately resourced.'' Another quote: ''America is very near the point of strategic insolvency.'' Further, it says that ''America's military superiority has eroded to a dangerous degree'' and that ''America's combat edge is diminishing or has disappeared.'' That is all in this manual. But we knew that. We saw this coming.

Remember, back in the early days of the Obama administration when Chuck Hagel was the Secretary of Defense, he said—and I read this to more people around the country back when the quote actually came out, which was 2014. This is a quote from our Secretary of Defense under the Obama administration: ''American dominance of the seas and the skies and in space can no longer be taken for granted.''

Mark Milley, the Army Chief of Staff, said: ''In terms of artillery, the Army is outgunned and outranged by our adversaries.''

The Vice CNO of the Navy, Admiral Moran, said that for our entire Hornet fleet—F/A–18 fleet—we have 62 percent that are not flyable today.

So we are rapidly recovering right now. In fact, we are entering into a defense authorization bill, and one of the commitments we made is that we are going to have a defense authorization bill that will come up currently so that we will have it done well before the new year starts. That being the case, that will allow us to then go in with appropriations. One of the problems we have had before is that we are depending on renewing the previous year, and that is not going to work in this case.

So I think we are coming out ahead. I think we have pretty much convinced most people who are making the decisions that we are going to have do something to renew our nuclear modernization and get on with the rebuilding that is taking place at this time.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TRIBUTE TO GOVERNOR NATHAN DEAL

Mr. ISAKSON. Mr. President, knowing that we are in morning business, I would like the recording folks to divide my remarks in two separate places at the appropriate time in the RECORD.

I am here to do something every Senator does at one time or another in their career, and that is pay tribute to another politician, one back in my home State of Georgia who is retiring at the end of this year after serving two terms as Governor of the State of Georgia.

I am going to say great things about him because he is a great guy, he is a personal friend, and he has done a wonderful job, but I will tell you what else I am going to do. I am going to do something a little different.

When we elected Nathan Deal in Georgia, we had no idea at the time that it was a three-for-one. When Nathan, his wife, Sandra, and his chief of staff, Chris Riley, came, the three of them were a new A-Team in Georgia. Do you remember the A-Team on television? When you had a real disaster coming and you needed real help, you would call these guys, and they would come in from nowhere and solve your problem. They were tough. They were smart. Well, Nathan is that way too. He is tough, and he is smart. He is also crafty enough to realize that your wife always knows better, and he gave her a role in education in Georgia, and she has improved it a lot.

Chris Riley, his chief of staff and his pilot and a good friend, did a tremendous job and was a great liaison to all of government, whether it was other States or Congress, the Senate and the House.

Nathan has been a great Governor of our State. Georgia is now the No. 1 place in the country to do business. We have been elected I think 6 consecutive years or 6 out of the last 7 years as the best place in America to do business.

Georgia is thought of—by many people who think about it—as ''Gone With the Wind'' and the Old South, but Georgia is now the 8th largest State in the United States of America, having moved under his administration from 10th to 8th. Our votes in the electoral college are now prized, our role in politics is rising, and our influence in the country is rising—all because of that.

He has also brought new jobs to Georgia—not just repeat jobs or old jobs where we have added on but new jobs. Nathan was smart enough to realize that—when America started investing in cyber technology and when we found out that Fort Gordon, which is in Augusta, GA, was going to be the Cyber Command of the United States of America, our Governor didn't sit there and say ''Isn't that great?'' and go brag about what we were doing in the Federal Government; he established a cyber center in Augusta, GA, and invested $50 million initially to get it started.

Today, there are young people who are starting careers in Georgia in cyber technology, which is going to be a proving ground for jobs in the future, all because of Nathan's realization that if you build it, they will come. And if we built Fort Gordon, which the Federal Government did, and if the Cyber Command represented by the U.S. Army and the Signal Corps is going to be our cyber watchdog, then if we have cyber educational tools, like STEM subjects, in our elementary and high schools in our State, we will be so much better off.

Nathan did something else that very few Governors do—he built on another Governor's success and made it even better. Zell Miller, a former Member of this body and the person I succeeded after he left, created the HOPE Scholarship of Georgia, which everybody has heard about.

In Georgia, most of our kids who enter—from our State—a college go on a full scholarship paid for by the Georgia Lottery. It is called the HOPE Scholarship. Running for Governor on that proposal, Zell beat me, and he made me a big believer.

It has worked great, but Nathan said: You know, that is not good enough. We don't want to just help the top students who have B averages or better; we ought to bring up the bottom students so they have a chance to go and grow and maybe one day go to college. So he created something called REACH. REACH is a program he designed to reach out and bring in those who were not getting the help they should get. It stands for Realizing Educational Achievement Can Happen, and it is scholarships that go to kids who had no chance of having it happen, who subscribed to building themselves up and making themselves better.

Now, in Georgia, we have a lot of kids on the HOPE Scholarship, but 1,800 of those on the REACH Scholarship are kids who would have never been in college under a scholarship otherwise. His wisdom, his knowledge, and his ability to bring that REACH Program together is building future contributors who otherwise might have been future wards of the State.

Ironically, we are now debating the criminal justice system in the Senate. We are going to have some votes later on today on that and big debates about it all day long. We have been talking about both sides of the issue. Are you letting them out too early? Are you not letting them out too early?

Nathan Deal was the originator of reform of the criminal justice system to see to it that those who were getting ready to get out anyway—let me repeat that—those who were getting ready to get out anyway had an opportunity that when they got out, they would have more of an education or better preparedness for work because of the programs created by Governor Deal so that they could volunteer in prison if they wanted to, not just as a bribe for them to study or do something well but to give them a chance and sell them on the promise of a job and a future rather than just being a recidivist on early release.

By doing so, there are some amazing statistics that have happened in our

State in terms of the number of people who have gotten released who are getting jobs who weren't before and the increase in the number of African Americans in prison who are getting out and going to work rather than going back to prison. People he has reached out to in our prison system—we have had a decrease in our population not because we didn't convict them, not because they aren't serving their time, but because those who, when they got out—under the REACH Program and under the other programs we have, they got an education in their last couple years in prison and got out and made something of their lives.

That is the way you do things. It is easy for any of us to take the easy thing to do, but the hard thing to do is something a lot of politicians won't reach out for, but Nathan Deal has.

Something else hard to do is getting kids to read. I have three children and eight grandchildren. I was chairman of the board of education in my State, and I know some kids love to read, but a lot of them hate it. I used to always tell kids: You know, if you can't read, you can't do anything. If you can read, you can do everything.

Nathan's wife, Sandra, who is one of the most wonderful women you could ever possibly hope to meet, dedicated her services as first lady to reading comprehension for kids. In 8 years, she visited 1,000 schools in our 189 school systems and 159 counties. The reading scores in our State have gone up, not down. The focus on reading has gone up in our schools. Because of Sandra's leadership and her example, because she got in and did it, they are doing wonders.

When the Federal Government came out with our program on parks—you know the little passbook you get now when you go to a Federal park and you get it stamped, kind of like a passport—she did the same thing for our State parks, partnering with the Federal Government to increase the use by our kids and our families of the parklands they pay for as taxpayers.

I could go on and on and on, but to do so might be to talk too much. But you can't say too much about somebody who has contributed 8 years of their life to their State and brought home so many things—first in economic development, first in job creation, first in really making a difference in education, first in reforming the criminal justice system, first in getting cyber technology as the main heart and soul of Georgia's focus in the future—all those things. And his two partners on the A-Team—Chris Riley, his chief of staff, and his wife, Sandra—deserve equal credit with Nathan. I know I am supposed to brag about just Nathan, but I want to brag about all of them because I know them and worked with them daily. Those three as a combination make a great team.

Mr. President, I would like to go to the second subject I was going to talk about and ask the clerk to divide this in the RECORD at the appropriate place.

THE BLUE WATER NAVY

Mr. President, I want to talk about the blue water Navy for just a second.

Everybody in this room, everybody in the Senate knows that is an issue we had last week on the floor for a UC. We lost by one vote. We had 1 objection out of 100. One Member objected to its being adopted by unanimous consent, so it has not been adopted. It is going to be pending—another UC—sometime in the next few days, and the people working on the bill—I as chairman of the Veterans' Committee and others on the committee—are doing yeoman's work to try to get it through.

There are those who had some concerns who are looking for any information they can find to maybe knock the legs out from us in terms of the momentum we have gotten on the bill. Most recently, as of 2 o'clock this afternoon, CBO decided all of a sudden, in the middle of the night, to issue a new correction on its last estimate of what the program was going to cost, and in that estimate, they doubled it from $1.2 billion to $2½ billion. Of course, on that estimate that they before said they weren't going to make another estimate on—they decided to do it at the last minute—it is whatever figures they came up with, and I am not going to argue with their figures because they are as made up as any figures I might want to make up. I could make up as good figures as anybody else that show the cost of that to the taxpayer.

But I know this: There are somewhere in the area of 60,000 Americans who fought in Vietnam in the U.S. Navy, on the forces that used the water, who are not eligible for napalm- or Agent Orange-based cancers they developed because they didn't serve on the land. Blue water is those who served in the Navy and not on the land. The rest of those—the soldiers on the land—got it. So today we have soldiers who served in Vietnam, fought, risked their lives—some of them have already died—who, if they get cancer, if they get non-Hodgkin's lymphoma, or if they get some of the other cancers that have been conclusively proved that this is a derivative or a contributor to, they get a benefit, but if they only served in the Navy and they never put a foot on the ground, the VA uses that to separate them from being eligible. It is just like what some of these insurance companies do when they want to lower their cost—they lower their benefits.

Well, the VA did this as an agency under their authority to do so. It wasn't passed by the Congress. What we are trying to do is take something that has been taken away from them and give it to those soldiers who have earned it, deserve it, and ought to get it. Is it going to cost a little more? Sure. But it always costs a little more to do what is right rather than perpetuate what is wrong.

So when you have the chance today, Members of the Senate, or tomorrow or the next day to vote on the blue water Navy UC that we are going to try to offer, if you have a question, if you have read the CBO letter, if somebody is lobbying you, come see me. I won't hurt you. I can't. I am not smarter than anybody, so I won't intimidate. But I will tell you the truth, because as chairman of the Veterans' Committee, I care about our vets. We owe them everything. They risked everything to be here today, and they deserve, if we made a wrong in the past, for us to fix it.

The VA deserves to be pointed out when they make a mistake, as they did in this, so they never make it again.

Together we can be a great team, but separated, we have veterans who lose, and we are never the great team we ought to have.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TRIBUTE TO KAY RAND

Mr. KING. Mr. President, before coming here, I used to teach a course at the college level on leadership. At the time, what we tried to do was establish, over the term of a semester, the qualities of good leadership. One of them was that in any complex job, any difficult job, any challenging job, nobody can do it alone. Nobody can do it alone.

That description certainly applies to our job here in the U.S. Senate—complex, challenging, and difficult—and we don't do it alone. In fact, all of us have staff. We might let the public think we are doing all of these good works on their behalf, but the truth is, we are supported by wonderful people who work long hours, are creative and able, and really enable us to do the people's work to the extent that we are successful. That is what I want to talk a little bit about today.

We don't talk about staff very much, but they are really essential to the operation of this institution, whether it is the people here on this floor who allow us to do our daily work on the floor, whether it is committee staff or, particularly, the personal staff of each Senator, both in our home State and here in Washington.

I rise today in sadness because this week—or actually the first week in January—marks the end of a 25-year association for my chief of staff, Kay Rand, and me. Kay is a young woman from Northern Maine—Aroostook County—in the most northern part of our State. She grew up on a potato farm, learned the value of hard work, went to a public college in the southern part of the State, and she and I have worked together off and on for 25 years. She was my chief of staff when I

was Governor, and she has been my chief here in Washington.

Anything I have achieved in my public life has been in many ways attributable to the work of Kay Rand. She meets all those criteria, and I was just sitting down and going through the list that we used to come up with at the end of each semester about the qualities of leadership: vision, teamwork, empathy, management, communication, optimism, decisiveness, doing homework, integrity, and character.

Staff members are so important to our functioning here. They are in many ways our ambassadors. They do research. They give us background. I call them the ball bearings of the legislative process. They allow it to function.

Kay is certainly one of those people. She is a superb manager. She manages not only the office here in Washington but the staff back in the State—manages personnel matters, encourages, supports, provides empathy and listening, and she does it like no one I have ever met.

She also has a vision. She is not just a functionary or somebody who says ''Well, we are just going to do this, this, and this'' or ''We are going to hire that person.'' She has a vision of public service. She has a vision of what we can be and what we can do as public servants. And she never lets me forget that is my job to be a public servant, not simply an officeholder.

She is a sounding board. She is the person I go to for advice, and she always has good advice.

By the way, one of the things we used to talk about in my classes was if you have staff or people who work with you who only tell you what you want to hear, that is a disaster for your leadership. You have to cultivate and value and enable people who are willing to tell you when you are wrong. Indeed, Kay has never had any trouble doing that with me.

In fact, when I was first elected Governor of Maine, we had the whole staff and cabinet, including me, do a personality test; you know, what are your strengths and weaknesses? I don't remember the specifics, but I do remember that Kay scored 0 on the respect for authority scale. I know it was a good scale because the chief of police and the adjutant general both scored 100. That is so important. You have to have somebody who will tell you when you are on the wrong track, when you are not following what you said you were going to do, when you are not really thinking about what the proper issues are or what the proportion is for those issues. That is why Kay has been so valuable to me over these 25 years. I could always count on her to tell me the truth. That is an essential function for someone in a position of that kind of responsibility with a public official.

She also is a perennial optimist. She always—it is amazing, of all the years we have been together and the discussions we have had and all the issues we have talked about, I always felt better at the end of a conversation with Kay Rand than I did at the beginning, with one exception. The one exception was when I was in the car, driving from Bangor to Augusta when I was Governor, and she called me to tell me that there was a $75 million shortfall in the State budget because of the recession of 2001. That was not a happy conversation; there was no way to feel better. Other than that, Kay always had a way of making me feel better leaving a conversation than I did entering into it.

She also listens, which is an essential part of leadership. By the way, when you talk about a chief of staff, you are talking about a leadership position. She listens, and listens empathetically, and everyone feels that they are valued. That is one of the major things she has brought to my office and to my life over the past 25 years.

She listens, she shares, and she is empathetic. She has no respect for authority. She is honest, and she has made an enormous difference in my life and, I believe, in the life of the people of Maine. She has never lost her passion for public service, her deep affection for and understanding of the people of Maine, and the responsibility that those of us who have been entrusted with the public charge, the public trust—with the responsibility we have to remember who sent us here, to remember what the values are, what the issues are, what we can do to represent the people of Maine. Kay Rand has always reminded me of that because that is who she is.

Facetiously, I have often said that my standard for leadership can be summarized in one sentence: Hire good people and take credit for what they do. I have been doing that for 25 years.

Kay Rand is an extraordinarily able, devoted, and serious public servant. She is leaving—well-deserved—going back to Bar Harbor, ME. That is not a bad place to be going back to. I understand it fully.

I just want this Senate to know and the people of Maine to know that an important public servant is leaving us but has left us and left me with an everlasting legacy of leadership, integrity, and character. She, in many ways, has taught me how to lead.

I will miss her. I will miss her as a friend. I will miss her as a leader in my office. I will miss her as a person who has made such a difference in my life, in my family's lives, and in the lives of the people of Maine.

Kay Rand is an extraordinary person. She has done an amazing job for the people of Maine, for the Senate, and for me. Personally, I will make it, but it is going to be difficult. It is going to be difficult. Kay Rand is a very special person, as all of us who know her can attest.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Mr. President, I want to thank the Presiding Officer and acknowledge my friend, whom I deeply admire, sitting in the chair. It is great to give this short speech in front of him. It is good to see the Presiding Officer, my friend.

I want to say good afternoon to everyone, and this is a moment in which I want to give a sense of gratitude.

I want to thank my colleagues for their incredible work and leadership and, especially, recognize the chairman of the Judiciary Committee, Senator CHUCK GRASSLEY. I want to thank Senator DICK DURBIN, who has been a hero of mine on the issue of criminal justice reform, as well as MIKE LEE, who has been a champion, all of their staffs, everyone who is involved in the tireless work and effort that has been going on in what is the pending bill on the floor before us now, the FIRST STEP Act.

I also want to recognize the incredible people—many of them advocates, many of them citizens, many of them activists. So many of the groups have been pushing, challenging, demanding that we have criminal justice reform in this country. A lot of these groups have been organized and working for years and years—years before I came to the Senate—to try to bring forward criminal justice reform. They brought insight, wisdom, and they helped to shape this legislation. Their advocacy has made this a better bill.

It is because of the work and the diversity of voices that have been involved in this process that we stand poised today to pass this bill, to begin to deliver some reforms to our savagely broken criminal justice system.

I am proud of this coalition. I am proud that the coalition has people all across the political spectrum. I am proud that the coalition has people from diverse backgrounds. This is how change has been made in this country for generations.

I want to return to the fact that we are poised to pass this bill because of the deeply, savagely broken criminal justice system that we have.

Since 1980 alone, our Federal prison population has exploded by 800 percent. There has been an 800-percent increase in our prison population. This is because of failed policies by this body that created harsh sentencing, harsh mandatory minimum penalties—three strikes and you are out. These are the bills that caused this exploding population of prisoners to become the largest in terms of percentage on the planet Earth.

America is now the preeminent incarceration Nation. We are the incarcerating capital of the planet Earth. Even though we only have 5 percent of the world's population, one in four of the incarcerated people on the planet are in the United States of America. One in three of all incarcerated women on the planet Earth are here in the United States of America.

Today, close to one-third of all adults in the United States have a criminal record. We have criminalized the United States population. About one-third of Americans have a criminal record.

After decades of failed Federal policies and after decades of going in the wrong direction, we now have an opportunity to reverse course in a significant way.

Our criminal justice system, as it stands right now, is an affront to whom we say we are as a nation. We profess—we swear an oath to the flag that we are a nation of ''liberty and justice for all,'' but our criminal justice system violates those values.

I believe you can tell a lot about a nation—not by its buildings, not by its structures or its wealth, but you can tell a lot about the true character of a nation by looking at its prisons and seeing whom they incarcerate. You can go to countries with authoritarian regimes and see how they imprison their political opposition. You can go to some countries and see they actually incarcerate members of the media. We don't do that in the United States.

In this country, if you go into our prisons and our jails, you see, overwhelmingly, that we incarcerate those who are marginalized in our society, those who are vulnerable in our society. Overwhelmingly, in the United States, our prisons and jails are full of those Americans who are already hurting and struggling and often need more help than a system that hurts them. Our prisons and jails have become warehouses for people who are struggling with trauma, struggling with disease, struggling with illness. Right now, our prisons and jails are filled overwhelmingly with people with mental illness, overwhelmingly with Americans struggling with addiction, overwhelmingly with Americans who are survivors of sexual assault, and also overwhelmingly, it is full of Americans who are low-income, poor folks and people who are disproportionately people of color.

This is a system in our country that feeds upon certain communities and not others. The War on Drugs—which has fueled so much of the explosion of our prison population—has really been a war on certain people and certain communities and not on others. I am the only Senator who lives in a majority Black and Brown community. It is low income, but I can tell you right now, my community does not mistake wealth with worth. I live in an inner-city community, and when I go home at the end of most weeks, I draw strength from my community. I see evidence of the incredible growth that has occurred. These are good people in a city. They pull together, work together, and can accomplish more things than other people who are disrespecting, disregarding, and just plain dissing them don't think is possible. I am proud of my community.

Despite all the work that has been done in the city of Newark, I still live in a community that is both overcriminalized and underprotected because of Federal policies—because of policies in this body that mistake severity of a punishment with the actual security of a people. We know there is no deeper proclivity to commit crime among people of color, but there is a much deeper bias in the way our drug laws have been and are being applied, which disproportionately target people of color and low-income communities.

We have a system that for over a century, we as a nation have overcome slavery—decades of Jim Crow—but author Michelle Alexander calls our criminal justice system ''The New Jim Crow'' because of its disproportionate impact on people of color. We now have a criminal justice system where there are more African-American men under criminal supervision than there were enslaved in 1850. This is a punishing reality that I have seen with my own eyes, where people in certain privileged communities don't face the kind of scrutiny, the kind of arrests that you do in other communities in our country.

The truth about human beings is that all of us make mistakes. That is an inevitable part of life, but the way our country's drug laws are designed and applied, a kid in a more privileged community or on a college campus gets a chance to stumble—to learn a lesson. There is a wide margin for error, but a kid living in a community that is low income or a community that is Black and Brown, gets trapped by a system that disproportionately impacts their lives more than it does others.

Bryan Stevenson said we live in a nation ''that treats you better if you are rich and guilty than if you are poor and innocent.''

In the USA, we see Americans getting trapped in a system where the data is clear. There is no difference between Blacks and Whites for using drugs or selling drugs in the USA. There is no difference, but if you are Black, you are almost four times more likely to get arrested for selling drugs and almost three times more likely to be arrested for possession of drugs. This is one of the things that has led to such a dramatic racial disparity in incarceration in the USA. People right now in our country are sitting in prisons for doing things that two of the last three Presidents admitted doing, but they encounter a different type of justice system. The scales of justice in America are not balanced. This is a system that hurts people, and it hurts people who are often already struggling, often already hurt.

What we do to people in this country with a nonviolent drug offense is like getting a life sentence for the rest of your life. Even after you have come out of a prison sentence or even if you received no time served at all, once you are convicted of a nonviolent drug offense—again, like people in this body and in the White House have done before, potentially in this body; I am making no accusations—but once you have been convicted of a crime, for the rest of your life, if you are one of those folks who has been convicted of a nonviolent drug offense, you have to check a box that says you are going to have difficulty being hired, you are going to have difficulty getting housing. You can't get many business licenses. You can't get food stamps. You can't get a loan from the bank. The American Bar Association points to 40,000 collateral consequences that come with a criminal conviction in this country—40,000 collateral consequences that follow you for life for a criminal conviction.

We are debating a funding bill that is dominating the news, but we are already throwing an exorbitant amount of taxpayer dollars into the black hole of mass incarceration. That is not making us safer, and it is not making us stronger. In fact, it is making us a more vulnerable community.

We have been using more government resources—not to offer more support for law enforcement, not to offer more opportunities for Americans to get mental health care, not to help more folks get access to drug treatment, not to rehabilitate people, but we have been spending more and more money actually hurting more Americans by putting them into a system that actually harms them more often than helps them with their addiction, with their mental health issue, with their trauma. We are using our resources to compound hurt and harm that people have already endured to incarcerate more Americans than ever before in our history, which ultimately makes our neighborhoods and communities one that is like mine: less safe, not more.

Despite the fact that our infrastructure in this country is crumbling—that our trains and roads and bridges are in desperate need of repair—we have been investing in a different type of infrastructure. Between 1990 and 2005, a new prison in this country has been opened every 10 days. We spend billions of dollars for the construction of prisons and jails to warehouse human potential: folks who often need help, need counseling, need mental health care, need rehabilitation. We have been taking the far more expensive way and warehousing human beings in our prisons and jails instead of helping them.

We call this system a justice system. It is not meant to be a system of retribution; it is meant to be a justice system. It is not meant to be a system of punishment only; it is meant to be a justice system. We are Americans. We have ideals of restoration and rehabilitation. Ultimately, in the United States of America, we all believe this is a nation where redemption is possible.

One of our former Senate colleagues who stood in this same well got into a lot of trouble in his youth. He was convicted of multiple crimes—crimes like arson and assault. He attacked a police officer. He actually became one of the most serious outspoken advocates for restoring this broken system. It was Senator Alan Simpson. This is what he once wrote. He said:

I was lucky that the bullets I stole from a hardware store as a teenager and fired from

my .22-caliber rifle never struck anyone. I was fortunate that the fires I set never hurt anyone. I heard my wake-up call and listened—and I went on to have many opportunities to serve my country and my community.

When a young person is sent ''up the river,'' we need to remember that all rivers can change course.

He went from an arsonist, a person who attacked police officers, and a person who was admittedly guilty of crimes to a Senator because we are a nation that believes in redemption. The fact is, when most people go to prison, 95 percent of those folks right now in State prisons will come back to our communities. The question is, Will they come out further harmed by the system or better able to start again, better able to avoid more criminality or will they be people who actually help to make us safer and stronger, to be elevated toward that ideal of full citizenship?

Those of us in this body who proclaim Christian faith know the story of the prodigal child, that child who did wrong, but yet when he came back, his father embraced him. That story is held in the Christian community as an ideal, but what do we do in America? Is it the story of the prodigal child? It is not because this is a system that right now inflicts harm on those incarcerated rather than trying to rehabilitate them.

This is a system that still subjects young people to what other countries and human rights activists in this Nation call torture: juvenile solitary confinement. This is a system that, in some places, still denies women access to basic sanitary products. This is a system that, in some places, still allows the shackling of pregnant women during birth.

This is a system that burdens families, hurting them economically and fracturing entire communities like the one I live in. It is a system that inflicts poverty by concentrating its attacks on low-income neighborhoods. In fact, according to a study from Villanova University, the poverty rate in all of America would be 20 percent lower if we had incarceration rates in line with our industrial peers. This system, as a whole, is a cancer on the soul of our country, and it is hurting every single American.

Today we have an opportunity to do something about addressing the ills of this system. That is why I am proud this is a bipartisan compromise bill with extraordinary leadership on both sides of the aisle, saying: Hey, there are things we need to begin to correct for this system. There are ways to make this system more fair. There are ways to make this system better reflect our collective values and ideals.

Because of this collection of work done over the last years, this bill includes critical sentencing reform that will reduce mandatory minimums and give judges discretion back—not legislators but judges who sit and see the totality of the facts.

Thanks to the work of Senator DURBIN, the racially biased crack cocaine sentencing disparity has already been negotiated down from 100 to 1 to 18 to 1. It should be equal. It should be 1 to 1, but we made progress. The problem was the change wasn't retroactively applied. Because of that, there are people sitting in jail right now for selling an amount of drugs equal to the size of a candy bar who have watched people come in and leave jail for selling enough drugs to fill a suitcase. We never made this change retroactive. That is not justice. Making this fix in this bill alone will mean that thousands of Americans who have more than served their time will become eligible for release, and it addresses some of the racial disparities in our system because 90 percent of the people who will benefit from that are African Americans; 96 percent are Black and Latino.

The bill includes a provision that I have worked on for the past 4 years that will effectively end the use of juvenile solitary confinement among young people under Federal supervision.

This bill also takes an important step but still an incomplete step in reforming the way women are treated behind bars. This bill will ensure that incarcerated women will have access to free sanitary products, and it will ban the shackling of pregnant incarcerated women. Last year, I introduced a bill that includes this reform, among others, and I am happy to see it now as part of this legislation.

Can we do more? Yes. This legislation is the product of compromise. This legislation is just one step in the right direction. If we pass this legislation, it will be a step in the right direction and I hope will be the momentum for greater, urgently needed reforms that will be supported by conservatives in this country and progressives.

Let's make no mistake. This legislation, which is one small step, will affect thousands and thousands of lives. Those are not just some people. When you affect the lives of some Americans on issues of justice, you affect the lives of all Americans because we as a people cannot fall into that trap of separateness, the insidious idea that we think that there are some throwaway people whose dignity we can assault without assaulting our own.

Dr. King said, ''Justice is indivisible,'' and he was right. We cannot separate a system of oppression in our country and think that it won't affect us all as a whole. It could not be further from the truth. You cannot deny justice, deny dignity to any American without its affecting us all. You cannot cheapen justice for some without its cheapening the justice of us all.

As a man much greater than anyone in this body once said, ''Injustice anywhere is a threat to justice everywhere.'' We are all caught in an inescapable network of mutuality that is tied in a common garment. We cannot suffer the illusion of separation when we think this criminal justice system that is so punishing of some is not hurting this country as a whole. Our criminal justice system, as it stands right now, is a gaping, self-inflicted wound. This bill is a step—a step—towards healing.

It has been perhaps one of the greatest honors of my life—easily one of the greatest honors as a Senator—to have worked in a bipartisan coalition over the last 5 years to get to this point. I have had the opportunity to sit down with people in common cause—from Republicans on the far end of the conservative spectrum to individuals with whom and organizations that on most other issues, I often disagree. Yet we have found common ground because this system is an affront to our most fundamental common values on both sides of the aisle—the value of freedom, the value of liberty, the value of equality, the value of fairness, and the value of justice. We share those common values because we still live in a nation in which the ties that bind us are stronger than the lines that divide us.

This bill is a recognition of the fact that we are bound together as a people by the most precious ideals and humanity—the ideals that were put forth by our Founders, which have been aspired to in every generation and have been worked on in every generation to make us a more perfect Union.

We know that our Nation's history—the bills and debates we have seen in this very body—is scarred by many wretched injustices—slavery and the denial of universal suffrage, Jim Crow and segregation. Like people—individuals who have done wrong in the past—our Nation has demonstrated the capacity to change. We as a nation have demonstrated the capacity to improve. Like people, we have demonstrated as a nation the capacity to redeem ourselves. None of us should ever be judged by the least of what we have done but, instead, by our ability and our capacity to find redemption.

Every generation has worked to make our ideals more true and real, which makes the dream more accessible to us all. We have stood for each other and have worked with each other. We have sacrificed with each other despite our differences in race and differences in color and differences in religion and creed. Every single great gain in this country has been made by multiethnic, multiracial, broad-based coalitions because we recognize the ideal that is above the President's desk, written in stone here, which is the ideal of E pluribus unum—''out of many, one.'' We know that it is not just a slogan, that those aren't just words; it is a calling to the people of this country.

I want to see more than the bill we have today. I know we can do more than just this bill we have today, but this is a first step. It is a necessary step. For the sake of thousands of Americans whose lives will be directly

affected, this is a step in the right direction. I hope that we all come together and make this first step our momentum on the journey. We have work to do in this country, and I am proud to have been a part of what can be an historic step in the right direction. May our work continue.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Ohio.

Mr. PORTMAN. Mr. President, I ask unanimous consent to the engage in a colloquy with two of my colleagues.

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

RESTORE OUR PARKS ACT

Mr. PORTMAN. Mr. President, I am here on the floor to talk about legislation that helps our national parks, which is something that everyone on this floor has been supportive of over the years.

I am here with a couple of my colleagues who have spent a lot of time and effort being focused on that issue. One is Senator ANGUS KING, who is an Independent, although he organizes over there with the Democrats. He and his colleague, Senator MARK WARNER—a Democrat from Virginia—have been very involved in this issue and have introduced legislation to address the unmet needs in our parks, which is a critical issue right now.

There is a $12 billion deferred maintenance backlog for our national parks. Many of our roads and bridges and water systems and railroads in my home State—where we have a railroad running through a national park—are crumbling, and we need to address it. So we are going to hear a little from Senator KING about that.

The other colleague I want to talk about is Senator ALEXANDER. He has been a champion for the parks over the years. In fact, my recollection is that a few decades ago, President Ronald Reagan named him to a commission on the outdoors. It was probably when he was the Governor of Tennessee—one of the many jobs he has had, including being the Secretary of Education and the president of the University of Tennessee. Through all of his jobs and throughout his lifetime, he has been a huge supporter of the national parks and understands as well as anybody else—given that he is from Tennessee, where they have lots of unmet needs—the desperate need, right now, for us to figure out a way to address this maintenance backlog.

I mentioned $12 billion. That is a big price tag, and it is more than the funding that we give the parks every year could possibly accommodate. Again, it is about long-term capital costs. I think it was Senator ALEXANDER and others who said it is almost like we have a debt unpaid, and that debt needs to be paid in order for us to continue to have our national parks be the shining example for our country and, really, for the rest of the world. There were 330 million visitors last year at our national parks. Think about that. Visitation is up; yet you have this crumbling infrastructure and huge issues that must be addressed.

We have come up with a creative way to deal with it by taking the revenue from the offshore and onshore Federal energy projects and saying, OK, if it is on Federal land, some of the royalties come to the Federal Government. Let's not take the money that is already going to the Land and Water Conservation Fund and other good purposes; let's take half of the part that has no other allocation currently and use it to address this issue. By doing so, we think we can address half of the backlog—about $6 billion over the next 5 years.

It so happens that the National Park Service has been asked to look at all of these projects and come up with which ones are of immediate concern, where there is a true crisis—when you have to address it now or the need is going to get much greater and when, by the way, the taxpayers' costs are going to increase dramatically because this is a compounding problem. If you don't fix the roof, then you end up having to repair and replace the entire building.

We believe there is a way to do this, a sensible way for us to use some of this funding. Guess what. So do a lot of other people all around the country. We have support from all kinds of groups that are supporting the parks around the country. There are conservation groups and groups that care a lot about what the experience is of the visitors at the parks.

We also have support from our colleagues in the House, as they have a companion bill that is bipartisan also. Republicans and Democrats alike are supporting it. It has gotten strong support in their committees over there, as this bill has gotten in our committee here. In fact, it got out of the Energy and Natural Resources Committee with a big bipartisan vote.

Finally—and in some respects, maybe most importantly—as a former Director of the Office of Management and Budget, the administration is supporting it. Sometimes the administration is careful about supporting proposals that have to do with this sort of spending—the mandatory spending, so-called—that comes from the revenues of these natural gas and oil resources that are on Federal lands, offshore and onshore.

So we have the Trump administration supporting it, and we have so many colleagues on both sides of the aisle supporting it, and we have so many outside groups supporting it. Why? It is just time to do it. It is a very sensible idea that will actually save taxpayer dollars over the long haul because, again, by fixing these crumbling projects and infrastructure, we will not have the huge additional costs that will be borne otherwise. Let's face it—these parks are our treasures and our legacy, and we need to protect them.

With that, I ask my colleague from Tennessee to say a few words and my colleague from Maine to say a few words in whatever order they would like to speak.

Let me finally say—and this is on a sad note—that on Monday, I learned that my colleague from Tennessee, who is about to speak, has decided that at age 78, it is time for him to enjoy a more peaceful and enjoyable lifestyle outside the Senate. He will not be running for reelection in 2 years. Yet 2 years is a long time, and we are going to get a lot done together. This bill is one of them.

I am going to miss him a lot. He is the best legislator, I believe, in the Senate. He knows how to get things done, and that is saying a lot, as there are a lot of great legislators here. He can bring together disparate parties, not just Democrats and Republicans but sometimes those within our own party. Of the personalities and so on that are not easy to deal with, he manages to smooth all of the feathers and get things done, and this park bill has been an example of that.

He has been a leader on this issue, and I have had a great experience in working with him already. Again, I hope, in working together, this will be one of the many legacy items about which he will get to talk to his children, grandchildren, and great-grandchildren.

With that, I turn it over to Senator KING from Maine and then to Senator ALEXANDER from Tennessee.

Mr. ALEXANDER. Mr. President, before the Senator from Maine speaks, I thank the Senator from Ohio for his generous comments.

I defer to the Senator from Maine.

Mr. KING. First, Mr. President, I thank the gentleman from Ohio for bringing forth this proposal that makes so much sense and that, as he points out, has bipartisan support. In fact, I don't know if I have ever heard the Senator make so much sense twice in the same time of being on the floor—about this bill and about Senator ALEXANDER. He is right on both counts. We are certainly going to miss the Senator from Tennessee, but like the characters in ''The Adventures of Tom Sawyer,'' when Tom and Huck were in the attic of the church during their own funerals, he is still here. He is going to be here for another 2 years, and we are going to get a lot done.

I had a very formative experience as the Governor of Maine. Every year, we used to go to New York to talk to the rating agencies about our bond issues and the bond rating. Of course, the desire of any Governor of any State is to have a good bond rating so that you will pay less interest.

At one point, I was making a presentation to the bond council and the rating agencies in New York, and I said: We have low debt, and we don't take on much in bonds, and we pay them off in 10 years. We are really keeping the bond indebtedness down.

Then one of these green eyeshade guys stopped me. He said: Governor,

when you are not fixing things, it is debt just as if it is on your balance sheet.

That is what we are talking about here. We are talking about a debt that is going to have to be fixed sooner or later, and we will have to come up with a method of funding it that will be very creative and that won't take funds for another purpose. It will be symmetrical because it will take funds from the utilization of Federal lands to provide the maintenance and support of other Federal lands for the National Park System.

The Senator from Ohio mentioned that 330 million people visited our national parks last year. That happens to be the entire population of the United States.

We have a wonderful park in Maine—Acadia. We had 3.5 million people last year at that park. The problem is, I have seen leaky roofs and roads that need repair, and if we don't do that, we will not be serving the public, and we will not be serving the next generation of Americans that wants to enjoy the parks. Now we will have an opportunity to do so.

It is supported on a bipartisan basis in this body, in the other body, and by the administration. This is something we ought to be able to do, and it is a responsibility we have. I would say maintaining what we have is one of our most fundamental responsibilities, and this is a bill that will enable us to do that in a way that is responsible fiscally.

I emphasize that if we don't do this, we will be adding to the national debt. We are adding to the national debt, and that is going to have to be paid. Construction costs always go up. So, in effect, it is going to have to be paid with interest.

Now is the time to take this step in order to maintain the national parks in the condition that our American public deserves. They expect us to meet this responsibility. So I want to compliment and thank the Senator from Ohio, the Senator from Tennessee, as well as our colleague MARK WARNER from Virginia, for bringing this bill forward. We have now added cosponsors from both sides of the aisle, and we are ready to make this happen. There is no reason that we can't move forward, hopefully in this Congress, if not very early in the next Congress.

This is one of those things that is not all that glamorous, repairing roofs and doing trail maintenance at national parks, but it will mean something to the people who come. Someday, years from now, a family will walk through Acadia National Park or Yosemite or the Great Smokies or the great parks in Ohio, and they won't know who fixed that trail. They won't know who repaired that visitors' center. They will just know that they have had one of the most memorable experiences of their life, and somebody helped that to take place. I just hope that that somebody is us because we are able to do it. We have the means. We have the vehicle. Now is the time to move this bill, to do something to pay a debt that we all have to the American people.

I yield to my esteemed colleague from Tennessee.

Mr. ALEXANDER. I thank the Senator from Maine and the Senator from Ohio. I often say to my constituents in Tennessee that they might look at Washington, DC, as if it were a split-screen television. On one side, for example, we had in September all the mudslinging back and forth during the Judge Kavanaugh hearings, but on the other side of the screen, at the very same time, in the very same Senate, in the very same Capitol, we had 72 Senators working together on opioids legislation. Senator PORTMAN played a major role in that. We had the songwriters bill that Senator HATCH and I had been working on for 15 years. We had appropriations bills with a fourth year of biomedical funding. And we had, coming out of the Interior and Energy Committees in our Senate by a vote of 19 to 4 in the Senate and unanimously in the House, a piece of legislation sponsored by Senator PORTMAN, Senator WARNER, Senator KING, and me—and others—that will do more for our national parks system than has been done in 50 years.

I don't know how often my colleagues here—someone says: Well, why don't you guys ever do anything? Why don't you stop arguing with each other? Just on the floor a moment ago, I heard the Senator from New Jersey talk about a prison sentencing bill that the Senator from Utah was talking about at lunch in the Republican caucus, and then President Trump was talking to me about it on Sunday night. They are all for it. It is a huge change in prison sentencing.

I mentioned a number of bills. So on the side of the split-screen television, which is the problem-solving part of the U.S. Senate, there is the Restore Our Parks Act, the Portman-Warner-King-Alexander bill that will do more for the national parks system—the 418 units of it—than anything in a half century. It not only has our support, it has in the House of Representatives 228 bipartisan supporters. It has in the U.S. Senate 37 of our 100 Members already, and I suspect it will have more, and it is strongly supported by President Trump. It has 100 conservation groups for it.

Let's think about that for a minute. What else can you think of that has President Trump, 100 conservation groups, 228 House Members, and 37 Senators in favor of it that is such a good idea? I can think of nothing else. For example, in the Smoky Mountains—and Senator PORTMAN and his family have been there, at our home, more than once; he is a great outdoorsman, he is a great leader for the national parks in many areas—there is a Look Rock Campground that has been closed for several years. We would have 5,000 families visit it if it were open. The problem with it is the roof leaks and the bathrooms don't work, so it is closed. We are going to fix that, but it is true all over the country.

So I guess the logical question is, Why don't we go ahead and pass it? The problem is the way we pay for it. Senator PORTMAN is a former Budget Director, and Senator KING discussed the funding of the issue. It is because we paid for it with something we call mandatory funding. But it is not the kind of mandatory funding that we usually worry about in the Senate. That is when we borrow money and use it to pay for Medicaid, Medicare, Social Security, other entitlements, and that is running our debt way up. All of us are worried about that. This is different in three ways. The Senator from Maine talked about it. This is really debt that we are reducing. Deferred maintenance is debt, and this is the backlog that we intend to fix.

The second issue is that we are using real money. We are not borrowing money to spend; we are taking money from drilling for oil or for gas or for other energy on revenue, paying for other needs, and then we are using some of that money—up to $6.5 billion, I believe—to pay for about half of the deferred maintenance needs of the national parks system. That is not a budget gimmick; that is real money to reduce debt.

Then it is, in one other way, not the same as the mandatory funding we often talk about here; it is authorized only for 5 years. It is a limited, targeted program using real money to reduce debt. It is supported by Republicans and Democrats, the Senate and the House, the Office of Management and Budget, the Trump administration, and the President himself.

So I agree with the Senator from Maine, and I congratulate the Senator from Ohio. He and Senator WARNER of Virginia were the two Senators who came up with this idea, working with conservation groups. Senator KING and I had a similar idea, and we put the bills together. We thought the right person to be the principal sponsor is the former Budget Director, Senator PORTMAN, because we are talking about spending money, and Senator WARNER, who has been such a leader in the area, and Senator KING.

So I agree that we ought to pass it this week with that kind of support. It is a terrific idea that almost all Americans will support. But if it doesn't pass this week, it ought to be the first order of business in the first month we get back. I look forward to working with the Senator from Ohio and the Senator from Maine to help accomplish that.

Mr. PORTMAN. Mr. President, I appreciate the comments of both of my colleagues from Maine and Tennessee. They are both absolutely right. This legislation is ready to be passed. We have done the hard work and the research. We have looked at a number of creative ways to handle this backlog that everybody wants to get at.

Everybody agrees that our national parks are the jewels of our country, and we need to address them. Everybody knows that if you don't fix the roof and the building ends up falling down, you have to pay a lot more. So if this is to the point where this is a debt unpaid, it is also a debt that grows because it compounds over time. These are two former Governors who just spoke, and they did this in their own States, capital budgeting; in other words, not just looking at your annual expenses—in this case, park rangers and naturalists—but actually looking at how to take a building that is about to fall down and put an enormous amount of expense into that to ensure that you save money over time.

I will say that I have been all around my State. We don't have parks that are quite as big as Acadia or the Smokies, but we do have a lot of new parks in Ohio. One is Cuyahoga Valley National Park, which is actually number 13 in the country now in visitation, between Akron and Cleveland, OH. It is a fantastic opportunity for young people—school kids—to come every year. By the way, there is lots of volunteer work going on at all of these parts, including in Cuyahoga Valley. So we are not talking about displacing the volunteer work that is being done. It is very effective at building the trails and ensuring that young people can be involved in helping our parks if they have an opportunity to do so.

There are also a lot of friends groups out there. The friends group at the Cuyahoga Valley National Park happens to be headed by the national president of the Association of Friends Group. All of these parks have great groups of private citizens who give their money, private foundations who give their money for our national parks. That is all needed, but they cannot afford the $12 billion maintenance backlog that is the responsibility of the Federal Government.

So $47 million is an example of what is needed at the Cuyahoga Valley National Park to fix that railroad I talked about, to fix the bridge I saw that is about to fall down, to fix the roof at a visitors center that is about to fall down.

It is also $47 million, roughly, for a monument off Lake Erie, the Perry Monument. Some of you know the story about how there is a seawall there to protect the Perry Monument and the interpretive center there. That seawall is crumbling, and it is a huge expense to repair a sea wall, as a coastal Governor like Governor King will tell you. So that is a maintenance backlog issue that has to be addressed in this kind of a capital bill.

So I am very excited about the opportunity to get this done. I think Senator ALEXANDER is right. It is going to be difficult to get it done this week because we are up against the end of the year and we have so many other priorities. On the other hand, this one has not just bipartisan support, but I would say nonpartisan support and bicameral support. It is one of those bills—I think Senator ALEXANDER is exactly right—we ought to put it at the top of the agenda. It will be a great win.

I think the American people are looking for wins right now. I think they are wondering, how can a divided government work? Here is an example of how it can work. We have Republicans and Democrats alike saying that this is a problem—long in the making, by the way. It didn't just happen recently; it has been years and years of our delaying these expenditures, these capital improvements that are needed—and wouldn't it be great.

So we are going to hit the ground running. Come January, we will reintroduce our legislation. Senator ALEXANDER, Senator KING, Senator WARNER, and I are going to be out there getting cosponsors from staff who happen to be listening. We want to talk to you and your Member because you ought to be on this bill if you are not one of the more than one-third of the Senate who are already a part of it.

I just can't thank my colleagues enough for showing up today to talk about this. I know Senator WARNER is busy with other meetings right now, but speaking for him, I will just say that he came up with this very creative idea. I want to thank him for his hard work on this. I know that in his home State, with the Blue Ridge and other great national parks, he has the same sense of urgency that all of us have, which is that if we don't address this now, we are going to see the visitor experience be diminished, and we are going to see a lot of higher costs for taxpayers.

This is the time that we have the organizations behind us. Senator ALEXANDER talked about 100 conservation organizations. I didn't know there were 100 conservation organizations, but they are all on board, and they understand that this is the opportunity to do something very significant.

I think Senator ALEXANDER is right; probably in the 100-year history of our national parks, there has never been a single bill that could make such a big difference—maybe not since Teddy Roosevelt started acquiring the land to protect our national treasures.

So we need to get this done. I thank my colleagues and I welcome them to make any final comments.

Mr. KING. My only final comment is to suggest a friendly amendment as to how to allocate these funds. I suggest alphabetically, and the fact that Acadia is in Maine is a mere coincidence.

Seriously, I think my two colleagues have made the case. Hopefully, we are going to be able to move this again through the committee. As Senator ALEXANDER reported, it has already been considered and reported favorably by the committee and, hopefully, it will be one of the first items of business in the new year.

As Senator PORTMAN has said, this is a win. It is a win for the American people, and I think it will be reassuring that we can, in fact, find ways to work together on important national problems. Senator ALEXANDER listed the things that have been done. The only one he didn't mention was the farm bill that passed last week, I think 87 to 13—heavily negotiated, entirely bipartisan, makes a real difference for rural America. Here is a chance to make a difference for all of those who love and treasure our national parks. I look forward to working with my colleagues to make it happen.

Mr. ALEXANDER. I thank my colleagues. I will conclude the colloquy, if that is all right with Senator KING and Senator PORTMAN, and then I ask unanimous consent for 10 minutes to speak about Senator HATCH.

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

Mr. ALEXANDER. Prior to doing that, I want to join Senator PORTMAN in acknowledging the leadership of Senator MARK WARNER of Virginia, along with the conservation community, in developing the bones of this bill. We had competing bills; he and Senator PORTMAN were out there first, so we did what we should do. We put them together, and look at the result. That happens a lot more than people notice. When an airplane lands safely, it is not news; when it crashes, it is. This is an example of one landing safely. My prediction is that if all of those 100 conservation groups and all of those Senators in Congress who already support this will sign up with this quickly in January, we can get this train moving, and we can begin to fix the roofs and repair the bathrooms and build the roads and take America's best idea—our national parks—and make it what the American people expect it to be.

I thank Senator PORTMAN and Senator KING for their leadership as well.

Mr. WARNER. Mr. President, I rise today because our national parks have been neglected for far too long.

Due to years of chronic underfunding, the Park Service has been forced to defer maintenance on thousands of assets, including trails, buildings, and historic structures, as well as thousands of miles of roads and bridges.

Today, the National Park Service faces a deferred maintenance backlog of nearly $12 billion. Incredibly, more than half of all Park Service assets are in dire need of repairs. Every member of this body has a national park in their State with a maintenance backlog of over a million dollars.

I will give you a few examples from my home State of Virginia.

At Richmond National Battlefield, the deferred maintenance backlog tops $6.5 million. At Petersburg Battlefield, one of our most historic national battlefields, the backlog is nearly $12 million, with well over half of these costs associated with the maintenance of historic buildings and landscapes.

Look at Shenandoah National Park, which is truly one of the crown jewels

of the National Park Service. Unfortunately, Shenandoah has accumulated over $79 million in deferred maintenance, which can impact the ability of visitors to take in the breathtaking sights along Skyline Drive or explore the historic Appalachian Trail.

The Blue Ridge Parkway, ''America's Favorite Drive,'' has over $460 million in deferred maintenance needs. That is almost $1 million per mile of the parkway. Over $186 million is needed in Virginia to address the parkway's backlog and ensure visitors can continue to enjoy the beauty of the Appalachian Highlands.

I will give one final example: Colonial National Historical Park, which is home to Historic Jamestown and the Yorktown Battlefield. At that park alone, we have deferred maintenance needs totaling over $420 million.

In just the last year, the maintenance backlog at Park Service sites in Virginia grew by $250 million, to over a billion dollars. Virginia now ranks third among all States in total deferred maintenance, trailing only California and the District of Columbia.

We hear lots of talk in Washington about rebuilding our infrastructure, but sometimes, we forget that a great way to begin is by revitalizing our national parks, an investment which can generate $10 in economic activity for every public dollar invested. A recent study found that fixing our national parks would create over 100,000 jobs nationwide. In Virginia, we could create nearly 10,000 jobs just by clearing the maintenance backlog.

To that end, last year Senators PORTMAN, KING, ALEXANDER, and I introduced the National Park Service Legacy Act, which would utilize otherwise unobligated Federal mineral revenues to reduce the backlog over a 30-year period.

Since then, we have worked with a broad coalition of stakeholders, including the administration, to produce this bipartisan consensus bill to reduce the maintenance backlog at the Park Service.

Like the Legacy Act, the Restore Our Parks Act would create a fund at the Treasury Department, which would be used exclusively to address high-priority deferred maintenance needs. This fund would receive 50 percent of all unobligated annual Federal mineral revenues.

It is important to emphasize that the fund would only receive unobligated mineral revenues, meaning that allocations for other programs, such as the Land and Water Conservation Fund, would not be affected by this legislation.

In total, the bill is expected to raise $6.5 billion over 5 years, enough to address more than half of the current deferred maintenance backlog and completely fund the highest priority deferred maintenance projects.

This represents one of the most significant investments in the infrastructure of our national parks in the 100-year history of the Park Service. That is one reason why it has gained the support of over 100 organizations, including the Pew Charitable Trusts, the National Parks Conservation Association, and many others.

More importantly, a recent poll found overwhelming support for this legislation among the American people; 76 percent of Americans support the Restore Our Parks Act.

While this legislation will not address all of the funding problems plaguing the Park Service, it is an important first step to addressing our deferred maintenance backlog.

Again, I want to reiterate my appreciation to Senator PORTMAN, Senator ALEXANDER, and Senator KING for their work recognizing the importance of properly funding and maintaining our National Park System. I also want to thank the administration for its support and willingness to advance this important legislation on a bipartisan basis.

I think we all agree that the time for action is now. Congress cannot continue to deny the Park Service the resources it needs to properly maintain these national treasures for future generations.

I look forward to working with my colleagues to pass this commonsense legislation.

TRIBUTE TO SENATOR HATCH

Mr. ALEXANDER. Mr. President, in 1976, it was not a particularly good time in the Republican Party. Watergate had decimated the Republican Party in 1974, and the hangover still existed in 1976. But one good thing that happened was the election of ORRIN HATCH from Utah to the U.S. Senate.

He was a boxer as a kid. He grew up the hard way. He joined the labor union, moved to Utah, and won the Senate race that he wasn't supposed to win.

I happened to be here in 1977, in January, as an administrative assistant to Howard Baker, who was the newly elected Republican leader of the Senate. There were then only 37 or 38 Republican Senators, but I was impressed with their vigor and enthusiasm. No one impressed me more than the young Senator from Utah.

Here is what he was doing by 1978. I want to read a paragraph from the ''American Senate'' by Neil MacNeil and Richard Baker, which I think is the best history of the Senate.

> In the spring of 1968, Utah's Orrin Hatch and Indiana's Richard Lugar, both freshmen Republicans, undertook a sophisticated filibuster to defeat organized labor's prime legislative goal, a complex bill to revise the nation's labor laws. First, they relied on traditional tactics—much talk, quorum calls, and all the other dilatory maneuvers. They copied the Southerners' old strategy of creating three platoons, each of a half-dozen senators, to spell each other over the next several weeks. Next they adopted Senator Allen's post-cloture strategy, introducing more than 1,200 amendments with which to continue their filibuster indefinitely. Robert Byrd [who was the majority leader] tried six times to invoke cloture and failed.
>
> This victory by conservative Republicans was the most notable that they had so far achieved, and the editors of the Congressional Quarterly concluded that Republican filibustering had changed the dynamics of the Senate's legislating. The Republicans, they said, ''had retrieved for themselves a weapon of enormous legislative importance,'' so important that now, for practical purposes, the Senate could not approve any controversial measure without producing a sixty-vote super-majority.

So when we say you have to get 60 votes to get anything important passed around here, we can thank ORRIN HATCH because, when he came to the Senate, in his first couple of years, along with Senator Lugar, he took on a task that nobody thought he could win—the primary objective of organized labor in a Democratic Congress, with a Democratic President, when Republicans had only 37 or 38 votes in the Senate, and he stopped it. That is typical of Senator HATCH's persistence.

He later became chairman of three important committees in the Senate in his 42 years here: the Health, Education, Labor, and Pensions Committee; the Judiciary Committee; and the Finance Committee.

Like many Senators, he realized not long after he was here that it is hard to get here, and it is hard to stay here, so you might as well try to amount to something while you are here. Amounting to something means getting a result, and getting a result means, if you have to get 60 votes to do it, working with people on the other side of the aisle.

He formed an important alliance with Senator Ted Kennedy, who was the leading liberal Member of the Senate. HATCH had proved himself to be one of the most partisan Republicans. But when they could agree, they passed some very important legislation.

There was the Hatch-Waxman Act. There was legislation about religious freedom. I won't try to list all of the legislation. I think it is accurate to say that no living Senator has passed more legislation than ORRIN HATCH.

He also did me a personal favor. In 1991, I came back up here as President Bush's nominee to be U.S. Secretary of Education. I should have known better, but I sold my home and put my kids in school. I forgot that I had to be confirmed and that anybody might object to it.

I went before the Democratic-controlled HELP Committee. Senator Metzenbaum of Ohio said: Governor ALEXANDER, I have heard some very disturbing things about you, but I don't think I will bring them up here.

Nancy Kassebaum said: Well, Howard, I think you just did. She was a Senator from Kansas.

For 2 or 3 months, I twisted in the wind, wondering whether I would be confirmed by the Democratic Senate. Late one night, somehow ORRIN HATCH came to the Senate floor and got me confirmed by unanimous consent. I spent 22 months as President Bush's Education Secretary. I think he was a

consequential education President, with his America 2000, his summit of Governors on education, and his advocacy for start-from-scratch schools, which we now call charter schools. But I have ORRIN HATCH to thank for that confirmation.

Of all the bills that Senator HATCH has worked on, my favorite is the Music Modernization Act. We call it the Hatch-Goodlatte Music Modernization Act because of his role in it. He likes it, too, because it is a bill that helps songwriters, mostly. We have thousands of songwriters in Tennessee, all around Nashville—Nashville is Music City. Memphis has a lot; upper East Tennessee has a lot; other places in America have a lot. Songwriters are typically taxi drivers, music teachers, waitresses, all sitting there, not making much money, but with the idea of writing a No. 1 song.

The problem is that as the internet arrived, more than half of the money in the music industry came from songs played online, and songwriters, No. 1, weren't getting paid often and, No. 2, weren't getting paid a fair market value. So a number of us took that on, and the result was the Music Modernization Act.

By the time it passed the Senate by unanimous consent and the House almost unanimously, too, it had 80 sponsors here. But it was a very complex bill, a once-in-a-generation copyright law change, and the principal sponsor was ORRIN HATCH. It is right that he should be. He was chairman of the Finance Committee. But more than that, he is a songwriter himself. He has had a gold record and a platinum record. We think of him in Nashville as our third U.S. Senator. He is welcome to come back any time in his retirement after January and sit down and write some more songs because his Music Modernization Act, the Hatch-Goodlatte Act, is going to help thousands of songwriters and make this a more joyful country with more good songs.

So I come to the floor today simply to express my respect and appreciation for our Senator who is retiring, ORRIN HATCH, who served 42 years—longer than any other Republican in the history of the U.S. Senate—and to say that if he decides he is running out of things to do when he goes back to Utah, the door is open in Nashville. He can come and write a few songs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

SECOND CHANCE ACT

Mr. PORTMAN. Mr. President, I want to talk today about the criminal justice reform legislation before the Senate. This is legislation that deals with two huge issues in our criminal justice system. One is important to sentencing reform.

A lot of this is to level the playing field—for instance, between crack cocaine and powder cocaine, what kind of sentencing ought to be used, something that has been talked about for many years. There is, in our view—many of us—an injustice with the levels of sentencing. That is important.

Second, this legislation deals with an issue that many States are finally figuring out, which is that we need to do something to keep people who are leaving our jails and prisons from coming right back into the criminal justice system again.

These numbers are just amazing. Ninety-five percent of those who are incarcerated will be released someday. We all know that. When people are released from prison or jail, over a 3-year period about two-thirds of them are rearrested. Some call it a revolving door. There is a fancier word for it. It is called recidivism, and it is a huge issue.

Think about it. If two-thirds of the people are back in the prison system or the criminal justice system, that means they have committed another crime. That means our communities are less safe. It also means that the taxpayer ends up picking up the tab—both the cost of prosecution again and, also, the cost of incarceration, which can go from $25,000 to $40,000 a year, depending on which system prisoners are in. It is a huge cost. Frankly, this is what has driven the push toward doing something about it in many of our States. State budgets have been overwhelmed with the cost of criminal justice.

We have committed ourselves here in Congress to deal with that, to try to reduce crimes, bring families back together, and help people be able to live out their purpose in life. God's purpose in life for all of us may be a little different, but it is certainly not to be someone in the revolving door of the criminal justice system.

One thing we have focused on is this: How do you give people the tools to be able to be more successful when they have left prison and reentered society? I have worked on this for the past 15 years. One thing we came up with was legislation called the Second Chance Act. The Second Chance Act was put into law about 11 years ago. It is an idea that George W. Bush talked about in his speech to a joint session of Congress about 14, 15 years ago. What he said was: Let's give people a second chance. We believe in redemption in this country. Many of us believe in it, as it is from its Biblical roots, but it is something that George W. Bush believed in.

He also said that it makes no sense because people are costing their communities more and more in crime, costing taxpayers more in prosecution and incarceration.

Let's do something about it. Let's not hold people back because of their mistakes in the past but, instead, give them the tools to be able to lead a better life, a more productive life.

The Second Chance Act has worked well over the years. It has provided this onramp to help ex-offenders reenter society appropriately. However, it needs to be reauthorized.

The criminal justice reform we have before us deals with this issue of rehabilitation and deals with this issue of giving people the tools to be able to succeed by job training, by mental health treatment, by drug treatment, and that is important. But once they get out of the system, that is where the Second Chance Act is so important.

The message is clear. It tells ex-offenders: If you want to turn your life around and become a productive member of society, we want to help you do that. Rather than incarcerating these repeat offenders, sometimes generation after generation, let's put our tax dollars to use in a more effective way to break this vicious cycle and turn these lives around.

Congress appropriated funding for the Second Chance Program this year at $85 million, up from $68 million in some years in the past. So we are actually putting more funding against it. But the program needs to be reauthorized to improve the program, to put more accountability measures into the program. That is what it does. Again, it is part of this broader criminal justice reform that we are voting on today.

I have spent a lot of time going around my State of Ohio, seeing how these Second Chance Act grants are working. One thing they have done in my State, and probably in your State, is create reentry coalitions. To get a coalition grant, it is easier to have a reentry coalition making application for it. You have these comprehensive coalitions—I had only a few in a few of our counties in Ohio; now we have them in over 60 of our counties. It is great. You have the business sector coming together—the private sector—along with the law enforcement folks, along with the treatment providers. I have seen it work all over our State. I have seen so many people who have successfully been able to make that transition from prison and a life of crime and this revolving door into a productive life.

I will tell you about one person who is always on my mind when I think about this. It is someone I met at something called Central Kitchen. Central Kitchen is a reentry program run by the Lutheran Ministry in Cleveland, OH.

Melvin is a gentleman I met there, and Melvin's story is classic. Melvin had been in and out of prison his whole life. For about a decade and a half, he was in prison, out of prison, in prison. He grew up in a rough neighborhood. He got involved in drugs and alcohol. He couldn't get out of the cycle. He couldn't get out of the revolving door. One day he heard about this program and said: I will check it out.

It is a faith-based program. They have been particularly effective, in my view. It is one that is supported by legislation like the Second Chance Act.

Sure enough, it has worked. Melvin learned how to cook. He worked at the Central Kitchen, and went on to work

full time at another restaurant. As he said: What better way to be rewarded and what better way to be forgiven?

He has started his own catering business now. He is no longer defined by his past. He is defined by his willingness to take advantage of the Second Chance Act. His eyes are now on the future.

By the way, there is one thing he told me that I will never forget: I finally got a place to live again. I got my apartment back. And most importantly to me, I got my child back.

After 15 years of being in and out of prison, paying some child support—sometimes not—he now has his little girl living with him. He is a role model for her.

I have seen these role models all over our State. I have seen them in factories. I have talked to supervisors in factories who tell me the ''second chance employees'' I just met with at a roundtable are the role models. They show up on time. They are grateful.

They realize they have been given a second chance, and they take it seriously. I support the underlying legislation of criminal justice reform law that we are now going to take up on the floor. I think it is the right thing to do for our country in so many respects. Our communities will be safer, our taxpayers will be able to spend their money more efficiently and effectively. For these individuals who are now given a chance, given the tools to be able to lift themselves up and lead productive lives, that is their purpose in life. God's purpose in life for them is being fulfilled by this legislation.

I am glad it is being reauthorized as part of this underlying legislation. I encourage my colleagues to support this legislation. I thank Senator LEAHY, who is the coauthor of the Second Chance Act on the other side of the aisle, which has been bipartisan from the start. I thank the President and Jared Kushner for their support of this legislation.

I also thank those Members of the Senate who have been so involved in this, particularly my colleagues on the Judiciary Committee, Senator DURBIN, Senator LEE—I just talked to Senator LEE about this legislation a moment ago, and he has been tenacious—Senator GRASSLEY, Senator FEINSTEIN, Senator GRAHAM, Senator BOOKER, Senator WHITEHOUSE, Senator CORNYN, and others. This legislation will make a difference in my State of Ohio and around the country. I encourage my colleagues to support it.

I yield back.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, let me speak a moment about this act. The sponsors, as you have just heard, and supporters like Senator PORTMAN have proceeded with very good intentions. As you just heard, a compelling case for finding ways to help people who have made a mistake or more have an opportunity to turn their life around.

One of the reasons I am concerned about the legislation is, all of the kinds of programs that have been spoken of here to enable people to learn new skills or change their attitudes about life so they will not commit crimes again, we will not have more recidivism—one of the concerns is, there is nothing to prohibit any of these programs from being done today, and they are being done all over the country in State prisons, in Federal prisons, and the like.

The concern I have is, the effort to provide rewards for people to participate in these programs may have more negative than positive effects, and I think the sponsors of the bill need to look at that in order to persuade some of us that these rewards are necessary, in addition to the programs that are already in existence.

The other thing that concerns me is, there is a forgotten person in this whole equation; that is, the victim of the crime. Ever since I came to the Senate, I have worked on legislation to support crime victims. Finally, I think it was my first term in the Senate that Senator FEINSTEIN and I were successful in getting enacted and signed into law the Federal crime victims' rights bill. This act provides a whole series of rights for victims of crime, starting with the right to be notified—the right to be notified of key events during the criminal justice process and, at appropriate times, the right to speak or participate.

As I said, the crime victim seems to be forgotten in this legislation, which has the good intention of preventing recidivism, but one of the incentives for people to participate in programs while they are still in prison is that they can earn, in effect, some credits to enable them to get out earlier or to go into other kinds of programs before they are released by participating in these programs, but the victims don't have to be notified.

With many of the people who are involved here and have been in prison for a long time, there are reasons for the victims to be concerned about their impending release. Not to notify the victims, I think, would be a grave injustice.

One of the amendments Senator KENNEDY and Senator COTTON have proposed is to provide notification. Some have said: Well, this is redundant because the Crime Victims' Rights Act already requires notification. Yes, the Crime Victims' Rights Act requires notification of court proceedings but not the kind of proceedings that are embodied in the legislation.

Here, the proceedings are before the prison warden, in effect. He or she is the person who makes the decision, adding these credits up, in effect, to determine whether the prisoner is eligible for some kind of early release program. The Crime Victims' Rights Act—and I will quote it in case folks are interested—provides that the victims have the ''right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding.''

First of all, it has to be public and, secondly, it has to be in court. That is not the proceeding we are talking about in this legislation. That is why the amendment of Senator COTTON and Senator KENNEDY is necessary, to ensure that in this context as well, crime victims are notified of the potential release of the perpetrator of the crime upon them so, if they wish, they can allow their views to be known, presumably in some kind of written correspondence to the warden, which the warden could then take into account or not.

I heard a very odd argument made earlier on the floor in opposition to this amendment. It was, under the Crime Victims Act, about 10 percent of the crime victims don't care to be notified and, in effect, they opt out of the notice procedure. Therefore, because of that, there shouldn't be a notice requirement for this procedure. That is a non sequitur if I have ever heard one.

There are people who undoubtedly choose to ignore the notice they have received. For whatever reason, they don't want to go back into the court or to do anything about the notice they have received. For the other 90 percent, this is a very meaningful proposition. I think it would be a very scary proposition for some people not to be notified that the perpetrator of the crime against them is about to be released, and they don't know about it and will not have any opportunity to say anything about it.

The fact that 10 percent of the people may choose to ignore this notice is no reason not to provide the notice. If you don't want to receive the notice, there is something real easy you can do with it: You put it in the wastebasket or, if you are concerned that maybe you will get notified again and that is a bother to you, you can let the warden know you don't care to receive any more notices.

This is not a very persuasive argument to me; that because 1 in 10 choose not to do anything with the notice, therefore we shouldn't give notice to the other 90 percent for whom it may be extraordinarily meaningful.

To my colleagues, I would say, remember, the only reason people are in prison is because they have committed a crime against someone, and that someone is frequently ignored in the criminal justice process. They shouldn't be ignored anymore.

At least in Federal court, we have provided, by law, a series of requirements for notification and, in some cases, the right to be heard that finally recognizes that the victim should have some right to participate in and, at a minimum, be notified of the proceedings that involve a case that is only there because they have had a crime committed against them.

In many cases, it is very meaningful for them to come to closure and find a sense of justice in our criminal justice system when they are able to participate in that very same system.

In the past, we have seem to have gotten away from this. It is like: Well, it is the prosecutor and it is the defendant and nobody else has any reason to be involved. Yet, of course, the victims have every reason to be involved.

To my colleagues who say: Well, it is redundant—no, it is clearly not redundant. The Federal Crime Victims' Rights Act will not provide a remedy in the case of the bill before us. If you care about crime victims, if you believe they should have a right to be informed and to potentially present their view to the warden if they choose to do so, then I urge you to support the Cotton and Kennedy amendment.

Finally, I heard an argument that—well, there is a victims' rights group—I have forgotten the name of it—that opposes this. I don't know that victims' rights group. I do know this. I have been in touch with a lot of the advocates for crime victims, and they oppose the underlying legislation. One of the reasons is because it doesn't account for the rights of crime victims.

Perhaps the proponents could get a little more support for their legislation if they would pay attention to the people against whom the crime was committed in the first instance and at least notify them that the prisoner is going to be released and give them an opportunity to respond, if they choose to do so.

I urge my colleagues to support the crime victims' rights amendment to the underlying bill.

I yield the floor.

The PRESIDING OFFICER (Mr. RUBIO). The Senator from Ohio.

TRIBUTE TO DEAN HELLER

Mr. PORTMAN. Mr. President, among the colleagues of ours who is not going to be rejoining us in January is DEAN HELLER. Senator HELLER hails from Nevada. He is a good friend. He is also a valued Member of this body, and we are going to miss him.

Dean is a classic servant leader who has dedicated himself to public service. He has served in all kinds of roles in his community, his State, his country, and he has always done it with class and humility.

He grew up in Carson City, NV, with his five brothers and sisters. He says he started working at his dad's auto shop in middle school. Do you know what? I think he brought some of the skills he learned in middle school on the shop floor to the U.S. Senate. Like every good mechanic, he is optimistic. Every mechanic thinks they can fix whatever problem you have. That is DEAN HELLER. He rolls up his sleeves, he gets to work, and he has the determination to make things better. That is as true as when he is working on a car as when he is working on legislative solutions in the U.S. Congress.

He has been devoted to helping his community for a long time. He served for two terms in the Nevada Assembly, representing Carson City, and then he served for three terms as Nevada secretary of state before being elected to represent the State's Second Congressional District in the House of Representatives, across the way there.

Later, he was appointed to the U.S. Senate, and then he won his election to the U.S. Senate in 2012. I have had the privilege of working with DEAN HELLER a lot on issues. We both serve on the Senate Finance Committee. We have jurisdiction over a lot of things, including tax reform.

During the tax reform process over the last year, we worked hard together, and I saw the hard work and determination he first developed working at his dad's auto body shop. I saw someone who was solutions-driven, someone who wanted to create a better future for the people he represents.

He was effective in a number of ways, with regard to helping others, helping with opportunity. One that he worked with the Presiding Officer on is doubling the child tax credit. It is a provision in the new tax law that puts more money back in the pockets of hard-working families in America.

He also served on the Senate Banking Committee, the Committee on Veterans' Affairs, and the Commerce Committee. He has been involved in a lot of the issues this body takes up. In fact, more than 100 of his bills have become law during his time in the U.S. Senate. That means he has reached across the aisle to help his fellow Nevadans.

His presence is going to be missed, but I know he will keep trying to make things better. I know he will stay busy back home, too, doing some of the things he loves: bailing hay on his ranch, repairing his stock cars—he grew up racing—horse packing, hunting, fishing, and spending time with his great family.

He and his wife, Lynne, have been married for more than 30 years, have four kids and three grandkids. I know he is looking forward to spending more time with them this holiday season. In fact, he told me for one of his holiday traditions he gets out his trombone, and his kids and their spouses all grab instruments and they play music. The Heller band performs some famous well-known Christmas holiday songs. I would love to see that. I am not sure I would like to hear it, but I would love to see it—Dean with his trombone.

Let me say, it has been an honor to serve with DEAN HELLER. He is a great guy. It is a privilege to work with him. I know he has a bright future outside of this place. I look forward to continuing to stay in touch. We will miss him. Knowing his work is not done, we hope to continue to work with him.

I yield back my time.

The PRESIDING OFFICER. The Senator from New Mexico.

BORDER SECURITY

Mr. UDALL. Mr. President, thank you for the recognition.

I rise on the Senate floor as a Senator from a border State—a State that borders with the country of Mexico—with a message from my State's proud border communities: We will not stand by as the President threatens to shut down the government in an act of political extortion, as the President tries to force the American people to pay for his border wall—a wall that would run right through New Mexico and through so many of the communities and ecosystems that define our State.

I am joining with New Mexicans all along the border and all across our State who are calling on the President to stop playing politics with our border communities, with the Federal budget, and with taxpayer dollars.

New Mexico and other border States have the most at stake in this fight, and we will be heard.

Last week, we learned of a terrible tragedy along the border. On December 7, a 7-year-old girl from Guatemala, Jakelin Caal Maquin, died from septic shock, fever, and dehydration while in Customs and Border Protection custody. The sadness of the loss of this little girl coming to our country with her father in search of safety cannot be overstated. It is truly heartbreaking.

I have called upon Secretary Nielsen, Customs and Border Protection Commissioner McAleenan, and the Office of Inspector General to immediately and thoroughly investigate the circumstances of Jakelin's death. All facts must be brought to light so that no families ever have this kind of tragedy again.

Jakelin and her father turned themselves in to CBP near a remote port of entry in New Mexico. That port of entry, called Antelope Wells, was closed at the time. By the time Jakelin received adequate medical care, it was too late.

Instead of demanding massive resources for an ineffective wall, the President should direct the Department of Homeland Security to provide border stations and CBP officers with the resources necessary to meet the basic needs of children and other vulnerable individuals.

The Trump administration's cruel policy of delaying immigrants at commonly used ports of entry for weeks and months at a time inevitably results in asylum seekers taking more dangerous routes in remote areas.

Instead of creating a humanitarian crisis at the border by refusing to process asylum seekers, the President should direct DHS to meet the spirit of the asylum laws and begin treating those fleeing persecution and violence with the dignity and respect they deserve.

This administration has failed repeatedly to live up to our values as a nation when it comes to immigration. Sadly, there are tragic human consequences to the administration's inhumane immigration policies.

This week, we in Congress find ourselves in a familiar position. Once again, the President says he will shutter the Federal Government unless we appropriate billions of dollars for his border wall. This obvious political ploy, aimed at his narrowing base, is

the same tired and hateful refrain that he has used since the day he launched his campaign for President.

The President's anti-immigrant attacks are now a staple in his political toolbox. They are no surprise, but Congress should not give in to the President's latest anti-immigration tantrum—a tantrum that is not based in reality and that fundamentally lacks the support of the American people.

There has been a lot of talk about the border here in Washington—a lot of talk about what the border needs from a President that doesn't know the first thing about our border communities.

I proudly represent a border State—a State that shares 180 miles of border with Mexico, a State that is in many ways defined by our border and immeasurably strengthened by our relationships with our southern neighbor, by our immigrant heritage, and by communities and ecosystems that dot every mile along the border.

I know our border communities. I hear the hopes and concerns of New Mexico's families and businesses that form the fabric of those border communities. Let there be no equivocating. New Mexico's border communities emphatically reject the President's unnecessary, ineffective, and offensive wall.

Thirty-six communities across New Mexico, California, Arizona, and Texas have passed resolutions opposing a wall along their borders. Poll after poll shows that the American people from coast to coast and from border to border do not support this wall. People in New Mexico and across the Nation want humane immigration policies, continued community ties and economic activity between Mexico and our Nation, and smart border security that will actually make us safer, not an unnecessary and ineffective wall and not insulting attacks on Mexicans and Central Americans.

The American people reject the President's latest take-it-or-leave-it demand that they pay $5 billion for his wall—a wall he vowed during his campaign that Mexico would pay for, a wall that will not stop illegal immigration, a wall that would stand before all the world as a symbol of division, fear, and hostility.

There is little disagreement in the Halls of Congress or among the American people that we want smart border security, that our immigration laws need to be reformed, and that we want to stop illegal drugs from coming into the country. But we do disagree—and strongly—on how to effectively achieve those goals with limited taxpayer dollars.

The President would have us believe that hordes of dangerous criminals have our borders under siege. This is one of his countless misrepresentations to the American people. The American people have had enough of misinformation and of blatant distortions.

It is time for some facts. The fact is the numbers of border apprehensions are down significantly since the early 2000s. Southern border apprehensions have dropped 81 percent. In fact, the number of apprehensions at the end of fiscal year 2017 was the lowest it has been since 1971—the lowest it has been since 1971—and we have the lowest number of undocumented immigrants in our country that we have had in over a decade.

The Pew Research Center released estimates just this month that the total number of undocumented immigrants residing in the United States is far less now than in 2004—a 14-year low, and the numbers from Mexico—people whom the President insults as rapists and criminals—have decreased even more dramatically.

So who are the people coming to our southern border? Apprehensions between ports of entry consist largely of family units turning themselves in for asylum, fleeing the terror in their home countries. They are crossing between ports in part because of DHS's obstacles to asylum at ports of entry, including inadequate resources for staffing and infrastructure at our ports, metering individuals trying to claim asylum, and the ever-increasing Trump-manufactured wait times.

So given the number of southern border apprehensions is at an all-time low and the makeup of our southern border crossings, now is not the time to raid taxpayer-funded coffers for a boondoggle of a wall. Now is the time to begin talking across the aisle about how to meaningfully address the root causes of immigration from Central America—and not only that. Border walls have not been shown to effectively increase security or to reduce smuggling or improper entry.

In 2017, the Government Accountability Office found that Customs and Border Protection could not demonstrate that border walls had any measurable impact on border security, finding—and this is from DHS—that DHS had ''not developed metrics for this assessment.''

As former DHS Secretary Janet Napolitano said, ''show me a 50-foot wall, and I'll show you a 51-foot ladder.'' Walls are not only offensive; they are ineffective.

While the effectiveness of the President's wall is in question, the extraordinary high costs are not. The Department of Homeland Security estimates the cost would be $21.6 billion. The Democratic staff of the Senate Homeland Security and Governmental Affairs Committee estimates $70 billion, and those costs are only to build the wall. Any wall would have to be maintained. Studies estimate maintenance costs would reach $100 to $150 million a year.

Just as troubling, GAO concluded that DHS is not responsibly spending the funds already allocated for the wall. GAO reported that ''DHS faces an increased risk that the border wall system program will cost more than projected, take longer than planned, and not fully perform as expected.''

In fact, DHS blew past its September 19 deadline to submit a risk-based border security plan as the law requires. There is no accountability here. Worse yet, while the President ups his demanded to $5 billion for a wall, DHS hasn't even spent its funds for border barriers in the previous year's budget. DHS has only spent 6 percent of the funds provided on this boondoggle since 2017. It hasn't even obligated $900 million of its last $1.6 billion appropriation.

The President ignores DHS's failure to spend the money it has been given while he demands $3.4 billion more than his own budget request. This is pure extortion. We should categorically reject the President's demand for $5 billion for the wall, and we should reject any proposal for a slush fund for the President to use to implement his anti-immigrant agenda.

Of course, Americans are no longer surprised by this administration's utter hypocrisy when it comes to fiscal responsibility, but the President's demand for billions of unnecessary funds for his wall is a particularly galling and offensive example, and it should be called out.

Budget after budget, the Trump administration says: We can't afford to provide for Americans' healthcare, to provide for environmental protection, to provide for quality education for our kids, to provide for those in society who are struggling the most.

But the President says: We can afford to throw billions and billions of dollars on a symbolic and wasteful boondoggle of a wall.

That is billions of dollars that could be spent on the priorities that New Mexicans and the American people actually value—like good jobs, good healthcare, and good education.

''Backward'' doesn't even begin to describe this administration's priorities. The Republicans claim to be fiscal conservatives, but time and again they show themselves to be fictional conservatives. They want to spend billions on a wall that doesn't work. They pass tax relief for the wealthy, leaving working and middle-class Americans high and dry. And they create massive deficits the American taxpayer will be paying off in the years to come. This is not fiscal conservatism. This is the epitome of fiscal irresponsibility.

But the wall isn't just wasteful and unnecessary. It would also do serious harm to the border region. While a border wall will not effectively address border security, it will disrupt border communities, hurt international trade, interfere with private property rights, and damage habitat and wildlife.

Much of the land along the border is privately owned, and some for many generations. Approximately 4,900 parcels are at risk. The Trump administration is already seizing private property through eminent domain to build its wall. Homes could be confiscated, farms ruined, neighbors cut off from one another.

To build the wall, DHS has waived almost 50 laws that protect the public and protect the environment, including the Endangered Species Act, the Clean Water Act, and the Native American Graves Protection and Repatriation Act, among others.

This proposed funding targets the border along the Rio Grande, which is home to a biologically diverse and rich environment. I have traveled to this area. Last winter I canoed part of the wild and scenic Rio Grande in Big Bend National Park, along the Texas-New Mexico border.

This month, I saw a new documentary called ''The River and the Wall,'' which showed the stunning Rio Grande Valley and part of our trip.

Adding 65 miles of border barrier through the lower Rio Grande Valley would damage this area of profound environmental and ecological significance. A wall harms ecosystems, disrupts wildlife migration patterns, blocks vital wildlife access to food and water, and fragments wildlife communities.

These photos show the problems posed to wildlife. This is wildlife blocked by a fence. Here is fencing that was previously here that allows the wildlife to get through. Animals can't get over or through the border wall. They are stopped in their tracks. For many animals, fragmented habitat has led to endangerment. Chopping up their territory pushes them closer to extinction. That is the conclusion of career biologists and wildlife managers of the U.S. Fish and Wildlife Service. They warned, in a draft letter to CBP, that the wall threatens already endangered wildlife. According to them, a wall is vulnerable to ''catastrophic natural flood events, leaving wildlife trapped behind a wall to drown or starve.''

They recommend that CBP consider technology and other resources and mechanisms when possible instead of installing walls. The Washington Post reported last week that Secretary Zinke made it known that Fish and Wildlife needed to ''support the security border mission.'' So Fish and Wildlife higher-ups scrubbed the career scientists' wildlife recommendations in a final letter to CBP on the impacts of the wall.

Science has a hard time competing with politics in the Trump administration.

To sum it up, the President's border wall will not have any effect on the number of migrants showing up at our border daily. It will not deter migrants from making the dangerous journey to cross between our ports of entry when they are fleeing horrific violence and persecutions in their home countries. It is wildly expensive. The wall hurts the communities and economies along our borders. It takes away use and enjoyment of property from private landowners, and it jeopardizes the environment and wildlife.

So why does the President want this wall? Its only discernible purpose is as a political symbol, an offensive and unpopular symbol, a symbol that America no longer welcomes the tired, poor, and huddled masses; that we close our doors to refugees and asylum seekers, that we fear the world and are shrinking from our position as a beacon of hope for people everywhere.

Since the very beginning of his Presidency, when he issued his first executive order that banned Muslims from traveling to the United States, the President's immigration policies have been inhumane and cruel, and contrary to our fundamental values as a nation. The President's policy of separating children from their parents represented a new low in immigration policy. The images of children housed in cages, toddlers being taken from their mothers' arms, and parents' pleas for return of their children are unforgettable.

The incompetence of how the administration directed the family separation policy is only matched by the sheer cruelty of the policy. They didn't know where parents and children were, could not match families. They deported parents without their children, making it all the more difficult for reunification to occur.

The American people opposed this harsh policy by wide margins. While the courts stopped this illegal policy, we must not forget that there are still 147 families separated. This is unconscionable, and I will not rest until each and every family is reunited.

The President's most recent immigration debacle is his call—just before the November 6 midterms—to send Active-Duty troops to the border. He wanted 15,000 troops to protect Customs and Border Protection officers and Border Patrol agents from migrants, including many women and children, seeking asylum. Retired military leaders have charged that the President's use of troops is ''wasteful.'' They worry that our military is being used for purely political purposes. Former Joint Chiefs Chairman General Colin Powell summed it up by saying, ''I see no threat requiring this kind of deployment.''

The President's made-up crisis takes our Active-Duty troops away from their missions and preparedness training and away from their families over the holidays.

It is costing the American people. According to the Pentagon, this Presidential stunt will cost us at least $210 million by year's end for the 5,900 Active-Duty troops and 2,100 National Guard troops who have been there since April. DHS just requested their stay be extended through January.

There is no President in my memory who has used division and fear as a political tool to the extent this President has—not even close.

The President's playbook on immigration is predictable. Every several months he dreams up a new initiative to rile his base, making sure he still has their support, but his policies are wrong-headed, unpopular, and ineffective.

His latest stunt—to shut down the Federal government unless he gets his wall—is a replay. It didn't work the first time.

There is no art in a take-it-or-leave-it deal that shuts down the Federal government, that leaves millions of workers without paychecks just before the holidays, and that shutters critical services that protect the public's welfare and contribute to the economy.

It is not artful. It is inept.

It is clear from the President's public eruption last week, meeting with Leaders SCHUMER and PELOSI, that he will not engage in good-faith negotiation with Democrats and that he is ''proud to shut down the government.''

Recently, the Nation came together to honor a statesman and an advocate for immigration reform. As President, George H.W. Bush signed the Immigration Act of 1990 into law. He called it ''the most comprehensive reform of our immigration laws in 66 years.'' The act increased the number of immigrants allowed to enter the United States, and it established the Diversity Visa Program and family-based visas—two programs our current President disparages.

Of our immigrant community, President Bush said: ''Our nation is the enduring dream of every immigrant who ever sets foot on these shores, and the millions still struggling to be free . . . this idea called America was and always will be a new world.''

President Trump's wall is a symbol of division and hostility. It is wholly contrary to our ''idea called America,'' as the late President put it.

We must move beyond the political jockeying of government shutdown threats. The American people don't want the President to shut down essential services—especially over a border wall that will not work, they don't support, and doesn't represent the goodness of our ''idea called America.''

Take it from a border State like New Mexico. We can't afford a government shutdown, and we don't need the President's wall.

Thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, Thank you very much.

I want to begin by congratulating Senators GRASSLEY and DURBIN on getting such strong bipartisan support for this bill, including support from the President.

I am proud to support it, too.

As I have said in the past: I am not a fan of mandatory minimum sentences, particularly those that are very harsh and allow no discretion to a sentencing judge.

Early in my career, I sat on some 5,000 felony cases as a member of the California Women's Board of Terms and Parole. This board set sentences and granted parole to women sentenced to State prison.

I recall one individual sentenced to more than a decade in prison for three marijuana cigarettes. The judge ran the counts consecutively, and the sentences added up to 15 years—15 years for three cigarettes.

These sorts of cases are the ones that show why judicial discretion is so vital to our justice system and why the bill we are considering today is an important step towards restoring it.

The bill before us makes several changes to criminal law.

Most importantly, in my view, it reduces some of the harshest mandatory minimum sentences.

For example, right now, the mandatory sentence for a third drug offense is life in prison without the possibility of parole. This bill lowers that mandatory minimum to 25 years.

Similarly, right now, the mandatory minimum sentence for a second drug offense is 20 years. This bill reduces that to 15 years.

To be clear, the reductions in mandatory minimums under this bill do not prevent a judge from giving a defendant the maximum allowed under the law, if that is appropriate.

The point is that the judge decides, and sentences are not automatic.

The bill also gives more discretion to judges to sentence below mandatory minimums.

Under what is called the safety valve, when someone has been convicted of a nonviolent drug offense, is cooperating with the government, and has a limited criminal history, the judge, in his or her discretion, can sentence a defendant below a mandatory minimum.

This ability to sentence below a mandatory minimum is important for judges to sentence the specific defendants before them, as the facts of the case demand.

The bill also helps address some of the racial disparities in our criminal justice system. For many years, when it came to sentencing, our Federal courts treated 1 ounce of crack cocaine as if it was 100 ounces of powder cocaine.

Congress addressed this disparity in 2010, when the Fair Sentencing Act became law. That law, which Senator Durbin introduced and I cosponsored, reduced the crackpowder disparity from 100–1 to 18–1. In other words, under the law today, one ounce of crack cocaine is treated as 18 ounces of powder cocaine.

Unfortunately, this new law did not apply retroactively, and so there are still people serving sentences under the 100–1 standard.

The bill before us today fixes that and finally makes the Fair Sentencing Act retroactive so that people sentenced under the old standard can ask to be resentenced under the new one.

Along with reducing sentences that are too harsh, the bill includes prison reforms to help individuals reenter society.

Prison sentences do not end when someone leaves the prison walls, and as a society, we must do more to help people who have served their sentences return as productive members of society. I believe that the job training and drug rehabilitation programs that this bill creates will do just that.

I am pleased to support this bill and would urge all of my colleagues to do so as well. Thank you.

Mr. CARDIN. Mr. President, I rise in strong support of the FIRST STEP Act, which I have cosponsored. This bipartisan legislation, introduced by Senators GRASSLEY and DURBIN, includes positive prison reforms that the House passed by a 360 to 59 vote. The Senate has now combined the House legislation with sentencing reform provisions that passed out of the Judiciary Committee on a bipartisan basis.

Senators on both sides of the aisle agree that our criminal justice system is broken and badly needs repair.

In my own State of Maryland, we passed major criminal justice reform legislation on a bipartisan basis in 2016, which is known as the Justice Reinvestment Act. The Justice Reinvestment Act seeks to reduce Maryland's prison population and use the savings to provide for more effective treatment to offenders before, during, and after incarceration. This is intended to reduce the likelihood of reoffending, as well as to benefit victims and families and reduce costs to taxpayers.

This fall, I visited the headquarters of the Baltimore Ravens in Owings Mills, MD, in Baltimore County. I am a Baltimore resident and live in Baltimore County and, of course, am a proud Ravens fan, but on that day, I had come to discuss criminal justice reform. I wanted to hear directly from the Ravens players about their insights into the criminal justice system, and they shared their stories involving their friends and family with me.

So I am pleased that several Ravens players and team executives wrote a letter on November 26 to Senator MCCONNELL asking him to bring this critical legislation to the floor. The letter reads: ''The undersigned players and executives of the Baltimore Ravens write to voice our support for the First Step Act, a bill which has the potential to bring transformative and much needed change to our criminal justice system. Criminal justice is an issue that deeply affects our community in Baltimore, as well as the nation as a whole. Not only will this legislation strengthen our nation's criminal justice system, but it enjoys the backing of an incredibly diverse group of supporters.''

Indeed, this legislation is endorsed by both law enforcement and civil rights groups. Law enforcement groups endorsing this legislation include the Fraternal Order of Police, the National District Attorneys Association, and the National Organization of Black Law Enforcement Executives. Civil rights groups endorsing this legislation include the ACLU. President Trump has endorsed this legislation, which has a growing number of bipartisan Senate cosponsors.

The legislation includes key sentencing reform provisions added by the Senate to the House-passed measure. First, it expands the so-called safety valve, which allows judges to sentence below the mandatory minimum for qualified low-level nonviolent drug offenders who cooperate with the government. Second, it makes retroactive the application of the Fair Sentencing Act, in which Congress addressed the crackpowder sentencing disparity and allows individuals affected by this disparity to petition for sentence reductions. Third, it reforms the two-strikes and three-strikes laws, by reducing the second strike mandatory minimum of 20 years to 15 years and reducing the third strike mandatory minimum of life in prison to 25 years. Fourth, the legislation eliminates the so-called stacking provision in the U.S. Code, which helps ensure that sentencing enhancements for repeat offenses apply only to true repeat offenders. The legislation clarifies that sentencing enhancements cannot unfairly be ''stacked,'' for example, by applying to conduct within the same indictment.

I am pleased that the revised legislation reauthorizes the Second Chance Act. This critical Federal program helps individuals returning to the community from prison or jail and has a proven track record of reducing recidivism and saving money for the taxpayers.

This legislation marks the first time that the Fraternal Order of Police, the largest police union, has ever supported a criminal justice reform bill. At law enforcement's request, the bill prohibits time credits for individuals convicted of a fentanyl trafficking offense, as well as bars time credits for individuals convicted of repeatedly possessing or using a firearm in relation to a violent or drug-trafficking crime.

On the prison reform side, this legislation includes several positive reforms from the House-passed FIRST STEP Act. The bill makes a good time credit fix and revises the good-time credit law to accurately reflect congressional intent by allowing prisoners to earn 54 days of credit per year, rather than 47 days. The bill prohibits shackling pregnant prisoners and requires healthcare products be provided to incarcerated women. The bill requires prisoners be placed within 500 driving miles of their home and provides additional phone, video conferencing, and visitation privileges. The bill expands evidence-based opioid and heroin abuse treatment for inmates. The bill expands compassionate release under the Second Chance Act and expedites compassionate release applications.

The revised Senate bill also includes several prison reforms beyond what were included in the House-passed bill. The bill establishes an Independent Review Committee of outside experts to assist in the development of the risk and needs assessment system. The National Institute of Justice would select a nonpartisan, nonprofit organization with expertise in risk and needs assessments to host the IRC.

This added guardrail will help to ensure the risk and needs assessment system is evidence-based and minimize racial disparities.

It allows the use of earned credits for supervised release in the community, such as halfway houses or home confinement. The bill also would permit individuals in home confinement to participate in family-related activities that facilitate the prisoner's successful reentry.

It effectively ends Federal juvenile solitary confinement, and limits the discretion of the Bureau of Prisons to deny release to individuals who meet all eligibility criteria. The bill expands evidence-based opioid and heroin abuse treatment for inmates.

Let me be clear that this legislation is entitled the FIRST STEP Act, and it is indeed only the first step in reforming our broken criminal justice system.

In my own State of Maryland, we know the importance of criminal justice reform after the death of Freddie Gray in Baltimore Police Department custody in 2015. Baltimore is a good example of the necessary Federal and State partnership we need in order to reform the criminal justice system. When I am talking about the criminal justice system, I am not only talking about the so-called back end of the system, which involves sentencing, corrections, and release from prison; I am talking about the ''front end'' of the system, which involves relations between the community and police and often the first interaction between our citizens and law enforcement.

In Baltimore, the U.S. Department of Justice initiated a Federal ''pattern or practice'' inquiry at the request of the city of Baltimore and the Federal congressional delegation. This investigation led to a comprehensive report finding a pattern and practice of unconstitutional arrests and policing in Baltimore that disproportionately affected minority residents, particularly the African-American residents of Baltimore.

Baltimore City and the Justice Department ultimately agreed to a consent decree and are now under supervision by the U.S. District Court for the District of Maryland. This will entail a multiyear process of overhauling the police department to finally give the citizens of Baltimore the police department they deserve, using the ''guardian'' and not the ''warrior'' model, as recommended by President Obama's Task Force on 21st Century Policing.

Congress should take up and pass my End Racial and Religious Profiling Act, S. 411, as racial and discriminatory profiling is wrong, counterproductive, and a wasteful use of resources. This amendment would prohibit racial, religious, and other discriminatory profiling by any Federal, State, or local law enforcement, setting a national standard. It would create a cause of action for such profiling, condition the receipt of Federal law enforcement grants on the elimination of profiling, and create grants for best practices and training of law enforcement officers.

Congress should also take up and pass my Law Enforcement Trust and Integrity Act, S. 3195, to address the issue of police accountability and build trust between police departments and the communities they serve. This legislation provides incentives for local police organizations to voluntarily adopt performance-based standards to ensure that incidents of misconduct will be reduced through appropriate management, training and oversight protocols.

Finally, this legislation authorizes funds for the implementation of consent decrees and judgements entered into between the Department of Justice and local police departments, such as the Baltimore Police Department.

I have filed two additional amendments to this legislation. The first is the text of S. 1588, the Democracy Restoration Act, DRA. This legislation would strengthen American communities by restoring voting rights to individuals after they have returned to their communities after being released from incarceration. Studies indicate that former prisoners who have voting rights restored are less likely to reoffend and that disenfranchisement hinders their rehabilitation and reintegration into their community.

I am pleased that last month the citizens of Florida, by a nearly two-thirds margin of 65 to 35 percent, voted to amend their State constitution to automatically restore the right to vote for most individuals with prior felony convictions. Under the previous law, people with prior felonies never regained their right to vote in Florida unless a State board used its discretion to individually restore your voting rights.

The United States is one of the few Western democracies that allows the permanent denial of voting rights for individuals with felony convictions. It is simply wrong that State disenfranchisement laws deny citizens participation in our democracy. Casting a vote is one of the most fundamental rights in a democracy and gives you a say in the future of your community. Congress has a responsibility to ensure that right is protected and should be leading an effort to remove barriers and make it easier for more people to register to vote, cast their vote, and make sure their votes are counted.

In the United States, an estimated 6.1 million adult citizens are currently disenfranchised as a result of a criminal conviction. While 16 states and the District of Columbia already restore voting rights upon release from prison, 34 States continue to restrict the voting rights of people who are no longer incarcerated. In 10 States, a conviction can result in lifetime disenfranchisement. Several States deny the right to vote to individuals convicted of certain misdemeanors. Since March 2016, Maryland automatically restores voting rights after individuals are released from prison. The new law immediately restored voting rights to approximately 40,000 Marylanders.

My second amendment includes the text of S. 1728, the Private Prison Information Act, or PPIA. This amendment would apply the Freedom of Information Act, FOIA, to private prison. This would ensure that non-Federal prisons are held to the same standard of information sharing and record-keeping as Federal detention facilities, and would increase transparency and accountability. Private prisons account for 20 percent of our Federal prison and detention population but hide behind loopholes in the law when it comes to how they perform their job on behalf of the American people. Security breaches, overcrowding, and misuse of funds were among the many reasons the Justice Department under President Obama and Attorney General Lynch rightly began to phase out the use of private prison contracts. These companies receive Federal funds and provide the same service as governmental agencies. They perform the ''inherently governmental function'' of incarcerating individuals convicted of a crime by the Federal Government. They must be held accountable to the same standards.

I would note that the Leadership Conference on Civil and Human Rights and the American Civil Liberties Union sent a joint letter of support for the FIRST STEP Act. I want to quote from a statement recently released from the Leadership Conference on this legislation.

The Leadership Conference wrote: ''Bringing fairness and dignity to our justice system is one of the most important civil and human rights issues of our time. This bipartisan bill offers some modest improvements to the current federal system—such as revising mandatory minimum sentences for certain drug offenses and fixing the 'good time' credit calculation. For this reason, we urge the Senate to vote yes on cloture and no on all amendments [to the FIRST STEP Act].''

''We must acknowledge, however, that the bill falls short in providing the meaningful change that is required to truly reform the system. Several sentencing provisions don't apply to individuals currently incarcerated, and the bill excludes too many people from earning time credits, allows private prison companies to profit, fails to include parole for juveniles, and expands the use of electronic monitoring. We will continue working to ensure the current bill does not further limit the number of people impacted.''

The Leadership Conference statement concludes: ''The FIRST STEP Act is not the end. We must address these concerns and create a system that is just and equitable, significantly reduces the number of people unnecessarily entering the system, eliminates racial disparities, and creates opportunities for second chances. Congress has much more work to do to achieve the transformational change that will end mass incarceration in America.''

Let us take this first step to reform our broken criminal justice system by passing this legislation during this session, and let us pledge to work together to make further improvements in the new Congress.

FIRST STEP ACT

Mr. COTTON. Mr. President, I want to speak on behalf of the amendments offered by Senator KENNEDY and myself to the FIRST STEP Act. I think many of the policies in this bill are deeply unwise to allow early release from prison—thousands of serious repeat and potentially violent felons over the next few months if this bill passes.

Our amendments will not do much to solve that problem. They wouldn't solve some of the other problems of the bill which slash some of the minimum mandatory sentences on the front end of sentencing. However, they will fix the worst parts of this bill. I urge all of my colleagues to support them.

Frankly, I don't understand why any Senator would oppose them. Let me talk about what these amendments will do. The first amendment will specifically exclude early release from prison for certain heinous criminals to be certain they are going to serve the full length of the sentence to which a jury and a judge sentenced them.

Let me outline the crimes our amendment will cover and, therefore, prohibit from early release: coercing a child to engage in prostitution or any sexual activity, carjacking, assaulting a law enforcement officer, bank robbery, assisting Federal prisoners with jailbreak, hate crimes, and assault.

The bill sponsors have said this bill will not allow early release from prison for violent felons or serious felons. I consider coercing a minor into sex and prostitution, or carjacking, or bank robbery pretty serious crimes and usually violent crimes as well.

Our amendment would also ensure there are no violent felons released from prison or other sex offenders. This is consistent simply with the rhetoric and the talking points the bill's sponsors have used to sell the bill.

Unfortunately, the bill text does not cover all violent felons or sex offenders. Now, 62 percent of all Federal prisoners would still be eligible for early release according to the U.S. Sentencing Commission. We are not solving all of the problems of the bill, but it would at least ensure that some of these most heinous criminals who prey on young children or the vulnerable are not released early from prison.

Our second amendment is a victims' rights amendment. It simply says, this bill, which creates new ways and categories under which Federal prisoners can serve their sentence, and if they do, in fact, get released from prison early, their victims will be notified and given a chance to comment. They don't get a veto. I, frankly, probably wouldn't object to that, but they just get a notice. They have a right to write a letter to the warden.

I think we should stand with victims at a time when we are passing legislation that is going to slash sentences on the front end for serious and repeat felons and then release them early on the back end. It is not too much to ask that we notify their victims when they are released early from prison and give those victims a chance to comment.

Finally, the third Kennedy-Cotton amendment would direct the Department of Justice to track the recidivism crimes of any prisoner released early from Federal prison under this law. The bill sponsors make much about the recidivism reduction training that Federal inmates will receive but how it is all evidence-based. This simply provides more evidence consistent with the traditional collection of criminal justice data of the Department of Justice. It directs the Department merely to report to Congress on the recidivism rates of inmates released under this legislation.

Again, these are very modest amendments. They are consistent with the rhetoric of the bill sponsors.

I know some of the sponsors have said this is a poison pill. I, frankly, don't see why. It is consistent with their own rhetoric, and 62 percent of all felons in Federal prison would still be eligible for early release. It does nothing to reduce the leniency on the front end for two-time and three-time drug traffickers.

These are pretty modest amendments. I wish we would have already voted on them. Senator KENNEDY and I were ready to vote hours ago. I know there is some disagreement about other amendments on which we may be voting.

Let me state for the record that I also support Senator LANKFORD's amendment to ensure that faith-based organizations have access to Federal prisons and Federal grants as one of those very critical anti-recidivism opportunities that we provide to Federal inmates. This amendment was promised to Senator LANKFORD last week. Somehow it didn't get into the text of the bill. I think it could be adopted by unanimous consent. I certainly support Senator LANKFORD's amendment to be adopted by unanimous consent because I support faith-based organizations that work in prisons to try to help prisoners turn their lives around.

Another amendment under consideration is Senator CRUZ's amendment that would exclude more offenses from early release. I support Senator CRUZ's amendment as well, and I would support a unanimous consent agreement to call Senator CRUZ's amendment to the floor and to pass it. It doesn't overlap exactly with my amendment. It doesn't have the same offenses, but it does have serious offenses. I think we should call that up as well. Then we can vote on the bill.

The bill has been years in the making—the result of painstaking negotiations. These amendments are pending. They are germane under the rules of the Senate. We should vote on them, vote on passage of the bill, and we should move on to the Senate's other business.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I would like to respond to the statements made by the Senator from Arkansas in terms of the pending business before the Senate. We are close to reaching agreement to bring the underlying bill—the criminal justice reform bill—for a vote this evening. It is a bill that has been literally years in the making. I believe we have discussed it at great length, and we are prepared to make a decision in the Senate.

There will be three amendments offered by the Senator from Arkansas, Mr. COTTON. After those amendments are offered, then we will launch into another consideration of a change to the bill which has been characterized as a Cruz-Lankford amendment. For the record, we reached an agreement with Senator CRUZ about this amendment. We reached an agreement with Senator LANKFORD about his amendment on a bipartisan basis, and I included a provision in there which required annual reports on the success of this program, so we can measure it carefully and see if it is working as we hoped it would.

There were three pieces to this for Senator CRUZ, for Senator LANKFORD, and a piece I offered for this annual report. We accepted that language which will be considered in the Senate. I certainly hope that when the request is made to include that language, the annual report will be included in it so we can move forward very quickly on the three Cotton amendments, as he suggested this evening.

We can agree on the CRUZ, LANKFORD, and DURBIN amendment. I think that would not create any burden to move on that, and we are in a position to consider final passage this evening. That seems to be the lineup.

As I said to Senator GRASSLEY and Senator LEE, my partners in this effort, as well as Senator BOOKER, worked long and hard on this. We have had police groups, prosecutors, civil liberties groups—all have carefully reviewed this. No one is getting what they wanted completely. This is a product of compromise. That is how you pass a bill in the Senate—at least, that is my experience.

This is the strongest bipartisan bill I have seen in terms of Democrats and Republicans working for final passage. It will be significant and historic if we

are successful, but I will not presume that until we go through the process of the amendments this evening.

I, again, thank my colleagues who have patiently waited for us to reach this moment, but I think we have a chance to even move forward this evening if we reach a basic agreement.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. RUBIO. Mr. President, we are talking about the subject of justice, and I thought it would be appropriate to take a couple of minutes here, before we get ready to vote, to signify a unique injustice that occurred in the State of Florida 70 years ago.

In July of 1949, a White couple was driving their truck when it broke down on a rural road near Groveland, FL. Two Black men, Walter Irvin and Samuel Shepherd, stopped to help the couple. What would follow would be a horrifying injustice that haunts Florida and truly the Nation to this day.

Norma Padgett was the White woman in that truck. She was 17 years old. She told police she was abducted and raped by four Black men. Many locals at the time doubted her story. Her estranged husband was known to be a drinker and to become violent with her. Many suspected she made up these accusations to cover up for his abuse. The sheriff's office, nevertheless, detained three men for this alleged crime.

Walter Irvin and Samuel Shepherd, the two men who stopped to help the couple, were both World War II veterans. They both denied abducting or raping the woman. Nevertheless, they were detained, and they were brutally beaten in the basement of the sheriff's office, in the jail, until they confessed to a crime they did not commit. A few days later, Mr. Shepherd's family home was burned to the ground.

At the time that truck broke down, a third man, 16-year-old Charles Greenlee—so, really, a boy—was 20 miles away, which was a fact that was testified to by a store watchman. He didn't even know Mr. Irvin or Mr. Shepherd. The woman's own husband testified he was not one of the four men whom he alleged had brutally beaten him and abducted and raped his wife. Yet he too was taken to the basement of that jail and was brutally beaten.

A fourth man, Earnest Thomas, was never arrested because he was hunted down for over 30 hours by an armed posse of over 1,000 men, including the county sheriff. They found him sleeping under a tree in Madison County, FL, and they shot him to death.

Greenlee, Irvin, and Shepherd were tried. The judge who presided over that case denied their attorney access to exculpatory evidence. The judge in that case barred testimony about how they had been beaten until they had confessed. Then an all-White jury convicted them. It sentenced Irvin and Shepherd to death and sentenced 16-year-old Greenlee to life in prison.

A young attorney named Thurgood Marshall took up their case. He appealed it to the Supreme Court of the United States, which found they did not receive a fair trial. In fact, Justice Robert Jackson said the trial was ''one of the best examples of one of the worst menaces to American justice.'' The Supreme Court ordered a retrial.

A few months later, the same sheriff who was part of that posse picked up Mr. Irvin and Mr. Shepherd from jail in order to transport them from prison to a hearing before the trial. He pulled his car over and pulled the two men—handcuffed to each other—out of the car and shot them. Mr. Shepherd died. Mr. Irvin played dead. The FBI later found evidence that he had been shot while lying on the ground, handcuffed to Mr. Shepherd. By the way, lying wounded, his treatment was delayed. The hospital refused to transport him because he was a Black man.

Mr. Irvin was eventually retried. He was again convicted in another sham trial and was again sentenced to death. By 1955, the facts of the case were so troubling that Florida Governor LeRoy Collins took him off death row and commuted his sentence to life in prison. Finally, in 1968, he was paroled by Governor Claude Kirk. One year later, Mr. Irvin returned to Lake County for a funeral. He was found dead in his car.

Mr. Greenlee, the 16-year-old, at the time of the manufactured crime, was paroled in 1960. He left Florida and died in April of 2012 at the age of 78.

In 2017, the Florida Legislature unanimously voted to issue what is now known as the Groveland Four a formal and heartfelt apology, and they asked the State's cabinet to undertake an expedited review of the case and issue pardons.

I come here today to talk about this case because, while there is nothing we can do to give Mr. Thomas or Mr. Shepherd back their lives and while there is nothing we can do to give Mr. Irvin or Mr. Greenlee back the years they spent in jail for a crime they did not commit, we can give these men back their good names.

What we can do now in Florida, as a State, is to seek the forgiveness of their families and of them for the grave injustice that was committed against them. This is why I come to the Senate floor today—to urge the new Florida cabinet to do this as soon as possible, after they take office next month, because after 70 years, it is time for Florida to do the right thing for the Groveland Four.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, before we go to the amendments, I want to give a general overview of what it took to get to the point at which we are now.

The first thing we had to do was show the leader we could produce 60 or more votes for this bill. This is a big bipartisan bill. Senators DURBIN, LEE, GRAHAM, BOOKER, and I—and I suppose I am leaving out some people—had spoken extensively with our colleagues to address their concerns and to gain their support. As we saw last night, more than 80 Senators showed that they were ready for the debate in the culmination of this bill on the Senate floor.

The next step we had to take was to show the people we had broad bipartisan support. On November 15, the FIRST STEP Act was introduced in the Senate. At that point, we had 12 cosponsors. We now have 38 cosponsors.

Of course, the question that always comes up is, Will the House of Representatives take any action if we are successful on the floor of the U.S. Senate? Every step of the way, the House was read in on the Senate bill. The leaders in the House of Representatives, who happen to be Representative COLLINS, Representative JEFFRIES, and, of course, Chairman GOODLATTE of the Judiciary Committee, were all strong partners in this compromise.

We have reached a point with the House of Representatives at which, when the Senate passes this bill—and hopefully we will—Speaker RYAN will be ready to act on this bill. We don't have problems with the House of Representatives as sometimes come up late in a session like we are in—hopefully, the last week of this Congress. We know what we are spending our time doing will be considered by the House of Representatives.

About 3 or 4 weeks ago, we had a Republican caucus, and we listened to the concerns our colleagues had. We were asked to show more Republican support within the Congress. So, with several changes that were made in the bill in the last 3 or 4 weeks, we addressed our Republican colleagues' concerns—the same ones that were raised in our caucus. We did this, obviously, because we wanted to gain support for our bill. The concern among Republicans was that the caucus was divided to the point that more of a majority was against the bill than for the bill. I think, with the answers we had from colleagues, as we individually talked to them about their support for the bill, we gained that support.

We also had to show support from outside the Congress of the United States. I have here, without reading any names, just broad bipartisan support from conservative organizations. At the same time, there are a lot of law enforcement organizations and liberal organizations, and I will just name four or five at this point: The Fraternal Order of Police, the American Civil Liberties Union, the American Conservative Union, and the International Association of Chiefs of Police.

We had to show the colleagues in the Congress that we had broad support from, you might say, the extreme right to the extreme left in support of this legislation. I don't know whether we have had legislation like this before the U.S. Senate, whereby we have put together such diverse groups of people and organizations that support the bill.

Of course, once we had gone through this hard work of getting this bill where it is now on the Senate floor, it was very legitimate for our colleagues to ask: Is the President going to sign it? We worked very closely with the House of Representatives and had even made some changes at the House's suggestion. We also talked to individual Members of the Senate, and the House knew what some Senators had concerns about.

We got admonition from the President and the White House to change some things to bring the President on board. We now have a person who has a reputation for being tough on crime but also a person who recognizes that within our criminal justice system and the prison system and the way judges have to make decisions under mandatory minimums, there is some unfairness. We have a President who may now be seen by a large part of this country as being somebody who not only wants to be tough on crime but be fair on crime.

The President of the United States had a news conference when we put the original bill together, but it was before the fine-tuning, which I have already talked about, to get additional Members' support. At the end of the news conference, at which many Members of the House and Senate were present, the President said, I have my pen ready to sign this bill.

If anybody has any doubt whatsoever about whether the President is for this bill, I am telling you what I heard from his own words—that he has a pen ready to sign this bill. So I hope nobody comes up here and wonders, what does the President of the United States think about this bill? I heard him say it.

So I hope we have a Senate majority—particularly, the Senate majority. When you have an opportunity to have the President of the United States, who is tough on crime but understands there has to be some fairness to it, that the majority party in the U.S. Senate would support the President of the United States—I hope that is what they will think about as they cast these votes on these amendments that we are soon going to have.

I think it is fair to say that as we proceeded over the last 4 years to get a piece of legislation like this, they would be skeptical about this President. But don't be skeptical anymore, because this President gives this bill his full backing.

This is an opportunity for a Republican majority in the U.S. Senate to show that this Republican President can do something that even President Obama couldn't get done, because this was a big issue in the last Congress, but we couldn't get it here to the Senate. So the Congress can deliver a big bipartisan legislative accomplishment for President Trump with the passage of this bill.

I have just described to my colleagues how the legislative process is supposed to work—one on one. How do you eat 10,000 marshmallows? One at a time. How do you get support for a bill? One person at a time, and that is pretty much what the Republican supporters of this bill have been trying to do. Why do it? To placate the honest interests of people in our caucus that raised those same concerns 3 weeks ago.

So this is how the legislative process works. You work in a bipartisan way to build support for your policy and debate it on the floor of the Senate.

Later on I will ask for support for a unanimous consent request.

Mr. MCCONNELL. I ask the chairman of the Judiciary Committee to go ahead and propound his unanimous consent request.

UNANIMOUS CONSENT REQUEST—AMENDMENT NO. 4132

Mr. GRASSLEY. The Senator from Louisiana is ready to object to what I am doing.

I am going to ask unanimous consent, but before anybody objects, I would like to make, maybe, a 1-minute statement on the reason for my unanimous consent request.

I ask unanimous consent that amendment No. 4132 be made pending and agreed to.

This is why I ask that. This amendment ensures that faith-based groups can operate in Federal prisons to help prisoners turn over a new leaf. It also excludes dangerous criminals from earning time credits. Finally, it extends the independent review committee from 2 years to 5 years, and it also requires an annual report.

Now, I have had a little bit of conversation with Senator COTTON, the main opponent of our legislation, and Senator KENNEDY as well. I think that everything that is in amendment No. 4132 is something that at least every Republican ought to support, and I think a large part of the Democrats support it. As far as I can tell, from reading the point of view of my friend from Arkansas on some of these amendments, this point about extending the independent review committee from 2 years to 5 years and requiring an annual report is about the only part of this amendment No. 4132 that Senator COTTON disagrees with. I don't know why he would disagree with an independent review that could be done over a period to go on from 2 to 5 years, because there is going to be periodic decisions made in the meantime, and there is an annual report.

That is what this amendment does, and I hope we can get it adopted.

The PRESIDING OFFICER. Is there objection?

The Senator from Louisiana.

Mr. KENNEDY. Mr. President, reserving the right to object, I don't think there is a single solitary Member of this Senate who would do anything to hurt public safety—and I mean that. Certainly, my colleague Senator DURBIN wouldn't, nor would Senator GRASSLEY or Senator LEE. My problem with this amendment, which Senator GRASSLEY explained very well, has nothing to do with an objection to faith-based organizations participating in anti-recidivism. In fact, I am amazed that the bill got this far with a provision that would prevent our faith-based organizations from participating in the anti-recidivism program. I am stunned that it got this far. So I certainly don't object to that. Indeed, later on, I hope we can offer that amendment separately.

I certainly don't object to Senator CRUZ's suggestion that we not let dangerous people out of prison. So I am all for that portion of the amendment, and I hope we can deal with that separately.

What I am not for is extending the sentencing review commission and, yet again, creating more bureaucracy, because that is my problem with the whole bill. If you believe our sentencing laws are unjust, then I am prepared to stay here night and day through Christmas, and let's debate them and let's fix them, but that is not what this is doing. What this is doing is giving away all of our authority as U.S. Senators to nameless bureaucrats—I am not using that term in a pejorative sense—in the Bureau of Prisons to decide who gets to leave prison early and who doesn't. It is like putting paint on rotten wood.

So with respect to our Senator, my colleague, I object, with the caveat that I hope he will bring the two good parts of this amendment back later.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now vote in relation to the divisions of the Kennedy amendment No. 4109 in the regular order; further, that there be 4 minutes prior to the vote, equally divided between the opponents and the proponents.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. So for the information of Senators, the vote order will be division I, division II, and, then, division III.

VOTE ON DIVISION I OF AMENDMENT NO. 4109 TO AMENDMENT NO. 4108

The PRESIDING OFFICER. There will now be 4 minutes of debate, equally divided prior to a vote in relation to division I, amendment No. 4109.

Who yields time?

The Senator from Arkansas.

Mr. COTTON. Mr. President, I will take the 2 minutes for this division, I

believe. Senator KENNEDY will take the 2 minutes for each of the next two amendments.

This amendment is very simple. It simply ensures that the sponsors' rhetoric is reflected in the text of the bill. We have heard for years that this bill would not allow violent felons to be released from prison. As it stands now, this bill allows people convicted of carjacking, bank robbery, and coercing a minor into sexual activity and into prostitution to be released early from prison, among many other things. That is just a fact of the bill itself.

The amendment that Senator KENNEDY and I have offered would exclude certain specified heinous crimes like coercing a minor into sexual activity or prostitution from those prisoners who are eligible for early release. It would also ensure that no person who is convicted of any crime of violence or any sexual offense is released early from prison. That is what the bill sponsors have said all along. Unfortunately, the bill language does not reflect that rhetoric. Our amendment will ensure that it does.

I know some people have called this a ''poison pill,'' which is a slogan in the substitute of an argument. The U.S. Sentencing Commission has said that even if this amendment passes, 62 percent of Federal prisoners will still be eligible for early release.

If I could do more, I would, but I think we can all agree that people who are convicted child molesters should not be allowed early release from our Federal prisons. If you are curious about how many sex offenders we have and what our Bureau of Prisons thinks about them, let me share with you this little statistic. There are over 15,000 sex offenders in Federal prison and 72 percent of them are currently assessed at low risk. Let me say that 72 percent of those 15,000 sex offenders could be eligible for release if we don't have a simple exclusion on sex offenders and crimes of violence.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, before I speak, I think we need to give the Senator from Arkansas another 2 minutes because he was speaking on the wrong amendment that is before the Senate.

Mr. COTTON. I appreciate that from the Senator from Iowa. If that is the case, I will defer to the Senator from Louisiana because I think he wanted to speak on that specific division.

Mr. GRASSLEY. It is the victims notification amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. KENNEDY. Mr. President, this amendment is very, very simple. This is what it does. It requires the Director of the Bureau of Prisons to do four things: No. 1, notify each victim—or if the victim of a crime is deceased, the victim's next of kin—that the Bureau of Prisons expects to release the inmate who committed the crime to the victim. So step 1, the Bureau of Prisons has to notify the victim that the person who committed the crime is about to be released.

No. 2, the Bureau of Prisons has to tell the victim—that word is used enough in this bill—the date that the inmate will be released.

No. 3, the Director of the Bureau of Prisons has to allow the victim or the victim's next of kin to make a statement about the inmate's release. It doesn't give the victim veto power, but the victim is allowed to make a statement. Finally, it requires the Director of the Bureau of Prisons to review that statement.

Now, this bill spends billions of dollars on our criminal justice system and on criminals—certainly hundreds of millions of dollars—but it doesn't do much for victims. All this bill would do is say that victims have some rights, too, and the victims' rights are very simple.

Let me give an example. If a rapist is about to be released from prison early, the Bureau of Prisons has to tell the rape victim that we are letting him out early and the date we are letting him out. The victim is entitled to make a statement, and the Bureau of Prisons has to read it. That is the least we can do for victims under this bill.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, before I take my 2 minutes in opposition to this amendment, for the leader I ask unanimous consent that the votes following the first vote in this series be 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I rise in opposition to this amendment. This amendment is unnecessary. This amendment is duplicative of requirements already enacted into law under the Crime Victims' Rights Act.

Current law requires notification to crime victims who choose to be notified. It allows others to opt out to avoid being retraumatized. This would change the law to require victim notification, which could retraumatize victims who choose not to be notified.

This is not a victim-centered approach. It is a heavyhanded violation of a victim's choice. This amendment would require notification even if the victim doesn't want it, raising the specter of retraumatizing a victim who has tried to move on with their life.

This is not a victim-centered approach. It is a heavyhanded government violation of a victim's choice. Victims' rights groups oppose this amendment for this reason.

The public notice mandates create a series of new bureaucratic, big-government requirements and a new unfunded mandate for the Bureau of Prisons.

So I will vote against this amendment. To support my reasons, I will quote a whole list of conservative groups: the American Conservative Union, FreedomWorks, Right on Crime, R Street Institute, Jessica Jackson's group, U.S. Justice Action Network, and a whole host of groups like that.

Heritage Action scores it.

We have from the victims' rights groups, Crime Survivors for Safety and Justice, fairness, dignity, and respect for crime victims and survivors, and the National Coalition of Police and Prosecutors warns of hostile amendments.

I am going to end by simply stating what you heard me say in my opening remarks before this—that we have a chance to send a bill to the President. In his news conference, he said that he is ready to sign it. We have a President who is tough on crime, but he wants to be fair on crime. The bill we put together with the White House does that. I ask you to vote no.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to division I of amendment No. 4109.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

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

The result was announced—yeas 32, nays 67, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—32

Barrasso	Enzi	Risch
Blunt	Fischer	Rounds
Boozman	Gardner	Rubio
Burr	Hoeven	Sasse
Capito	Inhofe	Scott
Collins	Kennedy	Shelby
Cornyn	Kyl	Sullivan
Cotton	McConnell	Thune
Crapo	Murkowski	Tillis
Cruz	Perdue	Toomey
Daines	Portman	

NAYS—67

Alexander	Hassan	Murray
Baldwin	Hatch	Nelson
Bennet	Heinrich	Paul
Blumenthal	Heitkamp	Peters
Booker	Heller	Reed
Brown	Hirono	Roberts
Cantwell	Hyde-Smith	Sanders
Cardin	Isakson	Schatz
Carper	Johnson	Schumer
Casey	Jones	Shaheen
Cassidy	Kaine	Smith
Coons	King	Stabenow
Corker	Klobuchar	Tester
Cortez Masto	Lankford	Udall
Donnelly	Leahy	Van Hollen
Duckworth	Lee	Warner
Durbin	Manchin	Warren
Ernst	Markey	Whitehouse
Feinstein	McCaskill	Wicker
Flake	Menendez	Wyden
Gillibrand	Merkley	Young
Grassley	Moran	
Harris	Murphy	

NOT VOTING—1

Graham

Divison I of amendment No. 4109 was rejected.

VOTE ON DIVISION II OF AMENDMENT NO. 4109 TO AMENDMENT NO. 4108

The PRESIDING OFFICER. There will now be 4 minutes of debate equally divided prior to the vote on division No. II.

The Senator from Louisiana.

Mr. KENNEDY. Mr. President, I know there has been some confusion about these amendments, as one sort of bleeds into the other, so without repeating myself, I want to describe this amendment very quickly.

This amendment would require the Director of the Bureau of Prisons, on a quarterly basis and without using the released inmate's name—so it would be anonymous—to publish, No. 1, the crime for which the inmate is or was imprisoned—I am talking about the released inmate—the Bureau has to publish, No. 1, the crime for which the released inmate was in prison; No. 2, prior crimes for which the inmate was in prison—some would call that his rap sheet; No. 3, whether the released inmate has been rearrested, and if he or she has, what for, and the information would be broken down by State. This is merely reporting, and the objective is transparency.

Now there are provisions of this amendment—I don't want to mislead anyone—that will reassert the right of the victim to be notified when an inmate is released. I will just sum up by saying that I don't want to mislead anyone. There is a victim's right of notification provision in this amendment as well, but it is primarily a transparency provision.

I will be glad to answer any questions.

I yield my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. As we talked about the earlier amendment, we talked a great deal on the previous amendment about victim's notification. There is also a victim's notification in this amendment as well. So I don't want to go into—the arguments are the same. Remember, victim rights groups oppose this amendment because it is covered by current law.

So I want to spend my time on talking in opposition to this amendment from the standpoint of granting wardens veto authority over what this law sets up as an objective, evidence-based system—or you could call it a risk assessment system—in the act to make sure that we have a good foundation for determining whether somebody is a risk to society if they take advantage of this program and to do it in a studied way. Once that is set up, then this amendment would allow a warden to veto it.

If a low- or minimal-risk inmate works hard to make themselves ready to be productive citizens and community leaders or members, then they ought to reap the rewards of that work under the FIRST STEP Act and not have a person step in who could put bias into the system and human error into the system. We are trying to set up a system to get away from it, because this legislation is all about bringing fairness to the prison system and to the judicial system as well.

How much time do I have left?

The PRESIDING OFFICER. A few seconds.

Mr. GRASSLEY. I am done.

Did you say 2 seconds?

The PRESIDING OFFICER. A few seconds.

Mr. GRASSLEY. OK. Vote against the amendment.

The PRESIDING OFFICER. The question is on agreeing to division No. II of amendment No. 4109.

Mr. COTTON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

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

The result was announced—yeas 33, nays 66, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—33

Barrasso	Fischer	Portman
Blunt	Gardner	Risch
Boozman	Heller	Rounds
Burr	Hoeven	Rubio
Capito	Inhofe	Sasse
Cornyn	Isakson	Scott
Cotton	Kennedy	Shelby
Crapo	Kyl	Sullivan
Cruz	McConnell	Thune
Daines	Murkowski	Tillis
Enzi	Perdue	Toomey

NAYS—66

Alexander	Grassley	Murphy
Baldwin	Harris	Murray
Bennet	Hassan	Nelson
Blumenthal	Hatch	Paul
Booker	Heinrich	Peters
Brown	Heitkamp	Reed
Cantwell	Hirono	Roberts
Cardin	Hyde-Smith	Sanders
Carper	Johnson	Schatz
Casey	Jones	Schumer
Cassidy	Kaine	Shaheen
Collins	King	Smith
Coons	Klobuchar	Stabenow
Corker	Lankford	Tester
Cortez Masto	Leahy	Udall
Donnelly	Lee	Van Hollen
Duckworth	Manchin	Warner
Durbin	Markey	Warren
Ernst	McCaskill	Whitehouse
Feinstein	Menendez	Wicker
Flake	Merkley	Wyden
Gillibrand	Moran	Young

NOT VOTING—1

Graham

Division II of amendment No. 4109 was rejected.

VOTE ON DIVISION III OF AMENDMENT NO. 4109 TO AMENDMENT NO. 4108

The PRESIDING OFFICER. There will now be 4 minutes of debate equally divided prior to the vote in relation to division III of amendment No. 4109.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, I will not speak for 2 minutes. There was confusion earlier about which amendments we are voting on.

Frankly, most of you have heard my arguments before. Just to clarify, this has six specific exclusions from early release—offenses like coercing a minor into sexual activity or prostitution, carjacking, bank robbery, hate crimes, as well as a catchall for crimes of violence and sex offenses.

With that, I yield back the balance of my time and urge my colleagues to vote yes.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, if I had 2 minutes the last time, I should have had more than 2 seconds left over.

Mr. SCHUMER. I ask unanimous consent that the Senator be given 3 minutes.

Mr. GRASSLEY. No, I can't do that.

Let's see if we can keep our bipartisan coalition together to pass a bill that the President said he is ready to sign. That is what he said at the end of his news conference. It is pretty important to understand, this is something the President is behind. So we are facing a very serious vote on this next one.

Obviously, I rise in opposition to this amendment. This amendment is very finely tailored to scare you that if you don't vote for this amendment, you are going to have somebody out on the street, contrary to the intent of this law, who is going to commit some awful act. Remember, this law is centered on those people who are the least violent people who are in prison already.

Don't be scared by what you have heard about this amendment—it is unnecessary—because the system that is set up by the FIRST STEP Act itself renders dangerous and violent criminals ineligible for the benefits available to low-level offenders under this bill. We are only going to help low-level offenders.

This tactic that is being used to scare you into voting for this amendment and then into destroying the bipartisan cooperation we have gotten in order to get this bill passed undermines the goal of incentivizing low-level offenders to prepare themselves to be productive on reentry.

My 2 minutes are up already?

The PRESIDING OFFICER. They are.

Mr. SCHUMER. You have 3 minutes.

Mr. GRASSLEY. Will you vote against the amendment, please?

Mr. SCHUMER. Look over there.

Mr. GRASSLEY. Will you vote against the amendment, please?

The PRESIDING OFFICER. The question is on agreeing to division III.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

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

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—37

Barrasso	Enzi	Portman
Blunt	Fischer	Risch
Boozman	Gardner	Rounds
Burr	Heller	Rubio
Capito	Hoeven	Sasse
Cassidy	Inhofe	Scott
Collins	Johnson	Shelby
Corker	Kennedy	Sullivan
Cornyn	Kyl	Thune
Cotton	McConnell	Toomey
Crapo	Murkowski	Young
Cruz	Perdue	
Daines	Peters	

NAYS—62

Alexander	Hassan	Murray
Baldwin	Hatch	Nelson
Bennet	Heinrich	Paul
Blumenthal	Heitkamp	Reed
Booker	Hirono	Roberts
Brown	Hyde-Smith	Sanders
Cantwell	Isakson	Schatz
Cardin	Jones	Schumer
Carper	Kaine	Shaheen
Casey	King	Smith
Coons	Klobuchar	Stabenow
Cortez Masto	Lankford	Tester
Donnelly	Leahy	Tillis
Duckworth	Lee	Udall
Durbin	Manchin	Van Hollen
Ernst	Markey	Warner
Feinstein	McCaskill	Warren
Flake	Menendez	Whitehouse
Gillibrand	Merkley	Wicker
Grassley	Moran	Wyden
Harris	Murphy	

NOT VOTING—1

Graham

Division III of amendment No. 4109 was rejected.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 4131 TO AMENDMENT NO. 4108

Mr. MCCONNELL. Mr. President, I call up Cruz amendment No. 4131 to amendment No. 4108.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. CRUZ, proposes an amendment numbered 4131 to amendment No. 4108.

Mr. MCCONNELL. I ask that the reading be waived.

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

The amendment is as follows:

(Purpose: To expand the list of offenses for which a prisoner is ineligible to receive certain time credits and to modify a provision relating to a limitation on faith-based activities)

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, I want to thank the bill's sponsors for working with me on this amendment. I think this bill that the Senate is getting ready to pass is a major bill that moves in the direction of justice. It lowers mandatory minimums for nonviolent drug offenders.

This amendment excludes a series of specific violent offenses, including carjacking, destruction of aircraft and motor vehicles, and drive-by shootings. Another component of it is an amendment that Senator LANKFORD has introduced that protects religious liberty.

The sponsors on both sides, Democratic and Republican, have agreed to this amendment. I want to thank them for their cooperation in that.

I yield my time to Senator LANKFORD.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, there is an error in the way this bill is drafted. There are a lot of entities that want to be able to engage in the process of working against recidivism and make sure we can actually help those individuals who are in our prisons go through the process. Some of those are faith-based groups. The definition that is in this bill would preclude a lot of faith-based groups from being engaged. We want to open this up to everyone.

The Trinity Lutheran case in the Supreme Court said that the government should be neutral to any entity, whether they are secular or sacred, that the government treats them all the same. This is not about proselytizing; this is about allowing groups that want to engage and serve those in the prison populations and work against recidivism in the future to do that. This technical correction allows that, and I think it is a wise thing to do.

I thank the sponsors for allowing this to go forward and for this correction to be made.

I am glad to yield back.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that all postcloture time be considered expired; that the Senate vote on amendment No. 4131; further, that following disposition of the amendment, the Senate vote on the motion to concur with further amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4131.

The amendment (No. 4131) was agreed to.

MOTION TO CONCUR WITH AMENDMENT NO. 4108

The PRESIDING OFFICER. The question occurs on the motion to concur with an amendment.

The yeas and nays are mandatory. They were previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

The result was announced—yeas 87, nays 12, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—87

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

NAYS—12

Barrasso	Kyl	Rubio
Cotton	Murkowski	Sasse
Enzi	Risch	Shelby
Kennedy	Rounds	Sullivan

NOT VOTING—1

Graham

The motion was agreed to.

The PRESIDING OFFICER. The Senator from South Dakota.

MORNING BUSINESS

Mr. THUNE. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

REMEMBERING BURL BOWEN

Mr. MCCONNELL. Mr. President, earlier this year the Knott County, KY, community lost a beloved member with the passing of Burl Bowen at the age of 98.

Born in Wheelwright, Burl grew up in southeastern Kentucky and later joined the Civilian Conservation Corps to plant trees in the region. Like so many of his generation, Burl earned his place in the ''greatest generation'' by serving in the U.S. Army during World War II. He carried his patriotism and love for his country throughout the rest of his career and his life, inspiring those around him. Burl spent a number of years in Detroit, working in a steel mill and operating a barber shop. He returned to Kentucky upon his retirement with his wife Anita.

Later in his life, Burl made a particularly large impact on the young men of the Knott County Central High School's basketball team. Known as the team's No. 1 fan, Burl could always be found in the front row of the stands cheering on his team. He was 95 when the team won the 14th region championship, and Burl proudly climbed the ladder to help cut down the net. At his funeral, the players paid their respects by serving as Burl's pallbearers.

Along with the Knott County community, Elaine and I send our condolences to Anita, their family, and all

who loved Burl. I urge my Senate colleagues to join me in paying tribute to such a remarkable Kentuckian.

REMEMBERING DON WATTENBARGER

Mr. MCCONNELL. Mr. President, in September the community of London, KY, lost one of its treasured residents with the passing of Don Wattenbarger at the age of 81. Don's remarkable life will be remembered for his kindness, his service to others, and his dedication to helping Kentucky's children celebrate Christmas. Overcoming a childhood bout with polio, Don never let his physical difficulties stop him from helping others, and as a fellow survivor of the disease, I admire him for it.

I would especially like to remember Don's work with the Laurel County Sheriff's Department, which he joined as a part-time deputy in 1986. His official responsibilities included working as a bailiff in court, but this community will remember him for his boundless care and generosity outside of his job description. Even after his retirement in 2007, Don hardly slowed down, continuing to be a force for good in his community.

Working with the Cumberland Valley Fraternal Order of Police, Don was instrumental in leading and maintaining the Shop with a Cop program in Laurel County. Every year, Don and his wife Virginia would collect donations to help children in need have a joy-filled Christmas. It is a heart-warming program that helps so many children in this community. One of Don's friends, Karlyle Young, remembered a particular family with several children who participated in the Shop with a Cop program. Their father had recently lost his job, and money was tight around the house. The children asked if they could use some of the money to buy food, instead of Christmas toys. Don and the other volunteers collected extra donations to help buy this family food and make sure the children also received Christmas presents. Working with the sheriff's department for more than 20 years, Don helped spread Christmas cheer to more than 5,000 local children.

Don also served as a longtime board member of the Laurel County Drug Abuse Resistance Education, D.A.R.E., program, teaching children about the dangers of drug and alcohol abuse. For his dedication to this cause, North and South Laurel high schools present an annual scholarship to a graduating senior in Don's honor. He was also an active member of the local Shriner's Club, the masonic lodge, and several other service organizations that helped those in need in Laurel County.

In 2018, the city of London recognized Don's incredible lifetime of service by honoring him as a ''Living Treasure.'' His respect, compassion, and charitable nature will continue to be remembered and appreciated by the thousands of lives he made better. I would ask my Senate colleagues to join me in expressing our gratitude and deep condolences to Don's family, especially his beloved wife of 51 years Virginia, his friends, and the Laurel County community that cherished him.

FIRST STEP ACT

Mr. VAN HOLLEN. Mr. President, I am proud that the Senate has passed the FIRST STEP Act. As a cosponsor of this bill, I am heartened that Republicans and Democrats came together to address an issue that affects millions of Americans and their families.

Although one of my colleagues across the aisle has said that we have an ''under-incarceration'' problem, that is simply not the case. The United States represents only 4.4 percent of the world's population, but we hold approximately 22 percent of the world's prisoners. Over the past decade, Americans and Congress have taken a long hard look at who we incarcerate and why. This review has made us realize that too many elements of our criminal justice system are based on prejudice and have inflicted unnecessary harm in communities across the country. We should strive to ensure that ''liberty and justice for all'' is not just a phrase we say, but a promise we keep to all Americans.

The FIRST STEP Act allows prisoner rehabilitation so that they can return home ready to contribute to their communities. Education and job training opportunities provide individuals with a real second chance.

The bill incorporates important provisions that allows for the retroactive application of the Fair Sentencing Act, which removed the sentencing disparity between the crack-powder and cocaine. We were able to include provisions that prohibit the use of solitary confinement of juvenile offenders, prohibit the shackling of pregnant and postpartum women, and ensure that prisoners are placed in prisons closer to home. The bill also offers low and minimal-risk offenders the possibility of supervised release, home confinement, or release to halfway homes.

The three amendments offered to the bill by Senators COTTON and KENNEDY do not protect victims, are redundant, and are so broad as to subvert the bill's purpose. The first amendment requires mandatory notification to crime victims of an offender's impending release. However, current law and agency policies already allows victims to choose if they want to receive these updates. Mandated reporting harms victims who do not want to receive this information. That is why this amendment is opposed by organizations such as the Crime Survivors for Safety and Justice and the Fairness, Dignity & Respect for Crime Victims & Survivors Project.

The second amendment will require wardens to notify victims of early release and review victim statements prior to determining if an offender is eligible for pre-release custody or supervised release. Again, this amendment diminishes the rights our current laws give victims by allowing them determine if they want to receive this information. Victims already have the right to submit statements of opposition or support prior to parole or early release. Additionally, prison wardens should not be burdened with calculating risk assessment. The bill establishes an independent review committee that will recommend and assess the best evidence-based tools to ensure that risk assessments are bias-free and objective.

Lastly, the expanded ''crime of violence'' definitions offered are vague, redundant, and would exclude the very population the bill is designed to help. On its face, the final amendment seems to be common sense but the language is so vague that one analysis claims that only low-level drug offenders and white-collar criminals would be eligible for earned credit. The amendment has a catchall to prevent anyone who has been convicted of any offense that involved substantial risk of physical force against a person or their property from receiving pre-release. The U.S. Sentencing Commission estimates that this amendment would exclude 30,000 prisoners from participating in the program. I believe that the goal of criminal justice reform is rehabilitation and reducing recidivism and restricting incentives would defeat that purpose. The bill has been carefully crafted to only include low-risk offenders.

The FIRST STEP Act is by no means perfect. For example, the bill does not include provisions to address the flaws in the money bail system or the discrimination in housing or employment that many offenders face upon release, nor does it prohibit the use of private prisons or address discriminatory loopholes in our Tax Code that make it harder for released offenders to finance their education.

But the bill's name is clear: This is the first step and not the last in our commitment to reform our criminal justice system.

FAIRNESS IN HIGH-SKILLED IMMIGRANTS ACT

Mr. GRASSLEY. Mr. President, I have asked to be notified before any unanimous consent agreement to process this bill because I oppose S. 281, the Fairness in High-Skilled Immigrants Act. High-skilled immigrants are a benefit to the United States. We welcome those talented individuals from across the world who can supplement our own domestic labor workforce. In Iowa, we have seen the benefit of high-skilled immigrant doctors, healthcare professionals, and medical specialists who serve our rural communities. These immigrants provide quality healthcare and immerse themselves in our communities. In turn, Iowans welcome them with open arms. I look forward to improving the integrity of our

H–1B program through regular order in a bipartisan manner. However, I have strong objections to S. 281 or the Fairness in High-Skilled Immigrants Act.

This bill would eliminate the per country numerical limitation for employment-based immigrants and increase the per country numerical limitation for family-based immigrants from 7 percent to 15 percent of the total number of family-sponsored visas. It would also do nothing to improve serious problems in our H–1B visa program. In fact, it does not address any employer abuses, fraud, protections for American workers or protections for the H–1B workers themselves.

Congress must deal with the visa backlog issue, but this bill is a bandaid over a bullet hole that I fear will lead to unintended consequences. First, eliminating the per country caps will not necessarily clear out the backlog. Inevitably, with tens of thousands of people waiting in line, a backlog will ensue from a processing standpoint regardless of whether or not there are per country caps. Second, this bill does not replace the per country caps with any sort of metric-based system or order. This is problematic at best. Of course, an immigrant's country of origin should not dictate their place in line for visas, but surely a clear corresponding domestic labor demand should.

Members on both sides of the aisle have said they are committed to a merit-based immigration system. Certainly then, if we eliminate per country caps, we should have a merit-based system that prioritizes not based on country of origin, but on what jobs need to be filled and a showing that there are not enough Americans to fill that position. Some of my colleagues have proposed a points-based system. I believe this could be a good starting point. Ultimately, however, a replacement system for the per country limitations should be discussed and fully vetted through hearings and debate. I am willing to work with any Member, Democrat or Republican, including the proponents of this bill, to create a smarter and fairer system.

President Trump and congressional Republicans promised the American people that we would address chain migration, but this bill does not do that. Instead, it more than doubles family-sponsored visas but does not limit this privilege to the nuclear family. Before we talk about expanding family-sponsored visas, we should right-size immigration in a manner that balances domestic economic demand with American values. Limiting family-sponsored visas to spouses, children, and elderly dependent parents seems both fair and prudent.

Finally, this bill does not include overdue reforms to our H–1B visa program. This bill does not include any safeguards, such as requiring employers to recruit American workers prior to hiring an H–1B worker and increasing wages for H–1B workers. Too often we have seen employers undercut wages for U.S. workers by intentionally classifying H–1B workers at a lower wage level for the work they are performing. This bill also ignores harms that befall the H–1B workers, many of whom are underpaid, vulnerable to abuse, and frequently placed in poor working conditions. There is bipartisan agreement that we need to address the visa backlog and H–1B reform. I look forward to working with any of my colleagues on this effort in the next Congress.

TRIBUTE TO MAJOR STEVEN FOWLER

Mr. ROUNDS. Mr. President, today I recognize Maj. Steven Fowler for all of his hard work on behalf of myself, my staff, and the State of South Dakota while working in my Washington, DC, office.

Steven entered military service in 2004 and has devoted his career to the U.S. Air Force. Before his time in my office, Steven served as a full-time National Guard officer in the National Guard Bureau. He also received a master's degree in public administration from the JFK School of Government at Harvard University. Steven's experience and expertise have been a true asset to my office.

I extend my sincere thanks and appreciation to Steven for his service to our country. I wish Steven, his wife Cara, and their daughters MaKenna, Alexandra, and Abigail all the best in the years to come. As he continues his career of service, he bears the esteem of a grateful State and my utmost gratitude for a job well done.

ADDITIONAL STATEMENTS

TRIBUTE TO SANDY SANDERS

● Mr. BOOZMAN. Mr. President, today I wish to recognize the career of Edward ''Sandy'' Sanders who is retiring as Mayor of Fort Smith, AR, capping a lifetime of service in the public and private sectors.

Sandy Sanders received his bachelor's and master's degrees from the University of Oklahoma and spent 32 years with Whirlpool Corporation, retiring as the human resources manager in the Fort Smith Division. During his corporate career, Sandy was well known as a volunteer and leader among countless community organizations and events. Locally he served as the chair and president of numerous charitable boards including the Fort Smith Symphony, the Old Fort Days Rodeo, Bost Human Development Center, Leadership Fort Smith Alumni, the Fort Smith Port Authority, and the Fort Smith Park Board.

His leadership skills were also appreciated at the State level and beyond. He was appointed by the Governor to the Arkansas Aeronautic Association and also served as President of the Arkansas-Louisiana District Exchange Clubs and National President of the Association of Community College Trustees.

Sandy has always looked for ways to improve opportunities for young people and create a well-educated workforce. His efforts included serving on the Governor's Apprenticeship Coordination Steering Committee and the Southern States Apprenticeship Committee. He was a member of the board of directors of the Fort Smith Chamber of Commerce and continuously provided a bridge between business and community needs.

After his retirement from Whirlpool, Sanders was called over and over to fill positions of need in the community. First, as interim director of the Children's Emergency Shelter and then as first executive director of the Fort Chaffee Redevelopment Authority, which was created to transition former military property into a job-creating asset for the region. This was supposed to be a temporary position, but Sandy stayed for 6 years and laid the groundwork for what we now know as Chaffee Crossing.

He probably thought he was officially retired when he left that position. However, the community called again, this time to run for public office. Sandy was elected mayor of Fort Smith in 2010. His combination of experience in the private and public sectors made him the ideal person to lead the city, help the area attract new jobs and improve services to the community. During his tenure, the city has seen impressive growth and success in business and the arts.

I know he is especially proud of the events he led during his last year in office to celebrate Fort Smith's bicentennial. In many ways, his leadership illustrates everything he hoped to highlight about the city. He has a rich history in the area, but has always looked forward.

Sandy has received many accolades for his work over the years, but I know from our visits that he is more interested in the success of others. His work to promote education and provide opportunities for young people will continue to benefit generations to come.

He is a man of great faith who uses his gifts however they are needed at St. Luke's Lutheran Church, whether that is serving on the building committee or singing in the choir. He and his wife, Dr. Sandi Sanders, have been married for 54 years and are very proud of their two daughters and six grandchildren. Beyond all of his personal accomplishments, he would tell you that his family is his greatest legacy.

I appreciate Sandy's friendship and am grateful for his years of service and efforts devoted to the State of Arkansas.●

125TH BIRTHDAY OF THE NEVADA SAGEBRUSH

● Ms. CORTEZ MASTO. Mr. President, I come forward today to recognize the

125th birthday of the Nevada Sagebrush, the independent student newspaper of the University of Nevada, Reno. Born out of a rebellion against the university's board of regents, the Nevada Sagebrush has been a strong and independent voice for the student body since October 19, 1893.

The paper has gone through several name changes throughout its long history. It was first known as the Student Record, then changed its name to the Sagebrush before the 18th volume was published in 1910 and finally, in 2004, became known as the Nevada Sagebrush. The newspaper has received an Associated Collegiate Press Pacemaker Award several times, most recently during the 2014–15 school year, and the ACP Online Pacemaker Award in 2011.

The Nevada Sagebrush alumni have gone on to pursue successful careers in a variety of prominent fields. Its editorial alumni have distinguished records in journalism, literature, education, business, the military, and public service from the local level to the highest levels of State and Federal Government.

Among distinguished Sagebrush alumni, Alan Bible, the paper's managing editor in 1929, went on to become a U.S. Senator for Nevada from 1954–1974. Eva Adams, the woman who ran Bible's Senate office, was the Sagebrush business manager in 1928 and was appointed by President Kennedy to head the U.S. Mint, a position she held until 1969. Jim Joyce, the newspaper's editor from 1957–1958, served as the press secretary and later executive assistant to Senator Howard Cannon. Edward Allison, the news editor in 1960, served as chief of staff for Senator Paul Laxalt. Sig Rogich, an editor of the Sagebrush from 1965–1966, served as a senior assistant to President H.W. Bush and was also the U.S. Ambassador to Iceland in 1992.

Many more Sagebrush alumni have gone on to serve and make an impact in the State of Nevada. Ruthe Deskin and Dondero Elementary Schools in Las Vegas were named after Ruthe Deskin, assistant to the publisher of the Las Vegas Sun for 50 years, and Harvey N. Dondero, a teacher and school principal in Nevada, both of whom wrote for the Nevada Sagebrush. Rollan Melton Elementary School and Earl Wooster High School in Reno also owe their namesake to alumni of this great newspaper.

Today, I celebrate the many contributions of the Nevada Sagebrush to the University of Nevada, Reno and to the State of Nevada. It is with pride that I ask my colleagues to join me in recognizing the Nevada Sagebrush for giving students a strong and independent voice.●

TRIBUTE TO EDMUND G. BROWN, JR.

● Ms. HARRIS. Mr. President, today I wish to express my deepest appreciation to Governor Edmund G. ''Jerry'' Brown, Jr., for his nearly 50 years of committed public service to the people of California.

The son of a former California Governor, Jerry was born in San Francisco in 1938 to Pat Brown and Bernice Layne. He graduated from the University of California, Berkeley in 1961 before earning his law degree from Yale University in 1964. He began his statewide career in public service in 1970 after winning his first election as California secretary of state.

In 1974, Jerry became Governor of California for the first time, implementing an agenda that epitomizes the essence of California values. He helped create millions of jobs and strengthened the environment. He passed the Agricultural Labor Relations Act and led the cause for the introduction of government funding in renewable energy research. After 8 years in office, Jerry had a distinguished law career, ran for Federal office on a platform dedicated to empowering communities and affecting change, and served as chairman of the California Democratic Party.

He reentered public life in 1998, this time as mayor of the great city of Oakland, my hometown. As mayor, Jerry worked diligently to revitalize downtown Oakland, reduce crime, and expand educational opportunities. In 2006, he became California attorney general and prioritized consumer protection, environmental protection, and combating the underground economy.

Finally, in 2011, Mr. Brown returned to the Governor's seat where his record can only be described as extraordinary. Jerry has brought California's unemployment rate to record lows, expanded health coverage to millions in the wake of the Affordable Care Act, and established groundbreaking policies to combat climate change that have inspired our Nation and the world. Before joining the U.S. Senate, I worked with Jerry for 6 years as attorney general of California, during which we tackled an economic and housing crisis of epic proportions and fought to protect the privacy and cyber security of California's residents and businesses. Since joining the U.S. Senate, Jerry, Senator FEINSTEIN, and I have worked together to bring critical aid to those affected by the deadly wildfires that have ravaged our State.

I am incredibly grateful for the opportunity to honor Governor Brown's leadership and achievements today on the Senate Floor. His ability to bring sweeping change to improve the lives of the people he serves and the communities he governs is truly inspiring. His unwavering commitment to the people of California and vision for a more perfect union will long be remembered and cherished in the pages of history.●

TRIBUTE TO ARTURO S. RODRÍGUEZ

● Ms. HARRIS. Mr. President, it is with gratitude that I rise today to acknowledge Arturo S. Rodríguez for his 45 years of leadership and commitment to protecting and advancing the civil, political, and economic rights of farm workers, most notably as president of the United Farm Workers of America, or UFW.

Born the grandson of a cattle farmer in San Antonio, TX, in 1949, Arturo first learned of Cesar E. Chavez and California's farm worker movement in 1966. His passion for civil rights and social justice motivated him to become an active farm worker supporter as a student at Saint Mary's University, where he would later graduate in 1971 with a degree in sociology. After receiving a master's degree in social work from the University of Michigan in 1973, Arturo joined the farm worker movement full-time, working with Chavez for the next two decades to develop and train new organizers, manage UFW industry organizing campaigns, and oversee national boycott strategies that would increase wages and improve working conditions. Following Chavez's passing in 1993, Arturo became the second president of the UFW and committed himself to fulfilling Chavez's legacy of creating a more just and equitable food system that treated farm workers with the dignity and respect they deserved.

Arturo's presidency has been nothing short of extraordinary. Under his leadership, farm worker wages have risen to an average of $13.18 an hour, above State and Federal minimum wage laws. Arturo established industry-wide organizing campaigns resulting in 80 percent of the mushroom, rose, and strawberry workers now represented by a union contract. He held employers accountable for wage and hour laws, winning millions of dollars for workers in back wages and overtime pay. He won historic State legislation to provide overtime pay to farm workers and protect them from heat exposure.

As president of the largest and most active farm worker movement in the Nation, Arturo has also pushed a national agenda for immigrant and workers' rights. He led negotiations with major agricultural associations to develop the agricultural provisions in the Senate's comprehensive immigration reform bill passed in 2013. He and the UFW worked closely with the Obama White House to secure protections for farm workers from the harmful effects of pesticides, in addition to protections for children and parents as part of President Obama's immigration Executive actions. I was honored to work closely with him as a newly elected Member of the Senate to introduce the Fairness for Farm Workers Act, S. 3131, to strengthen critical Federal protections for farm workers as they face long hours and exposure to harsh working conditions.

Arturo's legacy represents the best of who we are as a nation. His unwavering commitment to bettering the lives of the most vulnerable epitomizes the kind of servant leader we should all

strive to be. His contributions to the farm worker movement and our Nation will have a lasting impact for generations to come.●

REMEMBERING DR. THOMAS KENT ''T.K.'' WETHERELL

● Mr. NELSON. Mr. President, Dr. Thomas Kent ''T.K.'' Wetherell was a distinguished public servant, educator, and a great man who leaves behind a tremendous legacy of service to the State of Florida. Dr. Wetherell is recognized as one of the best speakers in the history of the Florida House of Representatives, as well as a transformative and effective president of Florida State University, FSU, and Tallahassee Community College. He loved the State of Florida and worked his entire career to improve higher education in the State.

As a student at FSU from 1963 to 1968, T.K. was a star football player. In fact, he still holds the record for the longest kickoff return in the school's history. Off the field he succeeded in academics, earning bachelor's and master's degrees in social studies education in 1967 and 1968 and a doctorate in education in 1974. A third-generation Floridian, T.K. became the first alumnus to serve as the president of his alma mater. His tenure as president of FSU from 2003 to 2010 marked a transformative time for the university. Among his many accomplishments, Dr. Wetherell launched the Pathways of Excellence initiative, which elevated the research profile of FSU and brought hundreds of millions in investments to campus. He brought the Applied Superconductivity Center to FSU, where it became the materials research division of the National High Magnetic Field Laboratory. FSU's brand new College of Medicine graduated its first class under Dr. Wetherell's tenure and opened six new regional campuses. He established the Office of National Fellowships and the Office of Undergraduate Research and Creative Endeavors, both of which improved the national academic profile of FSU. Even this University of Florida Gator can appreciate that he made FSU a stronger university.

His time in the Florida House of Representatives was no less impressive. He chaired the Appropriations and Education Committees, where he transformed the lessons he learned working at State universities into commonsense legislation that improved the State's university system for all students. It's no wonder the Miami Herald named him one of the Top Ten Legislative Leaders in the body for five straight years.

Beyond T.K.'s many professional accomplishments, I counted him as one of my best friends. He was a man of integrity who didn't shy away from challenges and was passionate about improving higher education in our fine State. My thoughts and prayers are with his wife, Ginger, and their children and grandchildren.●

REMEMBERING MATT ARTHUR

● Mr. PERDUE. Mr. President, recently, my hometown of Warner Robins, GA, and indeed the entire State of Georgia, lost a true leader. I lost a good friend and mentor.

During his career, Matt Arthur made a difference in the lives of countless students and families. He was raised in Fitzgerald, GA, one of six children. He graduated from Fitzgerald High School in 1952 and received a football scholarship to the University of Georgia. In addition to playing football, he served as battalion commander of the university's ROTC unit, and earned a bachelor's degree in industrial arts. He would also later earn master's degrees in industrial arts and administration and a specialist's degree in education leadership. After graduating college, Matt served in the U.S. Army at Fort Benning in Columbus, GA. He served from 1957–1959, ultimately rising to the rank of first lieutenant.

In 1959, Matt became a high school football coach, winning a Triple-A State championship in 1961. The following year, he moved his family to Warner Robins and embarked on a career that would truly make a difference. He was the first head coach and athletic director of my high school alma mater, Northside High School, and served as its principal from 1968–1980.

In 1980, Matt became superintendent of the Houston County School System. He succeeded my father, David A. Perdue, Sr., in this role and served until retiring in 1988. His enduring contributions to the community were commemorated with the opening of Matt Arthur Elementary School in Warner Robins in 1999.

For years, my father and Matt Arthur were close friends. I was also proud to call Matt a friend. Our family and the entire Middle Georgia community will miss him.

Throughout his life, Matt led by example and always put family first. He is survived by his high school sweetheart and wife of 64 years Sarah Bob Arthur, two adult children, five grandchildren, and one great-grandchild.

My wife Bonnie and I join everyone in our hometown and countless others Matt Arthur impacted for the better in lifting up his family during this very difficult time. Matt Arthur was a great American and will be greatly missed.●

REMEMBERING HARRIS HINES

● Mr. PERDUE. Mr. President, in November, Georgia tragically lost a true public servant.

Former Georgia Supreme Court Chief Justice Harris Hines leaves behind a lasting legacy of service and bipartisan respect.

Chief Justice Hines was born in 1943 and grew up in Atlanta. He attended Grady High School, lettering in multiple sports. After graduation, he attended Emory University, where he attained both a bachelor's degree and his juris doctorate.

Justice Hines went on to serve on the bench in Georgia for over four decades. In 1974, then-Governor Jimmy Carter chose him to fill a slot on the State court of Cobb County. He served there for 8 years until becoming a judge on the Superior Court of Cobb County.

Thirteen years later, in 1995, Governor Zell Miller appointed Justice Hines to an open seat on the Georgia Supreme Court, a capacity in which he served for another 13 years.

In 2016, Justice Hines was voted by his colleagues to be Chief Justice of the Georgia Supreme Court. He was the first resident of Cobb County, GA, to become chief justice.

Justice Hines retired from the bench earlier this year. He was known as an intellectual powerhouse, with a deep appreciation and understanding of the rule of law. However, Justice Hines was better known as a dedicated husband, father, and grandfather. He is survived by his wife Helen, two adult children, and four grandchildren.

Bonnie and I join all Georgians in continuing to lift up the Hines family in our prayers during this very difficult time. Harris was a dear personal friend, and I will miss him greatly.●

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–7444. A joint communication from the Secretary of Defense and the Secretary of Energy, transmitting, pursuant to law, the fiscal year 2019 report on the plan for the nuclear weapons stockpile, complex, delivery systems, and command and control systems (OSS–2018–1422); to the Committees on Armed Services; Appropriations; and Foreign Relations.

EC–7445. A communication from the Acting Chief of the Planning and Regulatory Affairs Branch, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Child Nutrition Programs; Flexibilities for Milk, Whole Grains, and Sodium Requirements'' (RIN0584–AE53) received in the Office of the President of the Senate on December 17, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7446. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Branding Requirements for Bovines Imported Into the United States from Mexico'' (RIN0579–AE38) received in the Office of the President of the Senate on December 17, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7447. A communication from the Assistant Attorney General for Administration and Chief Financial Officer, Department of Justice, transmitting, pursuant to law, a report relative to violations of the Antideficiency Act; to the Committee on Appropriations.

EC–7448. 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; Florida: Fort Myers, City of, Lee County, et al.'' ((44 CFR Part 64) (Docket No. FEMA–2018–0002)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC–7449. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Geomagnetic Disturbance Reliability Standard; Reliability Standard for Transmission System Planned Performance for Geomagnetic Disturbance Events'' (Docket Nos. RM18–8–000 and RM15–11–003) received in the Office of the President of the Senate on December 13, 2018; to the Committee on Energy and Natural Resources.

EC–7450. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Kentucky; Updates to Attainment Status Designations'' (FRL No. 9987–98–Region 4) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Environment and Public Works.

EC–7451. 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 ''Revenue Rule: 2018 Base Period T–Bill Rate'' (Rev. Rul. 2018–31) received in the Office of the President of the Senate on December 12, 2018; to the Committee on Finance.

EC–7452. A communication from the Federal Register Liaison, Bureau of the Fiscal Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Availability of Records'' (31 CFR Part 270) received in the Office of the President of the Senate on December 17, 2018; to the Committee on Finance.

EC–7453. A communication from the Federal Register Liaison, Bureau of the Fiscal Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled '''Regulations Governing United States Securities''' (31 CFR Parts 317 and 358) received in the Office of the President of the Senate on December 17, 2018; to the Committee on Finance.

EC–7454. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 3(d) of the Arms Export Control Act, as amended, the certification of a proposed transfer of major defense equipment of F–16 C/D aircraft with munitions, spare parts, support equipment, an aircraft simulator, and training services from the Government of Israel to the Government of Croatia with a sales value of $135,000,000 (Transmittal No. RSAT–18–6342); to the Committee on Foreign Relations.

EC–7455. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of a proposed license for the export of firearms, parts, and components abroad controlled under Category I of the U.S. Munitions Lists of rifles and rifle major component parts to Canada for commercial resale in the amount of $1,000,000 or more (Transmittal No. DDTC 18–093); to the Committee on Foreign Relations.

EC–7456. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2018 through September 30, 2018; to the Committee on Homeland Security and Governmental Affairs.

EC–7457. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from April 1, 2018 through September 30, 2018; to the Committee on Homeland Security and Governmental Affairs.

EC–7458. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2018; to the Committee on Homeland Security and Governmental Affairs.

EC–7459. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Mississippi; PSD Infrastructure Plan for 2012 PM2.5 NAAQS'' (FRL No. 9988–12–Region 4) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Environment and Public Works.

EC–7460. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; New Hampshire; Transport Element for the 2010 Sulfur Dioxide National Ambient Air Quality Standard'' (FRL No. 9987–69–Region 1) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Environment and Public Works.

EC–7461. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; North Carolina Miscellaneous Revisions'' (FRL No. 9988–11–Region 4) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Environment and Public Works.

EC–7462. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality State Implementation Plans; California, Interstate Transport Requirements for Ozone, Fine Particulate Matter and Sulfur Dioxide'' (FRL No. 9987–97–Region 9) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Environment and Public Works.

EC–7463. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination Regarding Good Neighbor Obligations for the 2008 Ozone National Ambient Air Quality Standard'' (FRL No. 9987–86–OAR) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Environment and Public Works.

EC–7464. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Removal of Department of Environmental Protection Gasoline Volatility Requirements for the Pittsburg-Beaver Valley Area'' (FRL No. 9988–14–Region 3) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Environment and Public Works.

EC–7465. A communication from the Ombudsman, Energy Employees Occupational Illness Compensation Program, Department of Labor, transmitting, pursuant to law, a report entitled ''2017 Annual Report to Congress''; to the Committee on Health, Education, Labor, and Pensions.

EC–7466. A communication from the Attorney Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Passenger Equipment Safety Standards; Standard for Alternative Compliance and High-Speed Trainsets'' ((RIN2130–AC46) (49 CFR Parts 229, 231, 236, and 238)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7467. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean; Gulf of Mexico, and South Atlantic; 2018 Commercial Accountability Measure and Closure for South Atlantic Snowy Grouper'' (RIN0648–XG357) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7468. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northern United States; Northeast Skate Complex; Inseason Adjustment to the Skate Wing Possession Limit'' (RIN0648–XG162) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7469. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XG114) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7470. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Island Fisheries; Closure of the 2018 Hawaii Shallow-Set Longline Fishery; Court Order'' (RIN0648–XG160) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7471. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2017–18 Biennial Specifications and Management Measures; Inseason Adjustments'' (RIN0648–BH86) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7472. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XG370) received during adjournment of the Senate

in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7473. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Modifications of the West Coast Commercial Salmon Fisheries; Inseason Actions Number 2 through Number 11'' (RIN0648–XG337) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7474. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean; Gulf of Mexico, and South Atlantic; 2018 Commercial Accountability Measure and Closure for South Atlantic Golden Tilefish'' (RIN0648–XF71) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7475. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Mississippi Canyon Block 20, South of New Orleans, LA, Gulf of Mexico'' ((RIN1625–AA08) (Docket No. USCG–2018–1062)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7476. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Winter on the Waterfront Fireworks Display, Berkeley, CA'' ((RIN1625–AA00) (Docket No. USCG–2018–1017)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7477. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Ohio River, Mile 28.0 to 29.2, Vanport, Pennsylvania'' ((RIN1625–AA00) (Docket No. USCG–2018–0653)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7478. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Pipeline Construction, Tennessee River Miles 465 to 466, Chattanooga, TN'' ((RIN1625–AA00) (Docket No. USCG–2018–1030)) received in the Office of the President of the Senate on December 17, 2018; to the Committee on Commerce, Science , and Transportation.

EC–7479. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; NASA Activities. Gulf of Mexico, Galveston, TX'' ((RIN1625–AA00) (Docket No. USCG–2018–0962)) received in the Office of the President of the Senate on December 17, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7480. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Humboldt Bay Bar and Entrance Channel, Eureka, CA, Noyo River Entrance Channel, Ft. Bragg, CA, and Crescent City Harbor Entrance Channel, Crescent City, CA'' ((RIN1625–AA00) (Docket No. USCG–2018–1018)) received in the Office of the President of the Senate on December 17, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7481. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Rocket Debris Control and Removal Operations, Atlantic Ocean, Cape Canaveral, FL'' ((RIN1625–AA00) (Docket No. USCG–2018–1081)) received in the Office of the President of the Senate on December 17, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7482. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Arthur Kill and Old Place Creek, Elizabeth, NJ and Staten Island, NY'' ((RIN1625–AA00) (Docket No. USCG–2018–1002)) received in the Office of the President of the Senate on December 17, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7483. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Annual Fireworks Displays within the Sector Columbia River Captain of the Port Zone'' ((RIN1625–AA00) (Docket No. USCG–2018–0868)) received in the Office of the President of the Senate on December 17, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7484. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Delaware River, Dredging Operation Equipment Recovery, Marcus Hook Range, Chester PA'' ((RIN1625–AA00) (Docket No. USCG–2018–0913)) received in the Office of the President of the Senate on December 17, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7485. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Delaware River, Pennsauken Township, NJ'' ((RIN1625–AA09) (Docket No. USCG–2016–0257)) received in the Office of the President of the Senate on December 17, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7486. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area; Upper Mississippi River, Sabula Railroad Bridge, Mile Marker 535, Sabula, IA'' ((RIN1625–AA11) (Docket No. USCG–2018–0917)) received in the Office of the President of the Senate on December 17, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7487. 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 VOR Federal Airways V–318 and V–352; Northeastern United States'' (RIN2120–AA66) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7488. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Extension of the Prohibition Against Certain Flights in the Damascus Flight Information Region (FIR) (OSTT)'' (RIN2120–AL38) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7489. 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 (10)'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7490. 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 (71)'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7491. 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 (74)'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7492. 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 (87)'' (RIN2120–AA65) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7493. 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; Kemmerer, WY'' ((RIN2120–AA66) (Docket No. FAA–2018–0034)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7494. 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, and Amendment of Class D Airspace and Class E Airspace; Dothan, AL'' ((RIN2120–AA66) (Docket No. FAA–2018–0744)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7495. 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; Detroit, MI'' ((RIN2120–AA66) (Docket No. FAA–2018–0685)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7496. 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; Pontiac. MI'' ((RIN2120–AA66) (Docket No. FAA–2018–0698)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7497. 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 Establishment of Class E Airspace; Tyndall AFB, FL'' ((RIN2120–AA66) (Docket No. FAA–2018–0741)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7498. 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; Madison, MN'' ((RIN2120–AA66) (Docket No. FAA–2018–0194)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7499. 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; Cabool, MO'' ((RIN2120–AA66) (Docket No. FAA–2018–0682)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7500. 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; Madison, MN'' ((RIN2120–AA66) (Docket No. FAA–2018–0194)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7501. 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, Mountain City, TN; and Establishment of Class E Airspace, Elizabethton, TN'' ((RIN2120–AA66) (Docket No. FAA–2018–0745)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7502. 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; Hillsdale, MI'' ((RIN2120–AA66) (Docket No. FAA–2018–0500)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7503. 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; Lapeer, MI'' ((RIN2120–AA66) (Docket No. FAA–2018–0683)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7504. 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; Jacksonville, IL'' ((RIN2120–AA66) (Docket No. FAA–2018–0684)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7505. 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 E Airspace and Revocation of Class E Airspace; Fayetteville, AR'' ((RIN2120–AA66) (Docket No. FAA–2018–0699)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7506. 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 during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7507. 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; Sunol, CA'' ((RIN2120–AA66) (Docket No. FAA–2017–1147)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7508. 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 D and E Airspace; Fort Sill; and Amendment of Class D and E Airspace; Lawton, OK'' ((RIN2120–AA66) (Docket No. FAA–2018–0246)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7509. 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; Saab AB, Saab Aeronautics (Formerly Known as Saab AB, Saab Aerosystems) Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2018–0797)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7510. 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 Tubofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2018–0871)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7511. 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–2018–0633)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7512. 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; Leonardo S.p.A. Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2017–1081)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7513. 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; Pacific Aerospace Limited Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2018–0371)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7514. 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; C Series Aircraft Limited Partnership (CSALP) (Type Certificate Previously Held By Bombardier, Inc.) Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2018–0799)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7515. 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; Hoffmann GmbH & Co. KG Propellers'' ((RIN2120–AA64) (Docket No. FAA–2018–0975)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7516. 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; Fokker Services B.V. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2018–0767)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7517. 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; Fokker Services B.V. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2018–0707)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7518. 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; CFM International S.A. Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2018–1023)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7519. 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; CFM International S.A. Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2018–0869)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7520. 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; Bombardier, Inc., Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2018–0796)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7521. 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; Bombardier, Inc., Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2018–0586)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7522. 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; Dassault Aviation Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2018–0642)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7523. 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; Dassault Aviation Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2018–0760)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7524. 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; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2018–0960)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7525. 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; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2018–0960)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7526. 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; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2018–0489)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7527. 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; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2018–0582)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7528. 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 Helicopters Deutschland GmbH (Previously Eurocopter Deutschland GmbH) Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2013–0446)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7529. 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–2018–0761)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7530. 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–2018–0800)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7531. 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–2018–0512)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7532. 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–2018–0584)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7533. 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–2018–0759)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7534. 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–2018–0298)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7535. 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–2018–0764)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7536. 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–2018–0639)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7537. 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; Zodiac Seats France Cabin Attendant Seats'' ((RIN2120–AA64) (Docket No. FAA–2017–0632)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

EC–7538. 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; Zodiac Aero Evacuation Systems (Also known as Air Cruisers Company)'' ((RIN2120–AA64) (Docket No. FAA–2016–9392)) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2018; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

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

POM–318. A resolution adopted by the Common Council of the City of Syracuse, New York urging members of the New York congressional delegation to support the Violence Against Women Reauthorization Act of 2018; to the Committee on the Judiciary.

POM–319. A petition from a citizen of the State of Texas relative to court rulings; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. RUBIO:

S. 3763. A bill to amend title XIX of the Social Security Act to establish a methodology for determining State allotments for Medicaid disproportionate share hospital payments that is based on State poverty levels, to require States to prioritize disproportionate share hospital payments on the basis of Medicaid inpatient utilization and low-income utilization rates, and for other purposes; to the Committee on Finance.

By Mr. SCHATZ:

S. 3764. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 and the Federal Insecticide, Fungicide, and Rodenticide Act to require the pre- and post-application reporting of, and to establish buffer zones for, restricted use pesticides, to prohibit the use of pesticides containing chlorpyrifos, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. CAPITO (for herself and Mr. PETERS):

S. 3765. A bill to require the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, to help facilitate the adoption of composite technology in infrastructure in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOOKER:

S. 3766. A bill to establish American opportunity accounts, to modify estate and gift tax rules, to reform the taxation of capital income, and for other purposes; to the Committee on Finance.

By Mr. MERKLEY:

S. 3767. A bill to require Executive agencies to make public all funding reprogramming requests, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROBERTS (for himself, Mr. TESTER, Mr. GRASSLEY, Mr. BARRASSO, Mr. BENNET, Ms. MURKOWSKI, Ms. BALDWIN, Mr. ROUNDS, and Mr. INHOFE):

S. 3768. A bill to amend title XVIII of the Social Security Act to remove the 96-hour physician certification requirement for inpatient critical access hospital services; to the Committee on Finance.

By Ms. STABENOW (for herself and Mr. YOUNG):

S. 3769. A bill to establish an Early Federal Pell Grant Commitment Program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOOKER:

S. 3770. A bill to amend title XI of the Social Security Act to expand the scope of transparency reporting requirements related to the ownership or investment interests of health care providers and others, and to increase the penalties associated with violating such requirements; to the Committee on Finance.

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

S. 3771. A bill to amend the Internal Revenue Code of 1986 to permit treatment of student loan payments as elective deferrals for purposes of employer matching contributions, and for other purposes; to the Committee on Finance.

By Mr. MERKLEY:

S. 3772. A bill to amend the Internal Revenue Code of 1986 to provide a contribution limit and increased minimum distributions for certain retirement plans with large account balances; to the Committee on Finance.

By Mr. BOOKER:

S. 3773. A bill to require review and approval for future research on nonhuman primates, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRUZ:

S. 3774. A bill to amend title 10, United States Code, to establish the position of Assistant Secretary of Defense for Space, and for other purposes; to the Committee on Armed Services.

By Ms. WARREN:

S. 3775. A bill to amend the Public Health Service Act to establish an Office of Drug Manufacturing; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Ms. DUCKWORTH, Mr. BROWN, Ms. SMITH, Mr. KING, Mr. BLUMENTHAL, Mr. MERKLEY, Mr. SANDERS, and Mr. VAN HOLLEN):

S. 3776. A bill to improve Federal efforts with respect to the prevention of maternal mortality, and for other purposes; to the Committee on Finance.

By Mr. BOOZMAN (for himself, Mr. SCHATZ, Mr. TESTER, Mr. BLUMENTHAL, Mr. TILLIS, Mr. WARNER, Ms. HASSAN, and Ms. STABENOW):

S. 3777. A bill to require the Secretary of Veterans Affairs to establish a tiger team dedicated to addressing the difficulties encountered by the Department of Veterans Affairs in carrying out section 3313 of title 38, United States Code, after the enactment of sections 107 and 501 of the Harry W. Colmery Veterans Educational Assistance Act of 2017; considered and passed.

ADDITIONAL COSPONSORS

S. 794

At the request of Mr. ISAKSON, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of S. 794, a bill to amend title XVIII of the Social Security Act in order to improve the process whereby Medicare administrative contractors issue local coverage determinations under the Medicare program, and for other purposes.

S. 941

At the request of Mr. TESTER, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 941, a bill 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, and for other purposes.

S. 1101

At the request of Mr. CASEY, the names of the Senator from Massachusetts (Mr. MARKEY) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1101, a bill to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

S. 1906

At the request of Mr. MARKEY, the names of the Senator from Florida (Mr. RUBIO), the Senator from Illinois (Ms. DUCKWORTH), the Senator from Maine (Ms. COLLINS), the Senator from Nevada (Ms. CORTEZ MASTO) and the Senator from Hawaii (Ms. HIRONO) were added as cosponsors of S. 1906, a bill to posthumously award the Congressional Gold Medal to each of Glen Doherty, Tyrone Woods, J. Christopher Stevens, and Sean Smith in recognition of their contributions to the Nation.

S. 2274

At the request of Mr. CARDIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 2274, a bill to provide for the compensation of Federal employees affected by lapses in appropriations.

S. 2387

At the request of Mrs. CAPITO, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 2387, a bill to provide better care and outcomes for Americans living with Alzheimer's disease and related dementias and their caregivers while accelerating progress toward prevention strategies, disease modifying treatments, and, ultimately, a cure.

S. 3239

At the request of Mr. SCOTT, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 3239, a bill to require the Secretary of the Treasury to mint commemorative coins in recognition of the 75th anniversary of the integration of baseball.

S. 3253

At the request of Mr. CASEY, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 3253, a bill to amend the Internal Revenue Code of 1986 to provide authority to add additional vaccines to the list of taxable vaccines.

S. 3449

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

S. 3568

At the request of Ms. HEITKAMP, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 3568, a bill to amend the Social Security Act and Public Health Service Act to improve obstetric care in rural areas.

S. 3604

At the request of Ms. KLOBUCHAR, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 3604, a bill to require a study to determine the best available estimate of the total amount of nonhighway recreational fuel taxes received by the Secretary of the Treasury.

S. 3649

At the request of Mr. DURBIN, the names of the Senator from Florida (Mr. NELSON), the Senator from Washington (Mrs. MURRAY), the Senator from Delaware (Mr. CARPER), the Senator from Pennsylvania (Mr. CASEY) and the Senator from New Mexico (Mr. UDALL)

were added as cosponsors of S. 3649, a bill to provide for programs to help reduce the risk that prisoners will recidivate upon release from prison, and for other purposes.

S. 3664

At the request of Mr. MERKLEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3664, a bill to amend the Clean Air Act to create a national zero-emission vehicle standard, and for other purposes.

S. 3720

At the request of Mr. MERKLEY, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 3720, a bill to authorize the Secretary of Transportation to provide loans for the acquisition of electric buses and related infrastructure.

AMENDMENT NO. 4121

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 4121 intended to be proposed to S. 756, a bill to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes.

AMENDMENT NO. 4123

At the request of Mr. GARDNER, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of amendment No. 4123 intended to be proposed to S. 756, a bill to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes.

AMENDMENT NO. 4132

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 4132 intended to be proposed to S. 756, a bill to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes.

AMENDMENT NO. 4142

At the request of Mr. SASSE, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of amendment No. 4142 intended to be proposed to S. 756, a bill to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes.

AMENDMENT NO. 4143

At the request of Mr. SASSE, the names of the Senator from Arkansas (Mr. COTTON) and the Senator from Arizona (Mr. KYL) were added as cosponsors of amendment No. 4143 intended to be proposed to S. 756, a bill to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes.

AMENDMENT NO. 4144

At the request of Mr. SASSE, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of amendment No. 4144 intended to be proposed to S. 756, a bill to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 3771. A bill to amend the Internal Revenue Code of 1986 to permit treatment of student loan payments as elective deferrals for purposes of employer matching contributions, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I have introduced the Retirement Parity for Student Loans Act. This legislation would permit employers to make matching contributions to workers under 401(k) and similar types of retirement plans as if worker student loan payments were salary reduction contributions to the retirement plan. This legislation will help those workers who cannot afford to both save for retirement and pay off their student loan debt by providing them with employer contributions to build their retirement savings. This legislation is a common sense fix to our Nation's rules for employer-sponsored retirement plans and I urge my colleagues to support this legislation.

By Mr. DURBIN (for himself, Ms. DUCKWORTH, Mr. BROWN, Ms. SMITH, Mr. KING, Mr. BLUMENTHAL, Mr. MERKLEY, Mr. SANDERS, and Mr. VAN HOLLEN):

S. 3776. A bill to improve Federal efforts with respect to the prevention of maternal mortality, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3776

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 ''Mothers and Offspring Mortality and Morbidity Awareness Act'' or the ''MOMMA's Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Every year, across the United States, 4,000,000 women give birth, about 700 women suffer fatal complications during pregnancy, while giving birth or during the postpartum period, and 70,000 women suffer near-fatal, partum-related complications.

(2) The maternal mortality rate is often used as a proxy to measure the overall health of a population. While the infant mortality rate in the United States has reached its lowest point, the risk of death for women in the United States during pregnancy, childbirth, or the postpartum period is higher than such risk in many other developed nations. The estimated maternal mortality rate (per 100,000 live births) for the 48 contiguous States and Washington, DC increased from 18.8 percent in 2000 to 23.8 percent in 2014 to 26.6 percent in 2018. This estimated rate is on par with such rate for underdeveloped nations such as Iraq and Afghanistan.

(3) International studies estimate the 2015 maternal mortality rate in the United States as 26.4 per 100,000 live births, which is almost twice the 2015 World Health Organization estimation of 14 per 100,000 live births.

(4) It is estimated that more than 60 percent of maternal deaths in the United States are preventable.

(5) African-American women are 3 to 4 times more likely to die from causes related to pregnancy and childbirth compared to non-Hispanic White women.

(6) The findings described in paragraphs (1) through (5) are of major concern to researchers, academics, members of the business community, and providers across the obstetrical continuum represented by organizations such as March of Dimes, the Preeclampsia Foundation, the American College of Obstetricians and Gynecologists, the Society for Maternal-Fetal Medicine, the Association of Women's Health, Obstetric, and Neonatal Nurses, the California Maternal Quality Care Collaborative, Black Women's Health Imperative, the National Birth Equity Collaborative, Black Mamas Matter Alliance, EverThrive Illinois, the National Association of Certified Professional Midwives, PCOS Challenge: The National Polycystic Ovary Sundrome Association, and the American College of Nurse Midwives.

(7) According to the Centers for Disease Control and Prevention, the maternal mortality rate varies drastically for women by race and ethnicity. There are 12.7 deaths per 100,000 live births for White women, 43.5 deaths per 100,000 live births for African-American women, and 14.4 deaths per 100,000 live births for women of other ethnicities. While maternal mortality disparately impacts African-American women, this urgent public health crisis traverses race, ethnicity, socioeconomic status, educational background, and geography.

(8) Hemorrhage, cardiovascular and coronary conditions, cardiomyopathy, infection, embolism, mental health conditions, preeclampsia and eclampsia, polycystic ovary syndrome, infection and sepsis, and anesthesia complications are the predominant medical causes of maternal-related deaths and complications. Most of these conditions are largely preventable or manageable.

(9) Oral health is an important part of perinatal health. Reducing bacteria in a woman's mouth during pregnancy can significantly reduce her risk of developing oral diseases and spreading decay-causing bacteria to her baby. Moreover, some evidence suggests that women with periodontal disease during pregnancy could be at greater risk for poor birth outcomes, such as pre-eclampsia, pre-term birth, and low birth weight. Furthermore, a woman's oral health during pregnancy is a good predictor of her newborn's oral health, and since mothers can unintentionally spread oral bacteria to their babies, putting their children at higher risk for tooth decay, prevention efforts should happen even before children are born, as a matter of pre-pregnancy health and prenatal care during pregnancy.

(10) The United States has not been able to submit a formal maternal mortality rate to international data repositories since 2007. Thus, no official maternal mortality rate exists for the United States. There can be no maternal mortality rate without streamlining maternal mortality-related data from the State level and extrapolating such data to the Federal level.

(11) In the United States, death reporting and analysis is a State function rather than a Federal process. States report all deaths—including maternal deaths—on a semi-voluntary basis, without standardization across States. While the Centers for Disease Control and Prevention has the capacity and system for collecting death-related data based on

death certificates, these data are not sufficiently reported by States in an organized and standard format across States such that the Centers for Disease Control and Prevention is able to identify causes of maternal death and best practices for the prevention of such death.

(12) Vital statistics systems often underestimate maternal mortality and are insufficient data sources from which to derive a full scope of medical and social determinant factors contributing to maternal deaths. While the addition of pregnancy checkboxes on death certificates since 2003 have likely improved States' abilities to identify pregnancy-related deaths, they are not generally completed by obstetrical providers or persons trained to recognize pregnancy-related mortality. Thus, these vital forms may be missing information or may capture inconsistent data. Due to varying maternal mortality-related analyses, lack of reliability, and granularity in data, current maternal mortality informatics do not fully encapsulate the myriad medical and socially determinant factors that contribute to such high maternal mortality rates within the United States compared to other developed nations. Lack of standardization of data and data sharing across States and between Federal entities, health networks, and research institutions keep the Nation in the dark about ways to prevent maternal deaths.

(13) Having reliable and valid State data aggregated at the Federal level are critical to the Nation's ability to quell surges in maternal death and imperative for researchers to identify long-lasting interventions.

(14) Leaders in maternal wellness highly recommend that maternal deaths be investigated at the State level first, and that standardized, streamlined, de-identified data regarding maternal deaths be sent annually to the Centers for Disease Control and Prevention. Such data standardization and collection would be similar in operation and effect to the National Program of Cancer Registries of the Centers for Disease Control and Prevention and akin to the Confidential Enquiry in Maternal Deaths Programme in the United Kingdom. Such a maternal mortality and morbidities registry and surveillance system would help providers, academicians, lawmakers, and the public to address questions concerning the types of, causes of, and best practices to thwart, pregnancy-related or pregnancy-associated mortality and morbidity.

(15) The United Nations' Millennium Development Goal 5a aimed to reduce by 75 percent, between 1990 and 2015, the maternal mortality rate, yet this metric has not been achieved. In fact, the maternal mortality rate in the United States has been estimated to have more than doubled between 2000 and 2014. Yet, because national data are not fully available, the United States does not have an official maternal mortality rate.

(16) Many States have struggled to establish or maintain Maternal Mortality Review Committees (referred to in this section as ''MMRC''). On the State level, MMRCs have lagged because States have not had the resources to mount local reviews. State-level reviews are necessary as only the State departments of health have the authority to request medical records, autopsy reports, and police reports critical to the function of the MMRC.

(17) The United Kingdom regards maternal deaths as a health systems failure and a national committee of obstetrics experts review each maternal death or near-fatal childbirth complication. Such committee also establishes the predominant course of maternal-related deaths from conditions such as preeclampsia. Consequently, the United Kingdom has been able to reduce its incidence of preeclampsia to less than one in 10,000 women—its lowest rate since 1952.

(18) The United States has no comparable, coordinated Federal process by which to review cases of maternal mortality, systems failures, or best practices. Many States have active MMRCs and leverage their work to impact maternal wellness. For example, the State of California has worked extensively with their State health departments, health and hospital systems, and research collaborative organizations, including the California Maternal Quality Care Collaborative and the Alliance for Innovation on Maternal Health, to establish MMRCs, wherein such State has determined the most prevalent causes of maternal mortality and recorded and shared data with providers and researchers, who have developed and implemented safety bundles and care protocols related to preeclampsia, maternal hemorrhage, and the like. In this way, the State of California has been able to leverage its maternal mortality review board system, generate data, and apply those data to effect changes in maternal care-related protocol. To date, the State of California has reduced its maternal mortality rate, which is now comparable to the low rates of the United Kingdom.

(19) Hospitals and health systems across the United States lack standardization of emergency obstetrical protocols before, during, and after delivery. Consequently, many providers are delayed in recognizing critical signs indicating maternal distress that quickly escalate into fatal or near-fatal incidences. Moreover, any attempt to address an obstetrical emergency that does not consider both clinical and public health approaches falls woefully under the mark of excellent care delivery. State-based maternal quality collaborative organizations, such as the California Maternal Quality Care Collaborative or entities participating in the Alliance for Innovation on Maternal Health (AIM), have formed obstetrical protocols, tool kits, and other resources to improve system care and response as they relate to maternal complications and warning signs for such conditions as maternal hemorrhage, hypertension, and preeclampsia.

(20) The Centers for Disease Control and Prevention reports that nearly half of all maternal deaths occur in the immediate postpartum period—the 42 days following a pregnancy—whereas more than one-third of pregnancy-related or pregnancy-associated deaths occur while a person is still pregnant. Yet, for women eligible for the Medicaid program on the basis of pregnancy, such Medicaid coverage lapses at the end of the month on which the 60th postpartum day lands.

(21) The experience of serious traumatic events, such as being exposed to domestic violence, substance use disorder, or pervasive racism, can over-activate the body's stress-response system. Known as toxic stress, the repetition of high-doses of cortisol to the brain, can harm healthy neurological development, which can have cascading physical and mental health consequences, as documented in the Adverse Childhood Experiences study of the Centers for Disease Control and Prevention.

(22) A growing body of evidence-based research has shown the correlation between the stress associated with one's race—the stress of racism—and one's birthing outcomes. The stress of sex and race discrimination and institutional racism has been demonstrated to contribute to a higher risk of maternal mortality, irrespective of one's gestational age, maternal age, socioeconomic status, or individual-level health risk factors, including poverty, limited access to prenatal care, and poor physical and mental health (although these are not nominal factors). African-American women remain the most at risk for pregnancy-associated or pregnancy-related causes of death. When it comes to preeclampsia, for example, which is related to obesity, African-American women of normal weight remain the most at risk of dying during the perinatal period compared to non-African-American obese women.

(23) The rising maternal mortality rate in the United States is driven predominantly by the disproportionately high rates of African-American maternal mortality.

(24) African-American women are 3 to 4 times more likely to die from pregnancy or maternal-related distress than are White women, yielding one of the greatest and most disconcerting racial disparities in public health.

(25) Compared to women from other racial and ethnic demographics, African-American women across the socioeconomic spectrum experience prolonged, unrelenting stress related to racial and gender discrimination, contributing to higher rates of maternal mortality, giving birth to low-weight babies, and experiencing pre-term birth. Racism is a risk-factor for these aforementioned experiences. This cumulative stress often extends across the life course and is situated in everyday spaces where African-American women establish livelihood. Structural barriers, lack of access to care, and genetic predispositions to health vulnerabilities exacerbate African-American women's likelihood to experience poor or fatal birthing outcomes, but do not fully account for the great disparity.

(26) African-American women are twice as likely to experience postpartum depression, and disproportionately higher rates of preeclampsia compared to White women.

(27) Racism is deeply ingrained in United States systems, including in health care delivery systems between patients and providers, often resulting in disparate treatment for pain, irreverence for cultural norms with respect to health, and dismissiveness. Research has demonstrated that patients respond more warmly and adhere to medical treatment plans at a higher degree with providers of the same race or ethnicity or with providers with great ability to exercise empathy. However, the provider pool is not primed with many people of color, nor are providers (whether student-doctors in training or licensed practitioners) consistently required to undergo implicit bias, cultural competency, or empathy training on a consistent, on-going basis.

SEC. 3. IMPROVING FEDERAL EFFORTS WITH RESPECT TO PREVENTION OF MATERNAL MORTALITY.

(a) TECHNICAL ASSISTANCE FOR STATES WITH RESPECT TO REPORTING MATERNAL MORTALITY.—Not later than one year after the date of enactment of this Act, the Director of the Centers for Disease Control and Prevention (referred to in this section as the ''Director''), in consultation with the Administrator of the Health Resources and Services Administration, shall provide technical assistance to States that elect to report comprehensive data on maternal mortality, including dental and mental health information, for the purpose of encouraging uniformity in the reporting of such data and to encourage the sharing of such data among the respective States.

(b) BEST PRACTICES RELATING TO PREVENTION OF MATERNAL MORTALITY.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act—

(A) the Director, in consultation with relevant patient and provider groups, shall issue best practices to State maternal mortality review committees on how best to identify and review maternal mortality cases, taking into account any data made

available by States relating to maternal mortality, including oral and mental health data and utilization of any emergency services; and

(B) the Director, working in collaboration with the Health Resources and Services Administration, shall issue best practices to hospitals, State professional society groups, and perinatal quality collaboratives on how best to prevent maternal mortality.

(2) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this subsection, there is authorized to be appropriated $5,000,000 for each of fiscal years 2019 through 2023.

(c) ALLIANCE FOR INNOVATION ON MATERNAL HEALTH GRANT PROGRAM.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Associate Administrator of the Maternal and Child Health Bureau of the Health Resources and Services Administration, shall establish a grant program to be known as the Alliance for Innovation on Maternal Health Grant Program (referred to in this subsection as ''AIM'') under which the Secretary shall award grants to eligible entities for the purpose of—

(A) directing widespread adoption and implementation of maternal safety bundles through collaborative State-based teams; and

(B) collecting and analyzing process, structure, and outcome data to drive continuous improvement in the implementation of such safety bundles by such State-based teams with the ultimate goal of eliminating preventable maternal mortality and severe maternal morbidity in the United States.

(2) ELIGIBLE ENTITIES.—In order to be eligible for a grant under paragraph (1), an entity shall—

(A) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

(B) demonstrate in such application that the entity is an interdisciplinary, multistakeholder national organization with a national data-driven maternal safety and quality improvement initiative based on implementation approaches that have been proven to improve maternal safety and outcomes in the United States.

(3) USE OF FUNDS.—An eligible entity that receives a grant under paragraph (1) shall use such grant funds—

(A) to develop and implement, through a robust, multi-stakeholder process, maternal safety bundles to assist States and health care systems in aligning national, State, and hospital-level quality improvement efforts to improve maternal health outcomes, specifically the reduction of maternal mortality and severe maternal morbidity;

(B) to ensure, in developing and implementing maternal safety bundles under subparagraph (A), that such maternal safety bundles—

(i) satisfy the quality improvement needs of a State or health care system by factoring in the results and findings of relevant data reviews, such as reviews conducted by a State maternal mortality review committee; and

(ii) address topics such as—

(I) obstetric hemorrhage;

(II) maternal mental health;

(III) the maternal venous system;

(IV) obstetric care for women with substance use disorders, including opioid use disorder;

(V) postpartum care basics for maternal safety;

(VI) reduction of peripartum racial and ethnic disparities;

(VII) reduction of primary caesarean birth;

(VIII) severe hypertension in pregnancy;

(IX) severe maternal morbidity reviews;

(X) support after a severe maternal morbidity event;

(XI) thromboembolism; and

(XII) maternal oral health; and

(C) to provide ongoing technical assistance at the national and State levels to support implementation of maternal safety bundles under subparagraph (A).

(4) MATERNAL SAFETY BUNDLE DEFINED.—For purposes of this subsection, the term ''maternal safety bundle'' means standardized, evidence-informed processes for maternal health care.

(5) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this subsection, there is authorized to be appropriated $10,000,000 for each of fiscal years 2019 through 2023.

(d) EXPANSION OF MEDICAID AND CHIP COVERAGE FOR PREGNANT AND POSTPARTUM WOMEN.—

(1) REQUIRING COVERAGE OF ORAL HEALTH SERVICES FOR PREGNANT AND POSTPARTUM WOMEN.—

(A) MEDICAID.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(i) in subsection (a)(4)—

(I) by striking ''; and (D)'' and inserting ''; (D)''; and

(II) by inserting ''; and (E) oral health services for pregnant and postpartum women (as defined in subsection (ee))'' after ''subsection (bb))''; and

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

''(ee) ORAL HEALTH SERVICES FOR PREGNANT AND POSTPARTUM WOMEN.—

''(1) IN GENERAL.—For purposes of this title, the term 'oral health services for pregnant and postpartum women' means dental services necessary to prevent disease and promote oral health, restore oral structures to health and function, and treat emergency conditions that are furnished to a woman during pregnancy (or during the 1-year period beginning on the last day of the pregnancy).

''(2) COVERAGE REQUIREMENTS.—To satisfy the requirement to provide oral health services for pregnant and postpartum women, a State shall, at a minimum, provide coverage for preventive, diagnostic, periodontal, and restorative care consistent with recommendations for perinatal oral health care and dental care during pregnancy from the American Academy of Pediatric Dentistry and the American College of Obstetricians and Gynecologists.''.

(B) CHIP.—Section 2103(c)(5)(A) of the Social Security Act (42 U.S.C. 1397cc(c)(5)(A)) is amended by inserting ''or a targeted low-income pregnant woman'' after ''targeted low-income child''.

(2) EXTENDING MEDICAID COVERAGE FOR PREGNANT AND POSTPARTUM WOMEN.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in subsection (e)—

(i) in paragraph (5)—

(I) by inserting ''(including oral health services for pregnant and postpartum women (as defined in section 1905(ee))'' after ''postpartum medical assistance under the plan''; and

(II) by striking ''60-day'' and inserting ''1-year''; and

(ii) in paragraph (6), by striking ''60-day'' and inserting ''1-year''; and

(B) in subsection (l)(1)(A), by striking ''60-day'' and inserting ''1-year''.

(3) EXTENDING MEDICAID COVERAGE FOR LAWFUL RESIDENTS.—Section 1903(v)(4)(A) of the Social Security Act (42 U.S.C. 1396b(v)(4)(A)) is amended by striking ''60-day'' and inserting ''1-year''.

(4) EXTENDING CHIP COVERAGE FOR PREGNANT AND POSTPARTUM WOMEN.—Section 2112(d)(2)(A) of the Social Security Act (42 U.S.C. 1397ll(d)(2)(A)) is amended by striking ''60-day'' and inserting ''1-year''.

(5) MAINTENANCE OF EFFORT.—

(A) MEDICAID.—Section 1902(l) of the Social Security Act (42 U.S.C. 1396a(l)) is amended by adding at the end the following new paragraph:

''(5) During the period that begins on the date of enactment of this paragraph and ends on the date that is five years after such date of enactment, as a condition for receiving any Federal payments under section 1903(a) for calendar quarters occurring during such period, a State shall not have in effect, with respect to women who are eligible for medical assistance under the State plan or under a waiver of such plan on the basis of being pregnant or having been pregnant, eligibility standards, methodologies, or procedures under the State plan or waiver that are more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan or waiver that are in effect on the date of enactment of this paragraph.''.

(B) CHIP.—Section 2105(d) of the Social Security Act (42 U.S.C. 1397ee(d)) is amended by adding at the end the following new paragraph:

''(4) IN ELIGIBILITY STANDARDS FOR TARGETED LOW-INCOME PREGNANT WOMEN.—During the period that begins on the date of enactment of this paragraph and ends on the date that is five years after such date of enactment, as a condition of receiving payments under subsection (a) and section 1903(a), a State that elects to provide assistance to women on the basis of being pregnant (including pregnancy-related assistance provided to targeted low-income pregnant women (as defined in section 2112(d)), pregnancy-related assistance provided to women who are eligible for such assistance through application of section 1902(v)(4)(A)(i) under section 2107(e)(1), or any other assistance under the State child health plan (or a waiver of such plan) which is provided to women on the basis of being pregnant) shall not have in effect, with respect to such women, eligibility standards, methodologies, or procedures under such plan (or waiver) that are more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) that are in effect on the date of enactment of this paragraph.''.

(6) INFORMATION ON BENEFITS.—The Secretary of Health and Human Services shall make publicly available on the Internet website of the Department of Health and Human Services, information regarding benefits available to pregnant and postpartum women and under the Medicaid program and the Children's Health Insurance Program, including information on—

(A) benefits that States are required to provide to pregnant and postpartum women under such programs;

(B) optional benefits that States may provide to pregnant and postpartum women under such programs; and

(C) the availability of different kinds of benefits for pregnant and postpartum women, including oral health and mental health benefits, under such programs.

(7) FEDERAL FUNDING FOR COST OF EXTENDED MEDICAID AND CHIP COVERAGE FOR POSTPARTUM WOMEN.—

(A) MEDICAID.—Section 1905 of the Social Security Act (42 U.S.C. 1396d), as amended by paragraph (1), is further amended—

(i) in subsection (b), by striking ''and (aa)'' and inserting ''(aa), and (ff)''; and

(ii) by adding at the end the following:

''(ff) INCREASED FMAP FOR EXTENDED MEDICAL ASSISTANCE FOR POSTPARTUM WOMEN.—Notwithstanding subsection (b), the Federal medical assistance percentage for a State, with respect to amounts expended by such State for medical assistance for a woman who is eligible for such assistance on the basis of being pregnant or having been pregnant that is provided during the 305-day period that begins on the 60/th/ day after the last day of her pregnancy (including any such assistance provided during the month in which such period ends), shall be equal to—

''(1) 100 percent for the first 20 calendar quarters during which this subsection is in effect; and

''(2) 90 percent for calendar quarters thereafter.''.

(B) CHIP.—Section 2105(c) of the Social Security Act (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

''(12) ENHANCED PAYMENT FOR EXTENDED ASSISTANCE PROVIDED TO PREGNANT WOMEN.—Notwithstanding subsection (b), the enhanced FMAP, with respect to payments under subsection (a) for expenditures under the State child health plan (or a waiver of such plan) for assistance provided under the plan (or waiver) to a woman who is eligible for such assistance on the basis of being pregnant (including pregnancy-related assistance provided to a targeted low-income pregnant woman (as defined in section 2112(d)), pregnancy-related assistance provided to a woman who is eligible for such assistance through application of section 1902(v)(4)(A)(i) under section 2107(e)(1), or any other assistance under the plan (or waiver) provided to a woman who is eligible for such assistance on the basis of being pregnant) during the 305-day period that begins on the 60/th/ day after the last day of her pregnancy (including any such assistance provided during the month in which such period ends), shall be equal to—

''(A) 100 percent for the first 20 calendar quarters during which this paragraph is in effect; and

''(B) 90 percent for calendar quarters thereafter.''.

(8) EFFECTIVE DATE.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by this subsection shall take effect on the first day of the first calendar quarter that begins on or after the date that is one year after the date of enactment of this Act.

(B) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX of the Social Security Act or a State child health plan under title XXI of such Act that the Secretary of Health and Human Services determines requires State legislation in order for the respective plan to meet any requirement imposed by amendments made by this 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 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.

(e) REGIONAL CENTERS OF EXCELLENCE.—Part P of title III of the Public Health Service Act is amended by adding at the end the following new section:

''SEC. 399V–7. REGIONAL CENTERS OF EXCELLENCE ADDRESSING IMPLICIT BIAS AND CULTURAL COMPETENCY IN PATIENT-PROVIDER INTERACTIONS EDUCATION.

''(a) IN GENERAL.—Not later than one year after the date of enactment of this section, the Secretary, in consultation with such other agency heads as the Secretary determines appropriate, shall award cooperative agreements for the establishment or support of regional centers of excellence addressing implicit bias and cultural competency in patient-provider interactions education for the purpose of enhancing and improving how health care professionals are educated in implicit bias and delivering culturally competent health care.

''(b) ELIGIBILITY.—To be eligible to receive a cooperative agreement under subsection (a), an entity shall—

''(1) be a public or other nonprofit entity specified by the Secretary that provides educational and training opportunities for students and health care professionals, which may be a health system, teaching hospital, community health center, medical school, school of public health, dental school, social work school, school of professional psychology, or any other health professional school or program at an institution of higher education (as defined in section 101 of the Higher Education Act of 1965) focused on the prevention, treatment, or recovery of health conditions that contribute to maternal mortality and the prevention of maternal mortality and severe maternal morbidity;

''(2) demonstrate community engagement and participation, such as through partnerships with home visiting and case management programs; and

''(3) provide to the Secretary such information, at such time and in such manner, as the Secretary may require.

''(c) DIVERSITY.—In awarding a cooperative agreement under subsection (a), the Secretary shall take into account any regional differences among eligible entities and make an effort to ensure geographic diversity among award recipients.

''(d) DISSEMINATION OF INFORMATION.—

''(1) PUBLIC AVAILABILITY.—The Secretary shall make publicly available on the internet website of the Department of Health and Human Services information submitted to the Secretary under subsection (b)(3).

''(2) EVALUATION.—The Secretary shall evaluate each regional center of excellence established or supported pursuant to subsection (a) and disseminate the findings resulting from each such evaluation to the appropriate public and private entities.

''(3) DISTRIBUTION.—The Secretary shall share evaluations and overall findings with State departments of health and other relevant State level offices to inform State and local best practices.

''(e) MATERNAL MORTALITY DEFINED.—In this section, the term 'maternal mortality' means death of a woman that occurs during pregnancy or within the one-year period following the end of such pregnancy.

''(f) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there is authorized to be appropriated $5,000,000 for each of fiscal years 2019 through 2023.''.

(f) SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.—Section 17(d)(3)(A)(ii) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)(A)(ii)) is amended—

(1) by striking the clause designation and heading and all that follows through ''A State'' and inserting the following:

''(ii) WOMEN.—

''(I) BREASTFEEDING WOMEN.—A State'';

(2) in subclause (I) (as so designated), by striking ''1 year'' and all that follows through ''earlier'' and inserting ''2 years postpartum''; and

(3) by adding at the end the following:

''(II) POSTPARTUM WOMEN.—A State may elect to certify a postpartum woman for a period of 2 years.''.

(g) DEFINITIONS.—In this section:

(1) MATERNAL MORTALITY.—The term ''maternal mortality'' means death of a woman that occurs during pregnancy or within the one-year period following the end of such pregnancy.

(2) SEVERE MATERNAL MORBIDITY.—The term ''severe maternal morbidity'' includes unexpected outcomes of labor and delivery that result in significant short-term or long-term consequences to a woman's health.

SEC. 4. INCREASING EXCISE TAXES ON CIGARETTES AND ESTABLISHING EXCISE TAX EQUITY AMONG ALL TOBACCO PRODUCT TAX RATES.

(a) TAX PARITY FOR ROLL-YOUR-OWN TOBACCO.—Section 5701(g) of the Internal Revenue Code of 1986 is amended by striking ''$24.78'' and inserting ''$49.56''.

(b) TAX PARITY FOR PIPE TOBACCO.—Section 5701(f) of the Internal Revenue Code of 1986 is amended by striking ''$2.8311 cents'' and inserting ''$49.56''.

(c) TAX PARITY FOR SMOKELESS TOBACCO.—

(1) Section 5701(e) of the Internal Revenue Code of 1986 is amended—

(A) in paragraph (1), by striking ''$1.51'' and inserting ''$26.84'';

(B) in paragraph (2), by striking ''50.33 cents'' and inserting ''$10.74''; and

(C) by adding at the end the following:

''(3) SMOKELESS TOBACCO SOLD IN DISCRETE SINGLE-USE UNITS.—On discrete single-use units, $100.66 per thousand.''.

(2) Section 5702(m) of such Code is amended—

(A) in paragraph (1), by striking ''or chewing tobacco'' and inserting '', chewing tobacco, or discrete single-use unit'';

(B) in paragraphs (2) and (3), by inserting ''that is not a discrete single-use unit'' before the period in each such paragraph; and

(C) by adding at the end the following:

''(4) DISCRETE SINGLE-USE UNIT.—The term 'discrete single-use unit' means any product containing tobacco that—

''(A) is not intended to be smoked; and

''(B) is in the form of a lozenge, tablet, pill, pouch, dissolvable strip, or other discrete single-use or single-dose unit.''.

(d) TAX PARITY FOR SMALL CIGARS.—Paragraph (1) of section 5701(a) of the Internal Revenue Code of 1986 is amended by striking ''$50.33'' and inserting ''$100.66''.

(e) TAX PARITY FOR LARGE CIGARS.—

(1) IN GENERAL.—Paragraph (2) of section 5701(a) of the Internal Revenue Code of 1986 is amended by striking ''52.75 percent'' and all that follows through the period and inserting the following: ''$49.56 per pound and a proportionate tax at the like rate on all fractional parts of a pound but not less than 10.066 cents per cigar.''.

(2) GUIDANCE.—The Secretary of the Treasury, or the Secretary's delegate, may issue guidance regarding the appropriate method for determining the weight of large cigars for purposes of calculating the applicable tax under section 5701(a)(2) of the Internal Revenue Code of 1986.

(f) TAX PARITY FOR ROLL-YOUR-OWN TOBACCO AND CERTAIN PROCESSED TOBACCO.—Subsection (o) of section 5702 of the Internal Revenue Code of 1986 is amended by inserting '', and includes processed tobacco that is removed for delivery or delivered to a person other than a person with a permit provided under section 5713, but does not include removals of processed tobacco for exportation'' after ''wrappers thereof''.

(g) CLARIFYING TAX RATE FOR OTHER TOBACCO PRODUCTS.—

(1) IN GENERAL.—Section 5701 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(i) OTHER TOBACCO PRODUCTS.—Any product not otherwise described under this section that has been determined to be a tobacco product by the Food and Drug Administration through its authorities under the Family Smoking Prevention and Tobacco Control Act shall be taxed at a level of tax equivalent to the tax rate for cigarettes on an estimated per use basis as determined by the Secretary.''.

(2) ESTABLISHING PER USE BASIS.—For purposes of section 5701(i) of the Internal Revenue Code of 1986, not later than 12 months after the later of the date of the enactment of this Act or the date that a product has been determined to be a tobacco product by the Food and Drug Administration, the Secretary of the Treasury (or the Secretary of the Treasury's delegate) shall issue final regulations establishing the level of tax for such product that is equivalent to the tax rate for cigarettes on an estimated per use basis.

(h) CLARIFYING DEFINITION OF TOBACCO PRODUCTS.—

(1) IN GENERAL.—Subsection (c) of section 5702 of the Internal Revenue Code of 1986 is amended to read as follows:

''(c) TOBACCO PRODUCTS.—The term 'tobacco products' means—

''(1) cigars, cigarettes, smokeless tobacco, pipe tobacco, and roll-your-own tobacco, and

''(2) any other product subject to tax pursuant to section 5701(i).''.

(2) CONFORMING AMENDMENTS.—Subsection (d) of section 5702 of such Code is amended by striking ''cigars, cigarettes, smokeless tobacco, pipe tobacco, or roll-your-own tobacco'' each place it appears and inserting ''tobacco products''.

(i) INCREASING TAX ON CIGARETTES.—

(1) SMALL CIGARETTES.—Section 5701(b)(1) of such Code is amended by striking ''$50.33'' and inserting ''$100.66''.

(2) LARGE CIGARETTES.—Section 5701(b)(2) of such Code is amended by striking ''$105.69'' and inserting ''$211.38''.

(j) TAX RATES ADJUSTED FOR INFLATION.—Section 5701 of such Code, as amended by subsection (g), is amended by adding at the end the following new subsection:

''(j) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of any calendar year beginning after 2018, the dollar amounts provided under this chapter shall each 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, determined by substituting 'calendar year 2017' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

''(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $0.01, such amount shall be rounded to the next highest multiple of $0.01.''.

(k) FLOOR STOCKS TAXES.—

(1) IMPOSITION OF TAX.—On tobacco products manufactured in or imported into the United States which are removed before any tax increase date and held on such date for sale by any person, there is hereby imposed a tax in an amount equal to the excess of—

(A) the tax which would be imposed under section 5701 of the Internal Revenue Code of 1986 on the article if the article had been removed on such date, over

(B) the prior tax (if any) imposed under section 5701 of such Code on such article.

(2) CREDIT AGAINST TAX.—Each person shall be allowed as a credit against the taxes imposed by paragraph (1) an amount equal to $500. Such credit shall not exceed the amount of taxes imposed by paragraph (1) on such date for which such person is liable.

(3) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding tobacco products on any tax increase date to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before the date that is 120 days after the effective date of the tax rate increase.

(4) ARTICLES IN FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (commonly known as the Foreign Trade Zone Act, 48 Stat. 998, 19 U.S.C. 81a et seq.), or any other provision of law, any article which is located in a foreign trade zone on any tax increase date shall be subject to the tax imposed by paragraph (1) if—

(A) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such date pursuant to a request made under the 1st proviso of section 3(a) of such Act, or

(B) such article is held on such date under the supervision of an officer of the United States Customs and Border Protection of the Department of Homeland Security pursuant to the 2d proviso of such section 3(a).

(5) DEFINITIONS.—For purposes of this subsection—

(A) IN GENERAL.—Any term used in this subsection which is also used in section 5702 of such Code shall have the same meaning as such term has in such section.

(B) TAX INCREASE DATE.—The term ''tax increase date'' means the effective date of any increase in any tobacco product excise tax rate pursuant to the amendments made by this section (other than subsection (j) thereof).

(C) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(6) CONTROLLED GROUPS.—Rules similar to the rules of section 5061(e)(3) of such Code shall apply for purposes of this subsection.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 5701 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply to the floor stocks taxes imposed by paragraph (1), to the same extent as if such taxes were imposed by such section 5701. The Secretary may treat any person who bore the ultimate burden of the tax imposed by paragraph (1) as the person to whom a credit or refund under such provisions may be allowed or made.

(l) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) through (4), the amendments made by this section shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after the last day of the month which includes the date of the enactment of this Act.

(2) DISCRETE SINGLE-USE UNITS AND PROCESSED TOBACCO.—The amendments made by subsections (c)(1)(C), (c)(2), and (f) shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after the date that is 6 months after the date of the enactment of this Act.

(3) LARGE CIGARS.—The amendments made by subsection (e) shall apply to articles removed after December 31, 2019.

(4) OTHER TOBACCO PRODUCTS.—The amendments made by subsection (g)(1) shall apply to products removed after the last day of the month which includes the date that the Secretary of the Treasury (or the Secretary of the Treasury's delegate) issues final regulations establishing the level of tax for such product.

By Mr. BOOZMAN (for himself, Mr. SCHATZ, Mr. TESTER, Mr. BLUMENTHAL, Mr. TILLIS, Mr. WARNER, Ms. HASSAN, and Ms. STABENOW):

S. 3777. A bill to require the Secretary of Veterans Affairs to establish a tiger team dedicated to addressing the difficulties encountered by the Department of Veterans Affairs in carrying out section 3313 of title 38, United States Code, after the enactment of sections 107 and 501 of the Harry W. Colmery Veterans Educational Assistance Act of 2017; considered and passed.

S. 3777

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 ''Forever GI Bill Housing Payment Fulfillment Act of 2018''.

SEC. 2. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) On August 16, 2017, the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48) (known by some as the ''Forever GI Bill'') was enacted into law.

(2) Such Act makes certain improvements to the Post-9/11 Educational Assistance program for veterans, including improvements relating to how the Secretary of Veterans Affairs calculates the amount of payments for monthly housing stipends under that program.

(3) Section 107 of such Act (Public Law 115–48; 33 U.S.C. 3313 note) requires the Secretary to calculate the amount of payments for monthly housing stipends based on the location of the campus of the institution of higher learning where the individual attends classes, a change from the previous direction to make such calculation based on the location of the institution of higher learning.

(4) Section 501 of such Act (Public Law 115–48; 37 U.S.C. 403 note) repeals the inapplicability of a modification of the basic allowance for housing for members of the uniformed services to benefits administered by the Department of Veterans Affairs.

(5) The amendments made by section 107 and 501 of such Act became effective on August 1, 2018, and January 1, 2018, respectively.

(6) Representatives of the Department of Veterans Affairs have stated that the Department will not be able to determine proper payment amounts based on the amendment made by section 107 of such Act until December 1, 2019.

(7) Representatives of the Department have also stated that outdated information technology systems have stymied efforts to update necessary information that enable proper housing payments as required by the provisions of law amended by sections 107 and 501 of such Act.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) as soon as possible, the Secretary of Veterans Affairs should end the making of improper payment amounts for monthly stipends under section 3313 of title 38, United States Code;

(2) by January 1, 2020, the Secretary should make whole the individuals entitled to payments of monthly stipends under section 3313 of title 38, United States Code, who have been underpaid as a result of the difficulties encountered by the Department of Veterans Affairs in carrying out such section after the enactment of sections 107 and 501 of the

Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48); and

(3) no individuals entitled to payments of monthly stipend under section 3313 of title 38, United States Code, who have been overpaid as a result of the difficulties encountered by the Department in carrying out such section after the enactment of sections 107 and 501 of such Act should have overpayments recuperated by the Department.

SEC. 3. TIGER TEAM FOR HOUSING STIPENDS.

(a) ESTABLISHMENT.—Not later than one day after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a tiger team (in this section referred to as the ''Tiger Team'') dedicated to addressing the difficulties encountered by the Department of Veterans Affairs in carrying out section 3313 of title 38, United States Code, after the enactment of sections 107 and 501 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note).

(b) COMPOSITION.—Not later than 15 days after the date of the enactment of this Act, the Secretary shall submit to Congress the names and titles of the employees of the Department who compose the Tiger Team established under subsection (a), including the name and title of the senior-level employee of the Department who serves as the lead accountable official of the Tiger Team.

(c) DUTIES.—

(1) SUBMISSION TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Tiger Team shall submit to Congress the following:

(A) A plan describing the following:

(i) How the Secretary will obtain the information necessary to determine the correct payment amounts for monthly stipends under section 3313 of title 38, United States Code, made after the enactment of sections 107 and 501 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note), from officials responsible for the certification of payments of monthly stipends made under section 3313 of such title.

(ii) How the Secretary will modify the relevant information technology systems of the Department to correct the payment amounts for monthly stipends under section 3313 of such title made after the enactment of sections 107 and 501 of such Act (Public Law 115–48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note) that were deficient.

(iii) How the Secretary will identify all of the individuals who received payments of monthly stipends under section 3313 of such title that were not in compliance with such section, after the enactment of sections 107 and 501 of such Act (Public Law 115–48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note).

(iv) How the Secretary will notify the individuals described in clause (iii).

(v) The procedures the Secretary will use to correct the payments of monthly stipends under section 3313 of such title that were deficient as a result of the difficulties encountered by the Department of Veterans Affairs in carrying out such section after the enactment of sections 107 and 501 of such Act (Public Law 115–48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note).

(B) A complete timeline for the implementation of the plan described in subparagraph (A).

(C) Any additional funding and personnel requirements necessary to support the implementation of the plan described in subparagraph (A), including any such requirements as may be necessary for staffing increases or relevant improvements to the information technology infrastructure of the Department.

(2) IMPLEMENTATION.—

(A) IN GENERAL.—The Secretary shall implement the plan submitted under paragraph (1)(A).

(B) PERIODIC UPDATES.—Not less frequently than once every 90 days after submission of the items under paragraph (1), the Tiger Team shall submit to Congress an update on the implementation of the plan described in subparagraph (A) of such paragraph.

(3) FINAL REPORT.—

(A) IN GENERAL.—Not later than July 1, 2020, the Tiger Team shall submit to the appropriate congressional committees a final report on the activities and findings of the Tiger Team.

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) The number of individuals who were affected by payments of monthly stipends under section 3313 of title 38, United States Code, that were not in compliance with such section after the enactment of sections 107 and 501 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note).

(ii) The number of individuals described in clause (i) who received deficient payments as a result of the difficulties encountered by the Department in carrying out section 3313 of such title after the enactment of sections 107 and 501 of such Act (Public Law 115–48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note), and the total amount of the deficiency for each individual, disaggregated by State.

(iii) The number of individuals described in clause (ii) who have not received the amount of monthly stipend to which such individuals are entitled under section 3313 of such title and an explanation of why such individuals have not received such amounts.

(iv) A certification of whether the Department is fully compliant with sections 107 and 501 of such Act (Public Law 115–48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note).

(C) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this paragraph, the term ''appropriate congressional committees'' means the following:

(i) The Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate.

(ii) The Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.

(d) TERMINATION.—On the date that is 60 days after the date on which the Tiger Team submits the final report required by subsection (c)(3), the Secretary shall terminate the Tiger Team established under subsection (a).

AMENDMENTS SUBMITTED AND PROPOSED

SA 4155. Mr. GRASSLEY (for Mr. ALEXANDER) proposed an amendment to the bill H.R. 6615, to reauthorize the Traumatic Brain Injury program.

SA 4156. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table.

SA 4157. Mr. BOOZMAN (for Mr. THUNE) proposed an amendment to the bill S. 2200, to reauthorize the National Integrated Drought Information System, and for other purposes.

SA 4158. Mr. BOOZMAN (for Mrs. MCCASKILL) proposed an amendment to the bill S. 3085, to establish a Federal Acquisition Security Council and to provide executive agencies with authorities relating to mitigating supply chain risks in the procurement of information technology, and for other purposes.

SA 4159. Mr. BOOZMAN (for Mr. THUNE) proposed an amendment to the bill S. 3367, to amend certain transportation-related reporting requirements to improve congressional oversight, reduce reporting burdens, and promote transparency, and for other purposes.

SA 4160. Mr. BOOZMAN (for Mr. CASSIDY) proposed an amendment to the bill S. 3444, to designate the community-based outpatient clinic of the Department of Veterans Affairs in Lake Charles, Louisiana, as the ''Douglas Fournet Department of Veterans Affairs Clinic''.

SA 4161. Mr. BOOZMAN (for Mr. THUNE) submitted an amendment intended to be proposed by Mr. Boozman to the bill S. 3641, to enhance efforts to combat human trafficking in connection with the catching and processing of seafood products imported into the United States, and for other purposes; which was referred to the Committee on Foreign Relations.

SA 4162. Mr. BOOZMAN (for Mr. CASSIDY) proposed an amendment to the bill H.R. 4227, to require the Secretary of Homeland Security to examine what actions the Department of Homeland Security is undertaking to combat the threat of vehicular terrorism, and for other purposes.

TEXT OF AMENDMENTS

SA 4155. Mr. GRASSLEY (for Mr. ALEXANDER) proposed an amendment to the bill H.R. 6615, to reauthorize the Traumatic Brain Injury program; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Traumatic Brain Injury Program Reauthorization Act of 2018''.

SEC. 2. PREVENTION AND CONTROL OF INJURIES.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended—

(1) in section 393C (42 U.S.C. 280b–1d) by adding at the end the following:

''(c) NATIONAL CONCUSSION DATA COLLECTION AND ANALYSIS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may implement concussion data collection and analysis to determine the prevalence and incidence of concussion.'';

(2) in section 394A(b)(42 U.S.C. 280b–3(b)), by striking ''$6,564,000 for each of fiscal years 2015 through 2019'' and inserting ''$11,750,000 for each of fiscal years 2020 through 2024''; and

(3) by striking section 393C-1 (42 U.S.C. 280b–1e).

SEC. 3. STATE GRANTS FOR PROJECTS REGARDING TRAUMATIC BRAIN INJURY.

Section 1252 of the Public Health Service Act (42 U.S.C. 300d–52) is amended—

(1) in subsection (a), by inserting '', acting through the Administrator for the Administration for Community Living,'' after ''The Secretary'';

(2) by striking subsection (e);

(3) by redesignating subsections (f) through (j) as subsections (e) through (i), respectively; and

(4) in subsection (i), as so redesignated, by striking ''$5,500,000 for each of the fiscal years 2015 through 2019'' and inserting ''$7,321,000 for each of fiscal years 2020 through 2024''.

SEC. 4. STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES.

Section 1253 of the Public Health Service Act (42 U.S.C. 300d–53) is amended—

(1) in subsection (a), by inserting '', acting through the Administrator for the Administration for Community Living,'' after ''The Secretary''; and

(2) in subsection (l), by striking ''$3,100,000 for each of the fiscal years 2015 through 2019'' and inserting ''$4,000,000 for each of fiscal years 2020 through 2024''.

SA 4156. Mr. CASSIDY submitted an amendment intended to be proposed to amendment SA 4108 proposed by Mr. MCCONNELL (for Mr. GRASSLEY) to the bill S. 756, to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REPORT ON THE PREVALENCE OF MENTAL ILLNESS IN PRISONS AND JAILS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to Congress a report on—

(1) the prevalence of mental illness among inmates in prisons and jails between 2013 and 2018 by clinical diagnosis; and

(2) the levels of care to which inmates are assigned.

(b) ADDITIONAL CONTENTS.—The report required under subsection (a) shall also include, specific to inmates in a Bureau of Prisons facility, any data on such inmates that would illuminate the reasons for the changes in assigned mental care levels between 2013 and 2018, including staffing levels during 2013 and 2018 and examination of patterns of assigning inmates to different levels of care, including demographic information, diagnosis, comorbid physical health conditions, presence or absence of substance use disorder, and medication.

SA 4157. Mr. BOOZMAN (for Mr. THUNE) proposed an amendment to the bill S. 2200, to reauthorize the National Integrated Drought Information System, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Integrated Drought Information System Reauthorization Act of 2018''.

SEC. 2. NATIONAL INTEGRATED DROUGHT INFORMATION SYSTEM PROGRAM.

(a) IN GENERAL.—Section 3 of the National Integrated Drought Information System Act of 2006 (15 U.S.C. 313d) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking ''in order to make usable, reliable, and timely forecasts of drought, including'' and inserting '', including precipitation, soil moisture, and evaporative demand, in order to make usable, reliable, and timely forecasts of drought and'';

(B) in paragraph (3), by inserting ''watershed,'' after ''regional,'';

(C) in paragraph (4)—

(i) by inserting '', through interagency agreements'' after ''integrate''; and

(ii) by inserting ''information'' after ''warning'';

(D) by amending paragraph (5) to read as follows:

''(5) utilize existing forecasting and assessment programs and partnerships, including forecast communication coordinators and cooperative institutes, and improvements in seasonal precipitation and temperature, subseasonal precipitation and temperature, and low flow water prediction; and''; and

(E) in paragraph (6), by inserting ''the prediction,'' after ''relating to'';

(2) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively;

(3) by inserting after subsection (b) the following:

''(c) PARTNERSHIPS.—The National Integrated Drought Information System may—

''(1) engage with the private sector to improve drought monitoring, forecast, and communication if the Under Secretary determines the partnership is appropriate, cost-effective, and beneficial to the public and decisionmakers described in subsection (b)(2)(A);

''(2) facilitate the development of 1 or more academic cooperative partnerships to assist with National Integrated Drought Information System functions; and

''(3) utilize and support, as appropriate, monitoring by citizen scientists, including by developing best practices to facilitate maximum data integration.'';

(4) in subsection (d), as redesignated, by inserting ''and sustainment'' after ''development''; and

(5) by striking subsection (f), as redesignated, and inserting the following:

''(f) SOIL MOISTURE.—Not later than 1 year after the date of enactment of the National Integrated Drought Information System Reauthorization Act of 2018, the Under Secretary, acting through the National Integrated Drought Information System, shall develop a strategy for a national coordinated soil moisture monitoring network.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 4 of the National Integrated Drought Information System Act of 2006 (15 U.S.C. 313d note) is amended to read as follows:

''SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this Act—

''(1) $13,500,000 for fiscal year 2019;

''(2) $13,750,000 for fiscal year 2020;

''(3) $14,000,000 for fiscal year 2021;

''(4) $14,250,000 for fiscal year 2022; and

''(5) $14,500,000 for fiscal year 2023.''.

SEC. 3. REAUTHORIZATION OF TITLE II OF THE WEATHER RESEARCH AND FORECASTING INNOVATION ACT OF 2017.

(a) REAUTHORIZATION OF TITLE II OF THE WEATHER RESEARCH AND FORECASTING INNOVATION ACT OF 2017.—Section 1762 of the Food Security Act of 1985 (15 U.S.C. 8521) is amended—

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

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the activities under this section—

''(1) $26,500,000 for fiscal year 2019;

''(2) $27,000,000 for fiscal year 2020;

''(3) $27,500,000 for fiscal year 2021;

''(4) $28,000,000 for fiscal year 2022; and

''(5) $28,500,000 for fiscal year 2023.''; and

(2) by adding at the end the following:

''(k) DERIVATION OF FUNDS.—Amounts made available to carry out this section shall be derived from amounts appropriated or otherwise made available to the National Weather Service.''.

(b) UNITED STATES WEATHER RESEARCH AND FORECASTING IMPROVEMENT.—Section 110 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8519) is amended to read as follows:

''SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to the Office of Oceanic and Atmospheric Research to carry out this title—

''(1) $136,516,000 for fiscal year 2019, of which—

''(A) $85,758,000 is authorized for weather laboratories and cooperative institutes;

''(B) $30,758,000 is authorized for weather and air chemistry research programs; and

''(C) $20,000,000 is authorized for the joint technology transfer initiative described in section 102(b)(4);

''(2) $148,154,000 for fiscal year 2020, of which—

''(A) $87,258,000 is authorized for weather laboratories and cooperative institutes;

''(B) $40,896,000 is authorized for weather and air chemistry research programs; and

''(C) $20,000,000 is authorized for the joint technology transfer initiative described in section 102(b)(4);

''(3) $150,154,000 for fiscal year 2021, of which—

''(A) $88,758,000 is authorized for weather laboratories and cooperative institutes;

''(B) $41,396,000 is authorized for weather and air chemistry research programs; and

''(C) $20,000,000 is authorized for the joint technology transfer initiative described in section 102(b)(4);

''(4) $152,154,000 for fiscal year 2022, of which—

''(A) $90,258,000 is authorized for weather laboratories and cooperative institutes;

''(B) $41,896,000 is authorized for weather and air chemistry research programs; and

''(C) $20,000,000 is authorized for the joint technology transfer initiative described in section 102(b)(4); and

''(5) $154,154,000 for fiscal year 2023, of which—

''(A) $91,758,000 is authorized for weather laboratories and cooperative institutes;

''(B) $42,396,000 is authorized for weather and air chemistry research programs; and

''(C) $20,000,000 is authorized for the joint technology transfer initiative described in section 102(b)(4).

''(b) LIMITATION.—No additional funds are authorized to carry out this title and the amendments made by this title.''.

SEC. 4. EARTH PREDICTION INNOVATION CENTER.

(a) WEATHER RESEARCH AND FORECASTING INNOVATION.—Section 102(b) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8512(b)) is amended by adding at the end the following:

''(4) Advancing weather modeling skill, reclaiming and maintaining international leadership in the area of numerical weather prediction, and improving the transition of research into operations by—

''(A) leveraging the weather enterprise to provide expertise on removing barriers to improving numerical weather prediction;

''(B) enabling scientists and engineers to effectively collaborate in areas important for improving operational global numerical weather prediction skill, including model development, data assimilation techniques, systems architecture integration, and computational efficiencies;

''(C) strengthening the National Oceanic and Atmospheric Administration's ability to undertake research projects in pursuit of substantial advancements in weather forecast skill;

''(D) utilizing and leverage existing resources across the National Oceanic and Atmospheric Administration enterprise; and

''(E) creating a community global weather research modeling system that—

''(i) is accessible by the public;

''(ii) meets basic end-user requirements for running on public computers and networks located outside of secure National Oceanic and Atmospheric Administration information and technology systems; and

''(iii) utilizes, whenever appropriate and cost-effective, innovative strategies and

methods, including cloud-based computing capabilities, for hosting and management of part or all of the system described in this subsection.''.

(b) UNITED STATES WEATHER RESEARCH PROGRAM.—Section 108(a) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 8520(a)) is amended—

(1) in paragraph (10), by striking ''; and'' and inserting a semi-colon;

(2) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(12) carry out the activities of the Earth Prediction Innovation Center as described in section 102(b)(2) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8512(b)(2)).''.

SEC. 5. COMPUTING RESOURCES PRIORITIZATION.

(a) IN GENERAL.—Section 108 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8518) is amended to read as follows:

''SEC. 108. COMPUTING RESOURCE EFFICIENCY IMPROVEMENT AND ANNUAL REPORT.

''(a) COMPUTING RESOURCES.—

''(1) IN GENERAL.—In acquiring computing capabilities, including high performance computing technologies and supercomputing technologies, that enable the National Oceanic and Atmospheric Administration to meet its mission requirements, the Under Secretary shall, when appropriate and cost-effective, assess and prioritize options for entering into multi-year lease agreements for computing capabilities over options for purchasing computing hardware outright.

''(2) ACQUISITION.—In carrying out the requirements of paragraph (1), the Under Secretary shall structure multi-year lease agreements in such a manner that the expiration of the lease is set for a date on or around—

''(A) the expected degradation point of the computing resources; or

''(B) the point at which significantly increased computing capabilities are expected to be available for lease.

''(3) PILOT PROGRAMS.—

''(A) IN GENERAL.—In order to more efficiently and effectively meet the mission requirements of the National Oceanic and Atmospheric Administration, the Under Secretary may create 1 or more pilot programs for assessing new or innovative information and technology capabilities and services.

''(B) PROGRAM REQUIREMENTS.—Any program created under paragraph (3) shall assess only those capabilities and services that—

''(i) meet or exceed the standards and requirements of the National Oceanic and Atmospheric Administration, including for processing speed, cybersecurity, and overall reliability; or

''(ii) meet or exceed, or are expected to meet or exceed, the performance of similar, in-house information and technology capabilities and services that are owned and operated by the National Oceanic and Atmospheric Administration prior to the establishment of the pilot program.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, out of funds appropriated to the National Environmental Satellite, Data, and Information Service, to carry out this paragraph $5,000,000 for fiscal year 2019, $10,000,000 for fiscal year 2020, and $5,000,000 for each of fiscal years 2021 through 2023, to remain available until expended.

''(b) REPORTS.—Not later than 1 year after the date of enactment of the National Integrated Drought Information System Reauthorization Act of 2018, and triennially thereafter until the date that is 6 years after the date on which the first report is submitted, the Under Secretary, acting through the Chief Information Officer of the National Oceanic and Atmospheric Administration and in coordination with the Assistant Administrator for Oceanic and Atmospheric Research and the Director of the National Weather Service, shall produce and make publicly available a report that explains how the Under Secretary intends—

''(1) to continually support upgrades to pursue the fastest, most powerful, and cost-effective high performance computing technologies in support of its weather prediction mission;

''(2) to ensure a balance between the research to operations requirements to develop the next generation of regional and global models as well as highly reliable operational models;

''(3) to take advantage of advanced development concepts to, as appropriate, make next generation weather prediction models available in beta-test mode to operational forecasters, the United States weather industry, and partners in academic and Government research;

''(4) to use existing computing resources to improve advanced research and operational weather prediction;

''(5) to utilize non-Federal contracts to obtain the necessary expertise for advanced weather computing, if appropriate;

''(6) to utilize cloud computing; and

''(7) to create a long-term strategy to transition the programming language of weather model code to current and broadly-used coding language.''.

(b) TABLE OF CONTENTS.—Section 1(b) of the Weather Research and Forecasting Innovation Act of 2017 (Public Law 115–25; 131 Stat. 91) is amended by striking the item relating to section 108 and inserting the following:

''Sec. 108. Computing resource efficiency improvement and annual report.''.

SEC. 7. SATELLITE ARCHITECTURE PLANNING.

Section 301 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8531) is amended by adding at the end the following:

''(c) NEXT GENERATION SATELLITE ARCHITECTURE.—

''(1) IN GENERAL.—The Under Secretary shall analyze, test, and plan the procurement of future data sources and satellite architectures, including respective ground system elements, identified in the National Oceanic and Atmospheric Administration's Satellite Observing System Architecture Study that—

''(A) lower the cost of observations used to meet the National Oceanic and Atmospheric Administration's mission requirements;

''(B) disaggregate current satellite systems, where appropriate;

''(C) include new, value-adding technological advancements; and

''(D) improve weather forecasting and predictions.

''(2) QUANTITATIVE ASSESSMENTS AND PARTNERSHIP AUTHORITY.—In meeting the requirements described in paragraph (1), the Under Secretary—

''(A) may partner with the commercial and academic sectors, non-governmental and not-for-profit organizations, and other Federal agencies; and

''(B) shall, consistent with section 107 of this Act, undertake quantitative assessments for objective analyses, as the Under Secretary considers appropriate, to evaluate relative value and benefits of future data sources and satellite architectures described in paragraph (1).

''(d) ADDITIONAL FORMS OF TRANSACTION AUTHORIZED.—

''(1) IN GENERAL.—Subject to paragraph (2), in order to enhance the effectiveness of data and satellite systems used by the National Oceanic and Atmospheric Administration to meet its missions, the Under Secretary may enter into and perform such transaction agreements on such terms as the Under Secretary considers appropriate to carry out basic, applied, and advanced research projects to meet the objectives described in subparagraphs (A) through (D) subsection (c)(1).

''(2) METHOD AND SCOPE.—

''(A) IN GENERAL.—A transaction agreement under paragraph (1) shall be limited to research and development activities.

''(B) PERMISSIBLE USES.—A transaction agreement under paragraph (1) may be used—

''(i) for the construction, use, operation, or procurement of new, improved, innovative, or value-adding satellites, instrumentation, ground stations, and data;

''(ii) to make determinations on how to best use existing or planned data, systems, and assets of the National Oceanic and Atmospheric Administration; and

''(iii) only when the objectives of the National Oceanic and Atmospheric Administration cannot be met using a cooperative research and development agreement, grants procurement contract, or cooperative agreement.

''(3) TERMINATION OF EFFECTIVENESS.—The authority provided in this subsection terminates effective September 30, 2023.

''(e) TRANSPARENCY.—Not later than 60 days after the date that a transaction agreement is made under subsection (d), the Under Secretary shall make publicly available, in a searchable format, on the website of the National Oceanic and Atmospheric Administration all uses of the authority under subsection (d), including an estimate of committed National Oceanic and Atmospheric Administration resources and the expected benefits to National Oceanic and Atmospheric Administration objectives for the transaction agreement, with appropriate redactions for proprietary, sensitive, or classified information.

''(f) REPORTS.—

''(1) IN GENERAL.—Not later than 90 days after September 30 of each fiscal year through September 30, 2023, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the use of additional transaction authority by the National Oceanic and Atmospheric Administration during the previous fiscal year.

''(2) CONTENTS.—Each report shall include—

''(A) for each transaction agreement in effect during the fiscal year covered by the report—

''(i) an indication of whether the transaction agreement is a reimbursable, non-reimbursable, or funded agreement;

''(ii) a description of—

''(I) the subject and terms;

''(II) the parties;

''(III) the responsible National Oceanic and Atmospheric Administration line office;

''(IV) the value;

''(V) the extent of the cost sharing among Federal Government and non-Federal sources;

''(VI) the duration or schedule; and

''(VII) all milestones;

''(iii) an indication of whether the transaction agreement was renewed during the previous fiscal year;

''(iv) the technology areas in which research projects were conducted under that agreement;

''(v) the extent to which the use of that agreement—

''(I) has contributed to a broadening of the technology and industrial base available for meeting National Oceanic and Atmospheric Administration needs; and

''(II) has fostered within the technology and industrial base new relationships and practices that support the United States; and

''(vi) the total value received by the Federal Government under that agreement for that fiscal year; and

''(B) a list of all anticipated reimbursable, non-reimbursable, and funded transaction agreements for the upcoming fiscal year.

''(g) RULE OF CONSTRUCTION.—Nothing in this section may be construed as limiting the authority of the National Oceanic and Atmospheric Administration to use cooperative research and development agreements, grants, procurement contracts, or cooperative agreements.''.

SEC. 8. INTEGRATION OF OCEAN AND COASTAL DATA FROM THE INTEGRATED OCEAN OBSERVING SYSTEM.

(a) IN GENERAL.—Section 301(a)(2) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8531(a)(2)) is amended—

(1) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) support increasing use of autonomous, mobile surface, sub-surface, and submarine vehicle ocean and fresh water sensor systems and the infrastructure necessary to share and analyze these data in real-time and feed them into predictive early warning systems.''.

(b) COMMERCIAL WEATHER DATA; AUTHORIZATION OF APPROPRIATIONS.—Section 302(c)(3) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8532(c)(3)) is amended—

(1) by striking ''2017 through 2020'' and inserting ''2019 through 2023''; and

(2) by inserting ''the'' before ''National''.

SEC. 9. IMPROVEMENTS TO COOPERATIVE OBSERVER PROGRAM OF NATIONAL WEATHER SERVICE.

(a) IN GENERAL.—The Under Secretary of Commerce for Oceans and Atmosphere, acting through the National Weather Service, shall improve the Cooperative Observer Program by—

(1) providing support to—

(A) State-coordinated programs relating to the Program; and

(B) States and regions where observations provided through the Program are scarce;

(2) working with State weather service headquarters to increase participation in the Program and to add stations in States and regions described in paragraph (1)(B);

(3) where feasible, ensuring that data streams from stations that have been contributing data to the Program for more than 50 years are maintained and continually staffed by volunteers;

(4) prioritizing the recruitment of new volunteers for the Program;

(5) ensuring that opportunities exist for automated reporting to lessen the burden on volunteers to collect and report data by hand; and

(6) ensuring that integrated reporting is available for qualitative observations that cannot be automated, such as drought conditions, snow observations, and hazardous weather events, to ensure that volunteers in the Program can report and upload observations quickly and easily.

(b) COORDINATION WITH STATES AND REGIONS.—Not less frequently than every 180 days, the National Weather Service shall coordinate with State and regional offices with respect to the status of Cooperative Observer Program stations.

(c) COORDINATION WITH FEDERAL AGENCIES.—The National Weather Service shall coordinate with other Federal agencies, including the Forest Service, the Department of Agriculture, and the United States Geological Survey, to leverage opportunities to grow the Cooperative Observer Program network and to more effectively use existing infrastructure, weather stations, and staff of the Program.

SEC. 10. HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND CONTROL.

(a) SHORT TITLE.—This section may be cited as the ''Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2017''.

(b) REFERENCES TO THE HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND CONTROL ACT OF 1998.—Except as otherwise expressly provided, wherever in this section 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 Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (33 U.S.C. 4001 et seq.).

(c) INTER-AGENCY TASK FORCE.—Section 603(a) (33 U.S.C. 4001(a)) is amended—

(1) in paragraph (12), by striking ''and'' at the end;

(2) by redesignating paragraph (13) as paragraph (14); and

(3) by inserting after paragraph (12) the following:

''(13) the Army Corps of Engineers; and''.

(d) SCIENTIFIC ASSESSMENTS OF FRESHWATER HARMFUL ALGAL BLOOMS.—Section 603 (33 U.S.C. 4001) is amended—

(1) by striking subsection (f);

(2) by redesignating subsections (g), (h), (i), and (j) as subsections (f), (g), (h), and (i), respectively; and

(3) by amending subsection (g) to read as follows:

''(g) SCIENTIFIC ASSESSMENTS OF MARINE AND FRESHWATER HARMFUL ALGAL BLOOMS.—Not less than once every 5 years the Task Force shall complete and submit to Congress a scientific assessment of harmful algal blooms in United States coastal waters and freshwater systems. Each assessment shall examine both marine and freshwater harmful algal blooms, including those in the Great Lakes and upper reaches of estuaries, those in freshwater lakes and rivers, and those that originate in freshwater lakes or rivers and migrate to coastal waters.''.

(e) NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA PROGRAM.—

(1) PROGRAM DUTIES.—Section 603A(e) (33 U.S.C. 4002(e)) is amended—

(A) in paragraph (1), by inserting '', including to local and regional stakeholders through the establishment and maintenance of a publicly accessible Internet website that provides information as to Program activities completed under this section'' after ''Program'';

(B) in paragraph (3)—

(i) in subparagraph (B), by striking ''; and'' and inserting a semicolon;

(ii) in subparagraph (C), by inserting ''and'' after the semicolon at the end; and

(iii) by adding at the end the following:

''(D) to accelerate the utilization of effective methods of intervention and mitigation to reduce the frequency, severity, and impacts of harmful algal bloom and hypoxia events;'';

(C) in paragraph (4), by striking ''and work cooperatively with'' and inserting '', and work cooperatively to provide technical assistance to,''; and

(D) in paragraph (7)—

(i) by inserting ''and extension'' after ''existing education''; and

(ii) by inserting ''intervention,'' after ''awareness of the causes, impacts,''.

(2) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ACTIVITIES.—Section 603A(f) (33 U.S.C. 4002(f)) is amended—

(A) in paragraph (3), by inserting '', which shall include unmanned systems,'' after ''infrastructure'';

(B) in paragraph (5), by striking ''and'' at the end;

(C) in paragraph (6)(C), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(7) use cost effective methods in carrying out this Act; and

''(8) develop contingency plans for the long-term monitoring of hypoxia.''.

(f) CONSULTATION REQUIRED.—Section 102 of the Harmful Algal Bloom and Hypoxia Amendments Act of 2004 (33 U.S.C. 4001a) is amended by striking ''the amendments made by this title'' and inserting ''the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998''.

(g) HYPOXIA OR HARMFUL ALGAL BLOOM OF NATIONAL SIGNIFICANCE.—

(1) RELIEF.—

(A) IN GENERAL.—Upon a determination under paragraph (2) that there is an event of national significance, the appropriate Federal official is authorized to make sums available to the affected State or local government for the purposes of assessing and mitigating the detrimental environmental, economic, subsistence use, and public health effects of the event of national significance.

(B) FEDERAL SHARE.—The Federal share of the cost of any activity carried out under this paragraph for the purposes described in subparagraph (A) may not exceed 50 percent of the cost of that activity.

(C) DONATIONS.—Notwithstanding any other provision of law, an appropriate Federal official may accept donations of funds, services, facilities, materials, or equipment that the appropriate Federal official considers necessary for the purposes described in subparagraph (A). Any funds donated to an appropriate Federal official under this paragraph may be expended without further appropriation and without fiscal year limitation.

(2) DETERMINATIONS.—

(A) IN GENERAL.—At the discretion of an appropriate Federal official, or at the request of the Governor of an affected State, an appropriate Federal official shall determine whether a hypoxia or harmful algal bloom event is an event of national significance.

(B) CONSIDERATIONS.—In making a determination under subparagraph (A), the appropriate Federal official shall consider the toxicity of the harmful algal bloom, the severity of the hypoxia, its potential to spread, the economic impact, the relative size in relation to the past 5 occurrences of harmful algal blooms or hypoxia events that occur on a recurrent or annual basis, and the geographic scope, including the potential to affect several municipalities, to affect more than 1 State, or to cross an international boundary.

(3) DEFINITIONS.—In this subsection:

(A) APPROPRIATE FEDERAL OFFICIAL.—The term ''appropriate Federal official'' means—

(i) in the case of a marine or coastal hypoxia or harmful algal bloom event, the Under Secretary of Commerce for Oceans and Atmosphere; and

(ii) in the case of a freshwater hypoxia or harmful algal bloom event, the Administrator of the Environmental Protection Agency.

(B) EVENT OF NATIONAL SIGNIFICANCE.—The term ''event of national significance'' means a hypoxia or harmful algal bloom event that has had or will likely have a significant detrimental environmental, economic, subsistence use, or public health impact on an affected State.

(C) HYPOXIA OR HARMFUL ALGAL BLOOM EVENT.—The term ''hypoxia or harmful algal bloom event'' means the occurrence of hypoxia or a harmful algal bloom as a result of a natural, anthropogenic, or undetermined cause.

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 609(a) (33 U.S.C. 4009(a)) is amended by inserting '', and $20,500,000 for each of fiscal years 2019 through 2023'' before the period at the end.

SA 4158. Mr. BOOZMAN (for Mrs. MCCASKILL) proposed an amendment to the bill S. 3085, to establish a Federal Acquisition Security Council and to provide executive agencies with authorities relating to mitigating supply chain risks in the procurement of information technology, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Acquisition Supply Chain Security Act of 2018''.

SEC. 2. FEDERAL ACQUISITION SUPPLY CHAIN SECURITY.

(a) IN GENERAL.—Chapter 13 of title 41, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER III—FEDERAL ACQUISITION SUPPLY CHAIN SECURITY

''§ 1321. Definitions

''In this subchapter:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term 'appropriate congressional committees and leadership' means—

''(A) the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Committee on Appropriations, the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Select Committee on Intelligence, and the majority and minority leader of the Senate; and

''(B) the Committee on Oversight and Government Reform, the Committee on the Judiciary, the Committee on Appropriations, the Committee on Homeland Security, the Committee on Armed Services, the Committee on Energy and Commerce, the Permanent Select Committee on Intelligence, and the Speaker and minority leader of the House of Representatives.

''(2) COUNCIL.—The term 'Council' means the Federal Acquisition Security Council established under section 1322(a) of this title.

''(3) COVERED ARTICLE.—The term 'covered article' has the meaning given that term in section 4713 of this title.

''(4) COVERED PROCUREMENT ACTION.—The term 'covered procurement action' has the meaning given that term in section 4713 of this title.

''(5) INFORMATION AND COMMUNICATIONS TECHNOLOGY.—The term 'information and communications technology' has the meaning given that term in section 4713 of this title.

''(6) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

''(7) NATIONAL SECURITY SYSTEM.—The term 'national security system' has the meaning given that term in section 3552 of title 44.

''(8) SUPPLY CHAIN RISK.—The term 'supply chain risk' has the meaning given that term in section 4713 of this title.

''§ 1322. Federal Acquisition Security Council establishment and membership

''(a) ESTABLISHMENT.—There is established in the executive branch a Federal Acquisition Security Council.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The following agencies shall be represented on the Council:

''(A) The Office of Management and Budget.

''(B) The General Services Administration.

''(C) The Department of Homeland Security, including the Cybersecurity and Infrastructure Security Agency.

''(D) The Office of the Director of National Intelligence, including the National Counterintelligence and Security Center.

''(E) The Department of Justice, including the Federal Bureau of Investigation.

''(F) The Department of Defense, including the National Security Agency.

''(G) The Department of Commerce, including the National Institute of Standards and Technology.

''(H) Such other executive agencies as determined by the Chairperson of the Council.

''(2) LEAD REPRESENTATIVES.—

''(A) DESIGNATION.—

''(i) IN GENERAL.—Not later than 45 days after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018, the head of each agency represented on the Council shall designate a representative of that agency as the lead representative of the agency on the Council.

''(ii) REQUIREMENTS.—The representative of an agency designated under clause (i) shall have expertise in supply chain risk management, acquisitions, or information and communications technology.

''(B) FUNCTIONS.—The lead representative of an agency designated under subparagraph (A) shall ensure that appropriate personnel, including leadership and subject matter experts of the agency, are aware of the business of the Council.

''(c) CHAIRPERSON.—

''(1) DESIGNATION.—Not later than 45 days after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018, the Director of the Office of Management and Budget shall designate a senior-level official from the Office of Management and Budget to serve as the Chairperson of the Council.

''(2) FUNCTIONS.—The Chairperson shall perform functions that include—

''(A) subject to subsection (d), developing a schedule for meetings of the Council;

''(B) designating executive agencies to be represented on the Council under subsection (b)(1)(H);

''(C) in consultation with the lead representative of each agency represented on the Council, developing a charter for the Council; and

''(D) not later than 7 days after completion of the charter, submitting the charter to the appropriate congressional committees and leadership.

''(d) MEETINGS.—The Council shall meet not later than 60 days after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018 and not less frequently than quarterly thereafter.

''§ 1323. Functions and authorities

''(a) IN GENERAL.—The Council shall perform functions that include the following:

''(1) Identifying and recommending development by the National Institute of Standards and Technology of supply chain risk management standards, guidelines, and practices for executive agencies to use when assessing and developing mitigation strategies to address supply chain risks, particularly in the acquisition and use of covered articles under section 1326(a) of this title.

''(2) Identifying or developing criteria for sharing information with executive agencies, other Federal entities, and non-Federal entities with respect to supply chain risk, including information related to the exercise of authorities provided under this section and sections 1326 and 4713 of this title. At a minimum, such criteria shall address—

''(A) the content to be shared;

''(B) the circumstances under which sharing is mandated or voluntary; and

''(C) the circumstances under which it is appropriate for an executive agency to rely on information made available through such sharing in exercising the responsibilities and authorities provided under this section and section 4713 of this title.

''(3) Identifying an appropriate executive agency to—

''(A) accept information submitted by executive agencies based on the criteria established under paragraph (2);

''(B) facilitate the sharing of information received under subparagraph (A) to support supply chain risk analyses under section 1326 of this title, recommendations under this section, and covered procurement actions under section 4713 of this title;

''(C) share with the Council information regarding covered procurement actions by executive agencies taken under section 4713 of this title; and

''(D) inform the Council of orders issued under this section.

''(4) Identifying, as appropriate, executive agencies to provide—

''(A) shared services, such as support for making risk assessments, validation of products that may be suitable for acquisition, and mitigation activities; and

''(B) common contract solutions to support supply chain risk management activities, such as subscription services or machine-learning-enhanced analysis applications to support informed decisionmaking.

''(5) Identifying and issuing guidance on additional steps that may be necessary to address supply chain risks arising in the course of executive agencies providing shared services, common contract solutions, acquisitions vehicles, or assisted acquisitions.

''(6) Engaging with the private sector and other nongovernmental stakeholders in performing the functions described in paragraphs (1) and (2) and on issues relating to the management of supply chain risks posed by the acquisition of covered articles.

''(7) Carrying out such other actions, as determined by the Council, that are necessary to reduce the supply chain risks posed by acquisitions and use of covered articles.

''(b) PROGRAM OFFICE AND COMMITTEES.—The Council may establish a program office and any committees, working groups, or other constituent bodies the Council deems appropriate, in its sole and unreviewable discretion, to carry out its functions.

''(c) AUTHORITY FOR EXCLUSION OR REMOVAL ORDERS.—

''(1) CRITERIA.—To reduce supply chain risk, the Council shall establish criteria and procedures for—

''(A) recommending orders applicable to executive agencies requiring the exclusion of sources or covered articles from executive agency procurement actions (in this section referred to as 'exclusion orders');

''(B) recommending orders applicable to executive agencies requiring the removal of covered articles from executive agency information systems (in this section referred to as 'removal orders');

''(C) requesting and approving exceptions to an issued exclusion or removal order when

warranted by circumstances, including alternative mitigation actions or other findings relating to the national interest, including national security reviews, national security investigations, or national security agreements; and

''(D) ensuring that recommended orders do not conflict with standards and guidelines issued under section 11331 of title 40 and that the Council consults with the Director of the National Institute of Standards and Technology regarding any recommended orders that would implement standards and guidelines developed by the National Institute of Standards and Technology.

''(2) RECOMMENDATIONS.—The Council shall use the criteria established under paragraph (1), information made available under subsection (a)(3), and any other information the Council determines appropriate to issue recommendations, for application to executive agencies or any subset thereof, regarding the exclusion of sources or covered articles from any executive agency procurement action, including source selection and consent for a contractor to subcontract, or the removal of covered articles from executive agency information systems. Such recommendations shall include—

''(A) information necessary to positively identify the sources or covered articles recommended for exclusion or removal;

''(B) information regarding the scope and applicability of the recommended exclusion or removal order;

''(C) a summary of any risk assessment reviewed or conducted in support of the recommended exclusion or removal order;

''(D) a summary of the basis for the recommendation, including a discussion of less intrusive measures that were considered and why such measures were not reasonably available to reduce supply chain risk;

''(E) a description of the actions necessary to implement the recommended exclusion or removal order; and

''(F) where practicable, in the Council's sole and unreviewable discretion, a description of mitigation steps that could be taken by the source that may result in the Council rescinding a recommendation.

''(3) NOTICE OF RECOMMENDATION AND REVIEW.—A notice of the Council's recommendation under paragraph (2) shall be issued to any source named in the recommendation advising—

''(A) that a recommendation has been made;

''(B) of the criteria the Council relied upon under paragraph (1) and, to the extent consistent with national security and law enforcement interests, of information that forms the basis for the recommendation;

''(C) that, within 30 days after receipt of notice, the source may submit information and argument in opposition to the recommendation;

''(D) of the procedures governing the review and possible issuance of an exclusion or removal order pursuant to paragraph (5); and

''(E) where practicable, in the Council's sole and unreviewable discretion, a description of mitigation steps that could be taken by the source that may result in the Council rescinding the recommendation.

''(4) CONFIDENTIALITY.—Any notice issued to a source under paragraph (3) shall be kept confidential until—

''(A) an exclusion or removal order is issued pursuant to paragraph (5); and

''(B) the source has been notified pursuant to paragraph (6).

''(5) EXCLUSION AND REMOVAL ORDERS.—

''(A) ORDER ISSUANCE.—Recommendations of the Council under paragraph (2), together with any information submitted by a source under paragraph (3) related to such a recommendation, shall be reviewed by the following officials, who may issue exclusion and removal orders based upon such recommendations:

''(i) The Secretary of Homeland Security, for exclusion and removal orders applicable to civilian agencies, to the extent not covered by clause (ii) or (iii).

''(ii) The Secretary of Defense, for exclusion and removal orders applicable to the Department of Defense and national security systems other than sensitive compartmented information systems.

''(iii) The Director of National Intelligence, for exclusion and removal orders applicable to the intelligence community and sensitive compartmented information systems, to the extent not covered by clause (ii).

''(B) DELEGATION.—The officials identified in subparagraph (A) may not delegate any authority under this subparagraph to an official below the level one level below the Deputy Secretary or Principal Deputy Director, except that the Secretary of Defense may delegate authority for removal orders to the Commander of the United States Cyber Command, who may not redelegate such authority to an official below the level one level below the Deputy Commander.

''(C) FACILITATION OF EXCLUSION ORDERS.—If officials identified under this paragraph from the Department of Homeland Security, the Department of Defense, and the Office of the Director of National Intelligence issue orders collectively resulting in a governmentwide exclusion, the Administrator for General Services and officials at other executive agencies responsible for management of the Federal Supply Schedules, governmentwide acquisition contracts, and multiagency contracts shall help facilitate implementation of such orders by removing the covered articles or sources identified in the orders from such contracts.

''(D) REVIEW OF EXCLUSION AND REMOVAL ORDERS.—The officials identified under this paragraph shall review all exclusion and removal orders issued under subparagraph (A) not less frequently than annually pursuant to procedures established by the Council.

''(E) RESCISSION.—Orders issued pursuant to subparagraph (A) may be rescinded by an authorized official from the relevant issuing agency.

''(6) NOTIFICATIONS.—Upon issuance of an exclusion or removal order pursuant to paragraph (5)(A), the official identified under that paragraph who issued the order shall—

''(A) notify any source named in the order of—

''(i) the exclusion or removal order; and

''(ii) to the extent consistent with national security and law enforcement interests, information that forms the basis for the order;

''(B) provide classified or unclassified notice of the exclusion or removal order to the appropriate congressional committees and leadership; and

''(C) provide the exclusion or removal order to the agency identified in subsection (a)(3).

''(7) COMPLIANCE.—Executive agencies shall comply with exclusion and removal orders issued pursuant to paragraph (5).

''(d) AUTHORITY TO REQUEST INFORMATION.—The Council may request such information from executive agencies as is necessary for the Council to carry out its functions.

''(e) RELATIONSHIP TO OTHER COUNCILS.—The Council shall consult and coordinate, as appropriate, with other relevant councils and interagency committees, including the Chief Information Officers Council, the Chief Acquisition Officers Council, the Federal Acquisition Regulatory Council, and the Committee on Foreign Investment in the United States, with respect to supply chain risks posed by the acquisition and use of covered articles.

''(f) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to limit the authority of the Office of Federal Procurement Policy to carry out the responsibilities of that Office under any other provision of law; or

''(2) to authorize the issuance of an exclusion or removal order based solely on the fact of foreign ownership of a potential procurement source that is otherwise qualified to enter into procurement contracts with the Federal Government.

''§ 1324. Strategic plan

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018, the Council shall develop a strategic plan for addressing supply chain risks posed by the acquisition of covered articles and for managing such risks, that includes—

''(1) the criteria and processes required under section 1323(a) of this title, including a threshold and requirements for sharing relevant information about such risks with all executive agencies and, as appropriate, with other Federal entities and non-Federal entities;

''(2) an identification of existing authorities for addressing such risks;

''(3) an identification and promulgation of best practices and procedures and available resources for executive agencies to assess and mitigate such risks;

''(4) recommendations for any legislative, regulatory, or other policy changes to improve efforts to address such risks;

''(5) recommendations for any legislative, regulatory, or other policy changes to incentivize the adoption of best practices for supply chain risk management by the private sector;

''(6) an evaluation of the effect of implementing new policies or procedures on existing contracts and the procurement process;

''(7) a plan for engaging with executive agencies, the private sector, and other nongovernmental stakeholders to address such risks;

''(8) a plan for identification, assessment, mitigation, and vetting of supply chain risks from existing and prospective information and communications technology made available by executive agencies to other executive agencies through common contract solutions, shared services, acquisition vehicles, or other assisted acquisition services; and

''(9) plans to strengthen the capacity of all executive agencies to conduct assessments of—

''(A) the supply chain risk posed by the acquisition of covered articles; and

''(B) compliance with the requirements of this subchapter.

''(b) SUBMISSION TO CONGRESS.—Not later than 7 calendar days after completion of the strategic plan required by subsection (a), the Chairperson of the Council shall submit the plan to the appropriate congressional committees and leadership.

''§ 1325. Annual report

''Not later than December 31 of each year, the Chairperson of the Council shall submit to the appropriate congressional committees and leadership a report on the activities of the Council during the preceding 12-month period.

''§ 1326. Requirements for executive agencies

''(a) IN GENERAL.—The head of each executive agency shall be responsible for—

''(1) assessing the supply chain risk posed by the acquisition and use of covered articles and avoiding, mitigating, accepting, or transferring that risk, as appropriate and consistent with the standards, guidelines,

and practices identified by the Council under section 1323(a)(1); and

''(2) prioritizing supply chain risk assessments conducted under paragraph (1) based on the criticality of the mission, system, component, service, or asset.

''(b) INCLUSIONS.—The responsibility for assessing supply chain risk described in subsection (a) includes—

''(1) developing an overall supply chain risk management strategy and implementation plan and policies and processes to guide and govern supply chain risk management activities;

''(2) integrating supply chain risk management practices throughout the lifecycle of the system, component, service, or asset;

''(3) limiting, avoiding, mitigating, accepting, or transferring any identified risk;

''(4) sharing relevant information with other executive agencies, as determined appropriate by the Council in a manner consistent with section 1323(a) of this title;

''(5) reporting on progress and effectiveness of the agency's supply chain risk management consistent with guidance issued by the Office of Management and Budget and the Council; and

''(6) ensuring that all relevant information, including classified information, with respect to acquisitions of covered articles that may pose a supply chain risk, consistent with section 1323(a) of this title, is incorporated into existing processes of the agency for conducting assessments described in subsection (a) and ongoing management of acquisition programs, including any identification, investigation, mitigation, or remediation needs.

''(c) INTERAGENCY ACQUISITIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), in the case of an interagency acquisition, subsection (a) shall be carried out by the head of the executive agency whose funds are being used to procure the covered article.

''(2) ASSISTED ACQUISITIONS.—In an assisted acquisition, the parties to the acquisition shall determine, as part of the interagency agreement governing the acquisition, which agency is responsible for carrying out subsection (a).

''(3) DEFINITIONS.—In this subsection, the terms 'assisted acquisition' and 'interagency acquisition' have the meanings given those terms in section 2.101 of title 48, Code of Federal Regulations (or any corresponding similar regulation or ruling).

''(d) ASSISTANCE.—The Secretary of Homeland Security may—

''(1) assist executive agencies in conducting risk assessments described in subsection (a) and implementing mitigation requirements for information and communications technology; and

''(2) provide such additional guidance or tools as are necessary to support actions taken by executive agencies.

''§ 1327. Judicial review procedures

''(a) IN GENERAL.—Except as provided in subsection (b) and chapter 71 of this title, and notwithstanding any other provision of law, an action taken under section 1323 or 4713 of this title, or any action taken by an executive agency to implement such an action, shall not be subject to administrative review or judicial review, including bid protests before the Government Accountability Office or in any Federal court.

''(b) PETITIONS.—

''(1) IN GENERAL.—Not later than 60 days after a party is notified of an exclusion or removal order under section 1323(c)(6) of this title or a covered procurement action under section 4713 of this title, the party may file a petition for judicial review in the United States Court of Appeals for the District of Columbia Circuit claiming that the issuance of the exclusion or removal order or covered procurement action is unlawful.

''(2) STANDARD OF REVIEW.—The Court shall hold unlawful a covered action taken under sections 1323 or 4713 of this title, in response to a petition that the court finds to be—

''(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

''(B) contrary to constitutional right, power, privilege, or immunity;

''(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right;

''(D) lacking substantial support in the administrative record taken as a whole or in classified information submitted to the court under paragraph (3); or

''(E) not in accord with procedures required by law.

''(3) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over claims arising under sections 1323(c)(5) or 4713 of this title against the United States, any United States department or agency, or any component or official of any such department or agency, subject to review by the Supreme Court of the United States under section 1254 of title 28.

''(4) ADMINISTRATIVE RECORD AND PROCEDURES.—

''(A) IN GENERAL.—The procedures described in this paragraph shall apply to the review of a petition under this section.

''(B) ADMINISTRATIVE RECORD.—

''(i) FILING OF RECORD.—The United States shall file with the court an administrative record, which shall consist of the information that the appropriate official relied upon in issuing an exclusion or removal order under section 1323(c)(5) or a covered procurement action under section 4713 of this title.

''(ii) UNCLASSIFIED, NONPRIVILEGED INFORMATION.—All unclassified information contained in the administrative record that is not otherwise privileged or subject to statutory protections shall be provided to the petitioner with appropriate protections for any privileged or confidential trade secrets and commercial or financial information.

''(iii) IN CAMERA AND EX PARTE.—The following information may be included in the administrative record and shall be submitted only to the court ex parte and in camera:

''(I) Classified information.

''(II) Sensitive security information, as defined by section 1520.5 of title 49, Code of Federal Regulations.

''(III) Privileged law enforcement information.

''(IV) Information obtained or derived from any activity authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), except that, with respect to such information, subsections (c), (e), (f), (g), and (h) of section 106 (50 U.S.C. 1806), subsections (d), (f), (g), (h), and (i) of section 305 (50 U.S.C. 1825), subsections (c), (e), (f), (g), and (h) of section 405 (50 U.S.C. 1845), and section 706 (50 U.S.C. 1881e) of that Act shall not apply.

''(V) Information subject to privilege or protections under any other provision of law.

''(iv) UNDER SEAL.—Any information that is part of the administrative record filed ex parte and in camera under clause (iii), or cited by the court in any decision, shall be treated by the court consistent with the provisions of this subparagraph and shall remain under seal and preserved in the records of the court to be made available consistent with the above provisions in the event of further proceedings. In no event shall such information be released to the petitioner or as part of the public record.

''(v) RETURN.—After the expiration of the time to seek further review, or the conclusion of further proceedings, the court shall return the administrative record, including any and all copies, to the United States.

''(C) EXCLUSIVE REMEDY.—A determination by the court under this subsection shall be the exclusive judicial remedy for any claim described in this section against the United States, any United States department or agency, or any component or official of any such department or agency.

''(D) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting, superseding, or preventing the invocation of, any privileges or defenses that are otherwise available at law or in equity to protect against the disclosure of information.

''(c) DEFINITION.—In this section, the term 'classified information'—

''(1) has the meaning given that term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.); and

''(2) includes—

''(A) any information or material that has been determined by the United States Government pursuant to an Executive order, statute, or regulation to require protection against unauthorized disclosure for reasons of national security; and

''(B) any restricted data, as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

''§ 1328. Termination

''This subchapter shall terminate on the date that is 5 years after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 13 of such title is amended by adding at the end the following new items:

''SUBCHAPTER III—FEDERAL ACQUISITION SUPPLY CHAIN SECURITY

''Sec.
''1321. Definitions.
''1322. Federal Acquisition Security Council establishment and membership.
''1323. Functions and authorities.
''1324. Strategic plan.
''1325. Annual report.
''1326. Requirements for executive agencies.
''1327. Judicial review procedures.
''1328. Termination.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act and shall apply to contracts that are awarded before, on, or after that date.

(d) IMPLEMENTATION.—

(1) INTERIM FINAL RULE.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Security Council shall prescribe an interim final rule to implement subchapter III of chapter 13 of title 41, United States Code, as added by subsection (a).

(2) FINAL RULE.—Not later than one year after prescribing the interim final rule under paragraph (1) and considering public comments with respect to such interim final rule, the Council shall prescribe a final rule to implement subchapter III of chapter 13 of title 41, United States Code, as added by subsection (a).

(3) FAILURE TO ACT.—

(A) IN GENERAL.—If the Council does not issue a final rule in accordance with paragraph (2) on or before the last day of the 1-year period referred to in that paragraph, the Council shall submit to the appropriate congressional committees and leadership, not later than 10 days after such last day and every 90 days thereafter until the final rule is issued, a report explaining why the final rule was not timely issued and providing an

estimate of the earliest date on which the final rule will be issued.

(B) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP DEFINED.—In this paragraph, the term ''appropriate congressional committees and leadership'' has the meaning given that term in section 1321 of title 41, United States Code, as added by subsection (a).

SEC. 3. AUTHORITIES OF EXECUTIVE AGENCIES RELATING TO MITIGATING SUPPLY CHAIN RISKS IN THE PROCUREMENT OF COVERED ARTICLES.

(a) IN GENERAL.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

''§ 4713. Authorities relating to mitigating supply chain risks in the procurement of covered articles

''(a) AUTHORITY.—Subject to subsection (b), the head of an executive agency may carry out a covered procurement action.

''(b) DETERMINATION AND NOTIFICATION.—Except as authorized by subsection (c) to address an urgent national security interest, the head of an executive agency may exercise the authority provided in subsection (a) only after—

''(1) obtaining a joint recommendation, in unclassified or classified form, from the chief acquisition officer and the chief information officer of the agency, or officials performing similar functions in the case of executive agencies that do not have such officials, which includes a review of any risk assessment made available by the executive agency identified under section 1323(a)(3) of this title, that there is a significant supply chain risk in a covered procurement;

''(2) providing notice of the joint recommendation described in paragraph (1) to any source named in the joint recommendation advising—

''(A) that a recommendation is being considered or has been obtained;

''(B) to the extent consistent with the national security and law enforcement interests, of information that forms the basis for the recommendation;

''(C) that, within 30 days after receipt of the notice, the source may submit information and argument in opposition to the recommendation; and

''(D) of the procedures governing the consideration of the submission and the possible exercise of the authority provided in subsection (a);

''(3) making a determination in writing, in unclassified or classified form, after considering any information submitted by a source under paragraph (2) and in consultation with the chief information security officer of the agency, that—

''(A) use of the authority under subsection (a) is necessary to protect national security by reducing supply chain risk;

''(B) less intrusive measures are not reasonably available to reduce such supply chain risk; and

''(C) the use of such authorities will apply to a single covered procurement or a class of covered procurements, and otherwise specifies the scope of the determination; and

''(4) providing a classified or unclassified notice of the determination made under paragraph (3) to the appropriate congressional committees and leadership that includes—

''(A) the joint recommendation described in paragraph (1);

''(B) a summary of any risk assessment reviewed in support of the joint recommendation required by paragraph (1); and

''(C) a summary of the basis for the determination, including a discussion of less intrusive measures that were considered and why such measures were not reasonably available to reduce supply chain risk.

''(c) PROCEDURES TO ADDRESS URGENT NATIONAL SECURITY INTERESTS.—In any case in which the head of an executive agency determines that an urgent national security interest requires the immediate exercise of the authority provided in subsection (a), the head of the agency—

''(1) may, to the extent necessary to address such national security interest, and subject to the conditions in paragraph (2)—

''(A) temporarily delay the notice required by subsection (b)(2);

''(B) make the determination required by subsection (b)(3), regardless of whether the notice required by subsection (b)(2) has been provided or whether the notified source has submitted any information in response to such notice;

''(C) temporarily delay the notice required by subsection (b)(4); and

''(D) exercise the authority provided in subsection (a) in accordance with such determination within 60 calendar days after the day the determination is made; and

''(2) shall take actions necessary to comply with all requirements of subsection (b) as soon as practicable after addressing the urgent national security interest, including—

''(A) providing the notice required by subsection (b)(2);

''(B) promptly considering any information submitted by the source in response to such notice, and making any appropriate modifications to the determination based on such information;

''(C) providing the notice required by subsection (b)(4), including a description of the urgent national security interest, and any modifications to the determination made in accordance with subparagraph (B); and

''(D) providing notice to the appropriate congressional committees and leadership within 7 calendar days of the covered procurement actions taken under this section.

''(d) CONFIDENTIALITY.—The notice required by subsection (b)(2) shall be kept confidential until a determination with respect to a covered procurement action has been made pursuant to subsection (b)(3).

''(e) DELEGATION.—The head of an executive agency may not delegate the authority provided in subsection (a) or the responsibility identified in subsection (g) to an official below the level one level below the Deputy Secretary or Principal Deputy Director.

''(f) ANNUAL REVIEW OF DETERMINATIONS.—The head of an executive agency shall conduct an annual review of all determinations made by such head under subsection (b) and promptly amend any covered procurement action as appropriate.

''(g) REGULATIONS.—The Federal Acquisition Regulatory Council shall prescribe such regulations as may be necessary to carry out this section.

''(h) REPORTS REQUIRED.—Not less frequently than annually, the head of each executive agency that exercised the authority provided in subsection (a) or (c) during the preceding 12-month period shall submit to the appropriate congressional committees and leadership a report summarizing the actions taken by the agency under this section during that 12-month period.

''(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the head of an executive agency to carry out a covered procurement action based solely on the fact of foreign ownership of a potential procurement source that is otherwise qualified to enter into procurement contracts with the Federal Government.

''(j) TERMINATION.—The authority provided under subsection (a) shall terminate on the date that is 5 years after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018.

''(k) DEFINITIONS.—In this section:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term 'appropriate congressional committees and leadership' means—

''(A) the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Committee on Appropriations, the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Select Committee on Intelligence, and the majority and minority leader of the Senate; and

''(B) the Committee on Oversight and Government Reform, the Committee on the Judiciary, the Committee on Appropriations, the Committee on Homeland Security, the Committee on Armed Services, the Committee on Energy and Commerce, the Permanent Select Committee on Intelligence, and the Speaker and minority leader of the House of Representatives.

''(2) COVERED ARTICLE.—The term 'covered article' means—

''(A) information technology, as defined in section 11101 of title 40, including cloud computing services of all types;

''(B) telecommunications equipment or telecommunications service, as those terms are defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

''(C) the processing of information on a Federal or non-Federal information system, subject to the requirements of the Controlled Unclassified Information program; or

''(D) hardware, systems, devices, software, or services that include embedded or incidental information technology.

''(3) COVERED PROCUREMENT.—The term 'covered procurement' means—

''(A) a source selection for a covered article involving either a performance specification, as provided in subsection (a)(3)(B) of section 3306 of this title, or an evaluation factor, as provided in subsection (b)(1)(A) of such section, relating to a supply chain risk, or where supply chain risk considerations are included in the agency's determination of whether a source is a responsible source as defined in section 113 of this title;

''(B) the consideration of proposals for and issuance of a task or delivery order for a covered article, as provided in section 4106(d)(3) of this title, where the task or delivery order contract includes a contract clause establishing a requirement relating to a supply chain risk;

''(C) any contract action involving a contract for a covered article where the contract includes a clause establishing requirements relating to a supply chain risk; or

''(D) any other procurement in a category of procurements determined appropriate by the Federal Acquisition Regulatory Council, with the advice of the Federal Acquisition Security Council.

''(4) COVERED PROCUREMENT ACTION.—The term 'covered procurement action' means any of the following actions, if the action takes place in the course of conducting a covered procurement:

''(A) The exclusion of a source that fails to meet qualification requirements established under section 3311 of this title for the purpose of reducing supply chain risk in the acquisition or use of covered articles.

''(B) The exclusion of a source that fails to achieve an acceptable rating with regard to an evaluation factor providing for the consideration of supply chain risk in the evaluation of proposals for the award of a contract or the issuance of a task or delivery order.

''(C) The determination that a source is not a responsible source as defined in section 113 of this title based on considerations of supply chain risk.

''(D) The decision to withhold consent for a contractor to subcontract with a particular source or to direct a contractor to exclude a

particular source from consideration for a subcontract under the contract.

''(5) INFORMATION AND COMMUNICATIONS TECHNOLOGY.—The term 'information and communications technology' means—

''(A) information technology, as defined in section 11101 of title 40;

''(B) information systems, as defined in section 3502 of title 44; and

''(C) telecommunications equipment and telecommunications services, as those terms are defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

''(6) SUPPLY CHAIN RISK.—The term 'supply chain risk' means the risk that any person may sabotage, maliciously introduce unwanted function, extract data, or otherwise manipulate the design, integrity, manufacturing, production, distribution, installation, operation, maintenance, disposition, or retirement of covered articles so as to surveil, deny, disrupt, or otherwise manipulate the function, use, or operation of the covered articles or information stored or transmitted on the covered articles.

''(7) EXECUTIVE AGENCY.—Notwithstanding section 3101(c)(1), this section applies to the Department of Defense, the Coast Guard, and the National Aeronautics and Space Administration.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of such title is amended by adding at the end the following new item:

''Sec. 4713. Authorities relating to mitigating supply chain risks in the procurement of covered articles.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act and shall apply to contracts that are awarded before, on, or after that date.

SEC. 4. FEDERAL INFORMATION SECURITY MODERNIZATION ACT.

(a) IN GENERAL.—Title 44, United States Code, is amended—

(1) in section 3553(a)(5), by inserting ''and section 1326 of title 41'' after ''compliance with the requirements of this subchapter''; and

(2) in section 3554(a)(1)(B)—

(A) by inserting '', subchapter III of chapter 13 of title 41,'' after ''complying with the requirements of this subchapter'';

(B) in clause (iv), by striking ''; and'' and inserting a semicolon; and

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

''(vi) responsibilities relating to assessing and avoiding, mitigating, transferring, or accepting supply chain risks under section 1326 of title 41, and complying with exclusion and removal orders issued under section 1323 of such title; and''.

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to alter or impede any authority or responsibility under section 3553 of title 44, United States Code.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on the date that is 90 days after the date of the enactment of this Act.

SA 4159. Mr. BOOZMAN (for Mr. THUNE) proposed an amendment to the bill S. 3367, to amend certain transportation-related reporting requirements to improve congressional oversight, reduce reporting burdens, and promote transparency, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Transportation Reports Harmonization Act''.

SEC. 2. PUBLIC AVAILABILITY OF CHARGES AND FEES FOR ATTENDANCE AT UNITED STATES MERCHANT MARINE ACADEMY.

Section 51314(b) of title 46, United States Code, is amended by striking ''shall notify Congress of'' and inserting ''shall present at the next meeting of the Board of Visitors, and post on a publicly available website,''.

SEC. 3. PUBLIC AVAILABILITY OF INFORMATION ON ALIGNING FEDERAL ENVIRONMENTAL REVIEWS.

Section 310(f)(1) of title 49, United States Code, is amended by inserting '', and make publicly available on the Department of Transportation website,'' after ''House of Representatives''.

SEC. 4. REPORTING ON THE NORTHEAST CORRIDOR.

(a) NORTHEAST CORRIDOR SAFETY COMMITTEE REPORT.—Section 24905(e) of title 49, United States Code, is amended by striking paragraph (3).

(b) CONTENTS OF GRANT REQUESTS.—

(1) IN GENERAL.—Section 24319(c) of title 49, United States Code, is amended—

(A) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) describe the status of efforts to improve safety and security on the Northeast Corridor main line, including a description of any efforts to implement recommendations of relevant railroad safety advisory committees.''.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection or an amendment made by this subsection shall affect a grant request made under section 24319 of title 49, United States Code, before the date of enactment of this Act.

SEC. 5. HIGHWAY SAFETY PROGRAMS REPORT TO CONGRESS.

(a) DOT REPORTS.—Section 402 of title 23, United States Code, is amended by striking subsection (n) and inserting the following:

''(n) PUBLIC TRANSPARENCY.—The Secretary shall publicly release on its website information that contains each State's performance with respect to the State's highway safety plan under subsection (k) and performance targets set by the States in such plans. Such information shall be posted on the website within 45 calendar days of approval of a State's highway safety plan.''.

(b) GAO REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the highway safety programs under section 402 of title 23, United States Code. In carrying out the review, the Comptroller General shall review States' progress in achieving safety performance targets, including how States are utilizing grants and problems encountered in achieving such targets.

(2) SUBMISSION.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives that contains the results of the study conducted under paragraph (1), including any recommendations for improvements to State activities and the Secretary of Transportation's administration of the highway safety programs.

SEC. 6. CESSATION OF CERTAIN ADVISORY COUNCILS AND ADVISORY COMMITTEES.

(a) NORTHEAST CORRIDOR SAFETY COMMITTEE.—Section 24905(e) of title 49, United States Code, as amended by this Act, is further amended by striking paragraph (2) and inserting the following:

''(2) SUNSET.—The Committee established under this subsection ceases to exist on the date that the Secretary determines positive train control, as required by section 20157, is fully implemented along the Northeast Corridor.''.

(b) NATIONAL RAIL COOPERATIVE RESEARCH PROGRAM OVERSIGHT COMMITTEE.—Section 24910(c) of title 49, United States Code, is amended by adding at the end the following:

''(3) SUNSET.—The advisory board established under this subsection ceases to exist effective January 1, 2019.''.

SEC. 7. TECHNICAL AMENDMENTS TO RAIL IMPROVEMENT GRANTS.

(a) REDESIGNATION.—Subtitle V of title 49, United States Code, is amended—

(1) by redesignating sections 24401 through 24408 as sections 22901 through 22908, respectively;

(2) by redesignating chapter 244 as chapter 229;

(3) by moving chapter 229, as redesignated, to appear at the end of part B;

(4) in the table of chapters—

(A) by striking the item relating to chapter 244; and

(B) by inserting after the item relating to chapter 227 the following:

''Chapter 229. Rail Improvement Grants ..... 22901''; and

(5) by amending the table of sections for chapter 229, as redesignated, to read as follows:

''CHAPTER 229—RAIL IMPROVEMENT GRANTS

''Sec.
''22901. Definitions.
''22902. Capital investment grants to support intercity passenger rail services.
''22903. Project management oversight.
''22904. Use of capital grants to finance first-dollar liability of grant project.
''22905. Grant conditions.
''22906. Authorization of appropriations.
''22907. Consolidated rail infrastructure and safety improvements.
''22908. Restoration and enhancement grants.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TECHNICAL AMENDMENTS.—Chapter 229 of title 49, United States Code, as redesignated, is amended—

(A) in section 22902, as redesignated—

(i) in subsection (c)(3)(A)—

(I) in the matter preceding clause (i), by inserting ''of'' after ''other modes''; and

(II) in clause (vi) by striking ''environmentally'' and inserting ''environmental''; and

(ii) in subsection (k), by striking ''state rail plan'' and inserting ''State rail plan''; and

(B) in section 22905(e)(1), as redesignated—

(i) by striking ''government authority'' and inserting ''governmental authority''; and

(ii) by striking ''section 5302(11) and (6), respectively, of this title'' and inserting ''section 5302''.

(2) CONFORMING AMENDMENTS.—Chapter 229 of title 49, United States Code, as redesignated, is amended—

(A) in section 22901(2)(D), as redesignated, by striking ''24404'' and inserting ''22904'';

(B) in section 22904, as redesignated, by striking ''24402'' and inserting ''22902'';

(C) in section 22905(e)(1), as redesignated, by striking ''24102(4) of this title'' and inserting ''24102'';

(D) in section 22907, as redesignated—

(i) in subsection (c)(2), by striking ''24401(2)'' and inserting ''22901(2)''; and

(ii) in subsection (k), by striking ''of sections 24402, 24403, and 24404 and the definition contained in 24401(1)'' and inserting ''under sections 22902, 22903, and 22904, and the definition contained in section 22901(1)''; and

(E) in section 22908, as redesignated—

(i) in subsection (a), in the matter preceding paragraph (1), by striking ''24401(1)'' and inserting ''22901(1)''; and

(ii) in subsection (i)(3), by striking ''24405'' and inserting ''22905''.

(3) ADDITIONAL CONFORMING AMENDMENTS.—

(A) SUBTITLE V.—Subtitle V of title 49, United States Code, is amended—

(i) in part C—

(I) in section 24102(7)(D)(ii), by striking ''chapter 244'' and inserting ''chapter 229'';

(II) in section 24103, by inserting ''or chapter 229'' after ''this part'' each place it appears;

(III) in section 24711(c)(3), by striking ''24405'' and inserting ''22905''; and

(IV) in section 24911(i), by striking ''24405'' and inserting ''22905''; and

(ii) in part D, in section 26106(e)(3), by striking ''24405 of this title'' and inserting ''22905''.

(B) RAILROAD SAFETY ENHANCEMENT ACT OF 2008.—The Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432) is amended—

(i) in section 301(c) (49 U.S.C. 24405 note), by striking ''24405(a)'' and inserting ''22905(a)''; and

(ii) in section 502(a)(4)(I) (49 U.S.C. 26106 note), by striking ''24405'' and inserting ''22905''.

(C) FAST ACT.—The Fixing America's Surface Transportation Act (Public Law 114–94; 129 Stat. 1312) is amended—

(i) in section 11102, by adding at the end the following:

''(c) CONFORMING PROVISION FOR REDESIGNATION OF APPLICABLE SECTION.—Any amounts authorized under this section for grants or project management oversight under section 24407 of such title shall be deemed to refer to grants or project management oversight under section 22907 of such title on or after the date of enactment of the Department of Transportation Reports Harmonization Act.'';

(ii) in section 11104, by adding at the end the following:

''(c) CONFORMING PROVISION FOR REDESIGNATION OF APPLICABLE SECTION.—Any amounts authorized under this section for grants or project management oversight under section 24408 of such title shall be deemed to refer to grants or project management oversight under section 22908 of such title on or after the date of enactment of the Department of Transportation Reports Harmonization Act.'';

(iii) in section 11308(a)(4)(I), by striking ''24405'' and inserting ''22905''; and

(iv) in section 11401(b)(5), by striking ''chapter 244'' and inserting ''chapter 229''.

SA 4160. Mr. BOOZMAN (for Mr. CASSIDY) proposed an amendment to the bill S. 3444, to designate the community-based outpatient clinic of the Department of Veterans Affairs in Lake Charles, Louisiana, as the ''Douglas Fournet Department of Veterans Affairs Clinic''; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. DESIGNATION OF DOUGLAS FOURNET DEPARTMENT OF VETERANS AFFAIRS CLINIC IN LAKE CHARLES, LOUISIANA.

(a) DESIGNATION.—The community-based outpatient clinic of the Department of Veterans Affairs in Lake Charles, Louisiana, shall after the date of the enactment of this Act be known and designated as the ''Douglas Fournet Department of Veterans Affairs Clinic'' or the ''Douglas Fournet VA Clinic''.

(b) REFERENCE.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the community-based outpatient clinic referred to in subsection (a) shall be considered to be a reference to the Douglas Fournet Department of Veterans Affairs Clinic.

SA 4161. Mr. BOOZMAN (for Mr. THUNE) submitted an amendment intended to be proposed by Mr. BOOZMAN to the bill S. 3641, to enhance efforts to combat human trafficking in connection with the catching and processing of seafood products imported into the United States, and for other purposes; which was referred to the Committee on Foreign Relations; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Facilitate Addressing Issues with Regulating Forced Labor in International Seafood Harvesting Act'' or ''FAIR FISH Act''.

SEC. 2. FINDING.

Congress finds that human trafficking is a pervasive problem in the catching and processing of certain seafood products imported into the United States, particularly seafood products obtained through illegal, unreported, and unregulated fishing.

SEC. 3. SECRETARY OF COMMERCE AS MEMBER OF INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.

Section 105(b) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(b)) is amended by inserting ''Secretary of Commerce,'' after ''Secretary of Education,''.

SEC. 4. REPORT.

Not later than 1 year after the date of enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration and the Commissioner of the Food and Drug Administration, in consultation with the Secretary of State, the Attorney General, and the heads of other relevant Federal agencies, shall jointly submit to Congress a report on the existence of human trafficking in the supply chains of seafood products imported into the United States. The report shall include the following:

(1) A list of the countries at risk for human trafficking in their seafood catching and processing industries, and an assessment of such risk for each country listed.

(2) A description of the quantity and economic value of seafood products imported into the United States from the countries listed pursuant to paragraph (1).

(3) A description and assessment of the methods, if any, in the countries listed pursuant to paragraph (2) to trace and account for the manner in which seafood is caught.

(4) A description of domestic and international enforcement mechanisms to deter illegal practices in the catching of seafood in the countries listed pursuant to paragraph (1).

(5) Such recommendations as the Administrator and the Commissioner jointly consider appropriate for legislative or administrative action to enhance and improve actions against human trafficking in the catching and processing of seafood products abroad.

SA 4162. Mr. BOOZMAN (for Mr. CASSIDY) proposed an amendment to the bill H.R. 4227, to require the Secretary of Homeland Security to examine what actions the Department of Homeland Security is undertaking to combat the threat of vehicular terrorism, and for other purposes; as follows:

On page 2, line 16, insert ''and the Committee on Commerce, Science, and Transportation'' after ''Affairs''.

On page 3, strike lines 17 through 20 and insert the following:

(2) VEHICULAR TERRORISM.—The term ''vehicular terrorism'' means an action that utilizes automotive transportation to commit terrorism (as defined in section 2(18) of the Homeland Security Act of 2002 (6 U.S.C. 101(18))).

PRIVILEGES OF THE FLOOR

Mr. DURBIN. Mr. President, I ask unanimous consent that Rachel Rossi, a detailee on my Judiciary Committee staff, be granted floor privileges for the remainder of the Congress.

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

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the Democratic Leader, pursuant to the provisions of Public Law 106–398, as amended by Public Law 108–7, and in consultation with the Chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, the re-appointment of the following individual to serve as a member of the United States—China Economic Security Review Commission: Thea M. Lee of the District of Columbia for a term expiring December 31, 2020.

The Chair announces, on behalf of the Democratic Leader, pursuant to the provisions of Public Law 107–12, the appointment of the following individual to serve as a member of the Public Safety Officer Medal of Valor Review Board: Joseph Fox of New York.

The PRESIDING OFFICER. The Senator from Arkansas.

NATIONAL INTEGRATED DROUGHT INFORMATION SYSTEM REAUTHORIZATION ACT OF 2018

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 424, S. 2200.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2200) to reauthorize the National Integrated Drought Information System, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Integrated Drought Information System Reauthorization Act of 2018''.

SEC. 2. NATIONAL INTEGRATED DROUGHT INFORMATION SYSTEM PROGRAM.

(a) IN GENERAL.—Section 3 of the National Integrated Drought Information System Act of 2006 (15 U.S.C. 313d) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking ''in order to make usable, reliable, and timely forecasts of drought, including'' and inserting '', including precipitation, soil moisture, and evaporative demand, in order to make usable, reliable, and timely forecasts of drought and'';

(B) in paragraph (3), by inserting ''watershed,'' after ''regional,'';

(C) in paragraph (4)—

(i) by inserting '', through interagency agreements'' after ''integrate''; and

(ii) by inserting ''information'' after ''warning'';

(D) by amending paragraph (5) to read as follows:

''(5) utilize existing forecasting and assessment programs and partnerships, including forecast communication coordinators and cooperative institutes, and improvements in seasonal, subseasonal, and low flow water prediction; and''; and

(E) in paragraph (6), by inserting ''the prediction,'' after ''relating to'';

(2) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively;

(3) by inserting after subsection (b) the following:

''(c) PARTNERSHIPS.—The National Integrated Drought Information System may—

''(1) engage with the private sector to improve drought monitoring, forecast, and communication if the Under Secretary determines the partnership is appropriate, cost-effective, and beneficial to the public and decisionmakers described in subsection (b)(2)(A);

''(2) facilitate the development of 1 or more academic cooperative partnerships to assist with National Integrated Drought Information System functions; and

''(3) utilize and support, as appropriate, monitoring by citizen scientists, including by developing best practices to facilitate maximum data integration.'';

(4) in subsection (d), as redesignated, by inserting ''and sustainment'' after ''development''; and

(5) by striking subsection (f), as redesignated, and inserting the following:

''(f) SOIL MOISTURE.—Not later than 1 year after the date of enactment of the National Integrated Drought Information System Reauthorization Act of 2018, the Under Secretary, acting through the National Integrated Drought Information System, shall develop a strategy for a national coordinated soil moisture monitoring network.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 4 of the National Integrated Drought Information System Act of 2006 (15 U.S.C. 313d note) is amended to read as follows:

''SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this Act—

''(1) $13,500,000 for fiscal year 2018;

''(2) $13,750,000 for fiscal year 2019;

''(3) $14,000,000 for fiscal year 2020;

''(4) $14,250,000 for fiscal year 2021;

''(5) $14,500,000 for fiscal year 2022; and

''(6) $15,750,000 for fiscal year 2023.''.

SEC. 3. REAUTHORIZATION OF WEATHER AND CLIMATE INFORMATION IN AGRICULTURE.

Section 1762 of the Food Security Act of 1985 (15 U.S.C. 8521) is amended—

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

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the activities under this section—

''(1) $26,500,000 for fiscal year 2018;

''(2) $27,000,000 for fiscal year 2019;

''(3) $27,500,000 for fiscal year 2020;

''(4) $28,000,000 for fiscal year 2021;

''(5) $28,500,000 for fiscal year 2022; and

''(6) $30,000,000 for fiscal year 2023.''; and

(2) by adding at the end the following:

''(k) DERIVATION OF FUNDS.—Amounts made available to carry out this section shall be derived from amounts appropriated or otherwise made available to the National Weather Service.''.

Mr. BOOZMAN. I ask unanimous consent that the committee-reported substitute amendment be withdrawn; that the Thune substitute amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendment in the nature of a substitute was withdrawn.

The amendment (No. 4157) in the nature of a substitute was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Integrated Drought Information System Reauthorization Act of 2018''.

SEC. 2. NATIONAL INTEGRATED DROUGHT INFORMATION SYSTEM PROGRAM.

(a) IN GENERAL.—Section 3 of the National Integrated Drought Information System Act of 2006 (15 U.S.C. 313d) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking ''in order to make usable, reliable, and timely forecasts of drought, including'' and inserting '', including precipitation, soil moisture, and evaporative demand, in order to make usable, reliable, and timely forecasts of drought and'';

(B) in paragraph (3), by inserting ''watershed,'' after ''regional,'';

(C) in paragraph (4)—

(i) by inserting '', through interagency agreements'' after ''integrate''; and

(ii) by inserting ''information'' after ''warning'';

(D) by amending paragraph (5) to read as follows:

''(5) utilize existing forecasting and assessment programs and partnerships, including forecast communication coordinators and cooperative institutes, and improvements in seasonal precipitation and temperature, subseasonal precipitation and temperature, and low flow water prediction; and''; and

(E) in paragraph (6), by inserting ''the prediction,'' after ''relating to'';

(2) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively;

(3) by inserting after subsection (b) the following:

''(c) PARTNERSHIPS.—The National Integrated Drought Information System may—

''(1) engage with the private sector to improve drought monitoring, forecast, and communication if the Under Secretary determines the partnership is appropriate, cost-effective, and beneficial to the public and decisionmakers described in subsection (b)(2)(A);

''(2) facilitate the development of 1 or more academic cooperative partnerships to assist with National Integrated Drought Information System functions; and

''(3) utilize and support, as appropriate, monitoring by citizen scientists, including by developing best practices to facilitate maximum data integration.'';

(4) in subsection (d), as redesignated, by inserting ''and sustainment'' after ''development''; and

(5) by striking subsection (f), as redesignated, and inserting the following:

''(f) SOIL MOISTURE.—Not later than 1 year after the date of enactment of the National Integrated Drought Information System Reauthorization Act of 2018, the Under Secretary, acting through the National Integrated Drought Information System, shall develop a strategy for a national coordinated soil moisture monitoring network.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 4 of the National Integrated Drought Information System Act of 2006 (15 U.S.C. 313d note) is amended to read as follows:

''SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this Act—

''(1) $13,500,000 for fiscal year 2019;

''(2) $13,750,000 for fiscal year 2020;

''(3) $14,000,000 for fiscal year 2021;

''(4) $14,250,000 for fiscal year 2022; and

''(5) $14,500,000 for fiscal year 2023.''.

SEC. 3. REAUTHORIZATION OF TITLE II OF THE WEATHER RESEARCH AND FORECASTING INNOVATION ACT OF 2017.

(a) REAUTHORIZATION OF TITLE II OF THE WEATHER RESEARCH AND FORECASTING INNOVATION ACT OF 2017.—Section 1762 of the Food Security Act of 1985 (15 U.S.C. 8521) is amended—

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

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the activities under this section—

''(1) $26,500,000 for fiscal year 2019;

''(2) $27,000,000 for fiscal year 2020;

''(3) $27,500,000 for fiscal year 2021;

''(4) $28,000,000 for fiscal year 2022; and

''(5) $28,500,000 for fiscal year 2023.''; and

(2) by adding at the end the following:

''(k) DERIVATION OF FUNDS.—Amounts made available to carry out this section shall be derived from amounts appropriated or otherwise made available to the National Weather Service.''.

(b) UNITED STATES WEATHER RESEARCH AND FORECASTING IMPROVEMENT.—Section 110 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8519) is amended to read as follows:

''SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to the Office of Oceanic and Atmospheric Research to carry out this title—

''(1) $136,516,000 for fiscal year 2019, of which—

''(A) $85,758,000 is authorized for weather laboratories and cooperative institutes;

''(B) $30,758,000 is authorized for weather and air chemistry research programs; and

''(C) $20,000,000 is authorized for the joint technology transfer initiative described in section 102(b)(4);

''(2) $148,154,000 for fiscal year 2020, of which—

''(A) $87,258,000 is authorized for weather laboratories and cooperative institutes;

''(B) $40,896,000 is authorized for weather and air chemistry research programs; and

''(C) $20,000,000 is authorized for the joint technology transfer initiative described in section 102(b)(4);

''(3) $150,154,000 for fiscal year 2021, of which—

''(A) $88,758,000 is authorized for weather laboratories and cooperative institutes;

''(B) $41,396,000 is authorized for weather and air chemistry research programs; and

''(C) $20,000,000 is authorized for the joint technology transfer initiative described in section 102(b)(4);

''(4) $152,154,000 for fiscal year 2022, of which—

''(A) $90,258,000 is authorized for weather laboratories and cooperative institutes;

''(B) $41,896,000 is authorized for weather and air chemistry research programs; and

''(C) $20,000,000 is authorized for the joint technology transfer initiative described in section 102(b)(4); and

''(5) $154,154,000 for fiscal year 2023, of which—

''(A) $91,758,000 is authorized for weather laboratories and cooperative institutes;

''(B) $42,396,000 is authorized for weather and air chemistry research programs; and

''(C) $20,000,000 is authorized for the joint technology transfer initiative described in section 102(b)(4).

''(b) LIMITATION.—No additional funds are authorized to carry out this title and the amendments made by this title.''.

SEC. 4. EARTH PREDICTION INNOVATION CENTER.

(a) WEATHER RESEARCH AND FORECASTING INNOVATION.—Section 102(b) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8512(b)) is amended by adding at the end the following:

''(4) Advancing weather modeling skill, reclaiming and maintaining international leadership in the area of numerical weather prediction, and improving the transition of research into operations by—

''(A) leveraging the weather enterprise to provide expertise on removing barriers to improving numerical weather prediction;

''(B) enabling scientists and engineers to effectively collaborate in areas important for improving operational global numerical weather prediction skill, including model development, data assimilation techniques, systems architecture integration, and computational efficiencies;

''(C) strengthening the National Oceanic and Atmospheric Administration's ability to undertake research projects in pursuit of substantial advancements in weather forecast skill;

''(D) utilizing and leverage existing resources across the National Oceanic and Atmospheric Administration enterprise; and

''(E) creating a community global weather research modeling system that—

''(i) is accessible by the public;

''(ii) meets basic end-user requirements for running on public computers and networks located outside of secure National Oceanic and Atmospheric Administration information and technology systems; and

''(iii) utilizes, whenever appropriate and cost-effective, innovative strategies and methods, including cloud-based computing capabilities, for hosting and management of part or all of the system described in this subsection.''.

(b) UNITED STATES WEATHER RESEARCH PROGRAM.—Section 108(a) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (15 U.S.C. 8520(a)) is amended—

(1) in paragraph (10), by striking ''; and'' and inserting a semi-colon;

(2) in paragraph (11), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(12) carry out the activities of the Earth Prediction Innovation Center as described in section 102(b)(2) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8512(b)(2)).''.

SEC. 5. COMPUTING RESOURCES PRIORITIZATION.

(a) IN GENERAL.—Section 108 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8518) is amended to read as follows:

''SEC. 108. COMPUTING RESOURCE EFFICIENCY IMPROVEMENT AND ANNUAL REPORT.

''(a) COMPUTING RESOURCES.—

''(1) IN GENERAL.—In acquiring computing capabilities, including high performance computing technologies and supercomputing technologies, that enable the National Oceanic and Atmospheric Administration to meet its mission requirements, the Under Secretary shall, when appropriate and cost-effective, assess and prioritize options for entering into multi-year lease agreements for computing capabilities over options for purchasing computing hardware outright.

''(2) ACQUISITION.—In carrying out the requirements of paragraph (1), the Under Secretary shall structure multi-year lease agreements in such a manner that the expiration of the lease is set for a date on or around—

''(A) the expected degradation point of the computing resources; or

''(B) the point at which significantly increased computing capabilities are expected to be available for lease.

''(3) PILOT PROGRAMS.—

''(A) IN GENERAL.—In order to more efficiently and effectively meet the mission requirements of the National Oceanic and Atmospheric Administration, the Under Secretary may create 1 or more pilot programs for assessing new or innovative information and technology capabilities and services.

''(B) PROGRAM REQUIREMENTS.—Any program created under paragraph (3) shall assess only those capabilities and services that—

''(i) meet or exceed the standards and requirements of the National Oceanic and Atmospheric Administration, including for processing speed, cybersecurity, and overall reliability; or

''(ii) meet or exceed, or are expected to meet or exceed, the performance of similar, in-house information and technology capabilities and services that are owned and operated by the National Oceanic and Atmospheric Administration prior to the establishment of the pilot program.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, out of funds appropriated to the National Environmental Satellite, Data, and Information Service, to carry out this paragraph $5,000,000 for fiscal year 2019, $10,000,000 for fiscal year 2020, and $5,000,000 for each of fiscal years 2021 through 2023, to remain available until expended.

''(b) REPORTS.—Not later than 1 year after the date of enactment of the National Integrated Drought Information System Reauthorization Act of 2018, and triennially thereafter until the date that is 6 years after the date on which the first report is submitted, the Under Secretary, acting through the Chief Information Officer of the National Oceanic and Atmospheric Administration and in coordination with the Assistant Administrator for Oceanic and Atmospheric Research and the Director of the National Weather Service, shall produce and make publicly available a report that explains how the Under Secretary intends—

''(1) to continually support upgrades to pursue the fastest, most powerful, and cost-effective high performance computing technologies in support of its weather prediction mission;

''(2) to ensure a balance between the research to operations requirements to develop the next generation of regional and global models as well as highly reliable operational models;

''(3) to take advantage of advanced development concepts to, as appropriate, make next generation weather prediction models available in beta-test mode to operational forecasters, the United States weather industry, and partners in academic and Government research;

''(4) to use existing computing resources to improve advanced research and operational weather prediction;

''(5) to utilize non-Federal contracts to obtain the necessary expertise for advanced weather computing, if appropriate;

''(6) to utilize cloud computing; and

''(7) to create a long-term strategy to transition the programming language of weather model code to current and broadly-used coding language.''.

(b) TABLE OF CONTENTS.—Section 1(b) of the Weather Research and Forecasting Innovation Act of 2017 (Public Law 115–25; 131 Stat. 91) is amended by striking the item relating to section 108 and inserting the following:

''Sec. 108. Computing resource efficiency improvement and annual report.''.

SEC. 7. SATELLITE ARCHITECTURE PLANNING.

Section 301 of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8531) is amended by adding at the end the following:

''(c) NEXT GENERATION SATELLITE ARCHITECTURE.—

''(1) IN GENERAL.—The Under Secretary shall analyze, test, and plan the procurement of future data sources and satellite architectures, including respective ground system elements, identified in the National Oceanic and Atmospheric Administration's Satellite Observing System Architecture Study that—

''(A) lower the cost of observations used to meet the National Oceanic and Atmospheric Administration's mission requirements;

''(B) disaggregate current satellite systems, where appropriate;

''(C) include new, value-adding technological advancements; and

''(D) improve weather forecasting and predictions.

''(2) QUANTITATIVE ASSESSMENTS AND PARTNERSHIP AUTHORITY.—In meeting the requirements described in paragraph (1), the Under Secretary—

''(A) may partner with the commercial and academic sectors, non-governmental and not-for-profit organizations, and other Federal agencies; and

''(B) shall, consistent with section 107 of this Act, undertake quantitative assessments for objective analyses, as the Under Secretary considers appropriate, to evaluate relative value and benefits of future data sources and satellite architectures described in paragraph (1).

''(d) ADDITIONAL FORMS OF TRANSACTION AUTHORIZED.—

''(1) IN GENERAL.—Subject to paragraph (2), in order to enhance the effectiveness of data and satellite systems used by the National Oceanic and Atmospheric Administration to meet its missions, the Under Secretary may enter into and perform such transaction agreements on such terms as the Under Secretary considers appropriate to carry out basic, applied, and advanced research projects to meet the objectives described in subparagraphs (A) through (D) subsection (c)(1).

''(2) METHOD AND SCOPE.—

''(A) IN GENERAL.—A transaction agreement under paragraph (1) shall be limited to research and development activities.

''(B) PERMISSIBLE USES.—A transaction agreement under paragraph (1) may be used—

''(i) for the construction, use, operation, or procurement of new, improved, innovative, or value-adding satellites, instrumentation, ground stations, and data;

''(ii) to make determinations on how to best use existing or planned data, systems, and assets of the National Oceanic and Atmospheric Administration; and

''(iii) only when the objectives of the National Oceanic and Atmospheric Administration cannot be met using a cooperative research and development agreement, grants

procurement contract, or cooperative agreement.

''(3) TERMINATION OF EFFECTIVENESS.—The authority provided in this subsection terminates effective September 30, 2023.

''(e) TRANSPARENCY.—Not later than 60 days after the date that a transaction agreement is made under subsection (d), the Under Secretary shall make publicly available, in a searchable format, on the website of the National Oceanic and Atmospheric Administration all uses of the authority under subsection (d), including an estimate of committed National Oceanic and Atmospheric Administration resources and the expected benefits to National Oceanic and Atmospheric Administration objectives for the transaction agreement, with appropriate redactions for proprietary, sensitive, or classified information.

''(f) REPORTS.—

''(1) IN GENERAL.—Not later than 90 days after September 30 of each fiscal year through September 30, 2023, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the use of additional transaction authority by the National Oceanic and Atmospheric Administration during the previous fiscal year.

''(2) CONTENTS.—Each report shall include—

''(A) for each transaction agreement in effect during the fiscal year covered by the report—

''(i) an indication of whether the transaction agreement is a reimbursable, non-reimbursable, or funded agreement;

''(ii) a description of—

''(I) the subject and terms;

''(II) the parties;

''(III) the responsible National Oceanic and Atmospheric Administration line office;

''(IV) the value;

''(V) the extent of the cost sharing among Federal Government and non-Federal sources;

''(VI) the duration or schedule; and

''(VII) all milestones;

''(iii) an indication of whether the transaction agreement was renewed during the previous fiscal year;

''(iv) the technology areas in which research projects were conducted under that agreement;

''(v) the extent to which the use of that agreement—

''(I) has contributed to a broadening of the technology and industrial base available for meeting National Oceanic and Atmospheric Administration needs; and

''(II) has fostered within the technology and industrial base new relationships and practices that support the United States; and

''(vi) the total value received by the Federal Government under that agreement for that fiscal year; and

''(B) a list of all anticipated reimbursable, non-reimbursable, and funded transaction agreements for the upcoming fiscal year.

''(g) RULE OF CONSTRUCTION.—Nothing in this section may be construed as limiting the authority of the National Oceanic and Atmospheric Administration to use cooperative research and development agreements, grants, procurement contracts, or cooperative agreements.''.

SEC. 8. INTEGRATION OF OCEAN AND COASTAL DATA FROM THE INTEGRATED OCEAN OBSERVING SYSTEM.

(a) IN GENERAL.—Section 301(a)(2) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8531(a)(2)) is amended—

(1) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) support increasing use of autonomous, mobile surface, sub-surface, and submarine vehicle ocean and fresh water sensor systems and the infrastructure necessary to share and analyze these data in real-time and feed them into predictive early warning systems.''.

(b) COMMERCIAL WEATHER DATA; AUTHORIZATION OF APPROPRIATIONS.—Section 302(c)(3) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8532(c)(3)) is amended—

(1) by striking ''2017 through 2020'' and inserting ''2019 through 2023''; and

(2) by inserting ''the'' before ''National''.

SEC. 9. IMPROVEMENTS TO COOPERATIVE OBSERVER PROGRAM OF NATIONAL WEATHER SERVICE.

(a) IN GENERAL.—The Under Secretary of Commerce for Oceans and Atmosphere, acting through the National Weather Service, shall improve the Cooperative Observer Program by—

(1) providing support to—

(A) State-coordinated programs relating to the Program; and

(B) States and regions where observations provided through the Program are scarce;

(2) working with State weather service headquarters to increase participation in the Program and to add stations in States and regions described in paragraph (1)(B);

(3) where feasible, ensuring that data streams from stations that have been contributing data to the Program for more than 50 years are maintained and continually staffed by volunteers;

(4) prioritizing the recruitment of new volunteers for the Program;

(5) ensuring that opportunities exist for automated reporting to lessen the burden on volunteers to collect and report data by hand; and

(6) ensuring that integrated reporting is available for qualitative observations that cannot be automated, such as drought conditions, snow observations, and hazardous weather events, to ensure that volunteers in the Program can report and upload observations quickly and easily.

(b) COORDINATION WITH STATES AND REGIONS.—Not less frequently than every 180 days, the National Weather Service shall coordinate with State and regional offices with respect to the status of Cooperative Observer Program stations.

(c) COORDINATION WITH FEDERAL AGENCIES.—The National Weather Service shall coordinate with other Federal agencies, including the Forest Service, the Department of Agriculture, and the United States Geological Survey, to leverage opportunities to grow the Cooperative Observer Program network and to more effectively use existing infrastructure, weather stations, and staff of the Program.

SEC. 10. HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND CONTROL.

(a) SHORT TITLE.—This section may be cited as the ''Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2017''.

(b) REFERENCES TO THE HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND CONTROL ACT OF 1998.—Except as otherwise expressly provided, wherever in this section 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 Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (33 U.S.C. 4001 et seq.).

(c) INTER-AGENCY TASK FORCE.—Section 603(a) (33 U.S.C. 4001(a)) is amended—

(1) in paragraph (12), by striking ''and'' at the end;

(2) by redesignating paragraph (13) as paragraph (14); and

(3) by inserting after paragraph (12) the following:

''(13) the Army Corps of Engineers; and''.

(d) SCIENTIFIC ASSESSMENTS OF FRESHWATER HARMFUL ALGAL BLOOMS.—Section 603 (33 U.S.C. 4001) is amended—

(1) by striking subsection (f);

(2) by redesignating subsections (g), (h), (i), and (j) as subsections (f), (g), (h), and (i), respectively; and

(3) by amending subsection (g) to read as follows:

''(g) SCIENTIFIC ASSESSMENTS OF MARINE AND FRESHWATER HARMFUL ALGAL BLOOMS.—Not less than once every 5 years the Task Force shall complete and submit to Congress a scientific assessment of harmful algal blooms in United States coastal waters and freshwater systems. Each assessment shall examine both marine and freshwater harmful algal blooms, including those in the Great Lakes and upper reaches of estuaries, those in freshwater lakes and rivers, and those that originate in freshwater lakes or rivers and migrate to coastal waters.''.

(e) NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA PROGRAM.—

(1) PROGRAM DUTIES.—Section 603A(e) (33 U.S.C. 4002(e)) is amended—

(A) in paragraph (1), by inserting '', including to local and regional stakeholders through the establishment and maintenance of a publicly accessible Internet website that provides information as to Program activities completed under this section'' after ''Program'';

(B) in paragraph (3)—

(i) in subparagraph (B), by striking ''; and'' and inserting a semicolon;

(ii) in subparagraph (C), by inserting ''and'' after the semicolon at the end; and

(iii) by adding at the end the following:

''(D) to accelerate the utilization of effective methods of intervention and mitigation to reduce the frequency, severity, and impacts of harmful algal bloom and hypoxia events;'';

(C) in paragraph (4), by striking ''and work cooperatively with'' and inserting '', and work cooperatively to provide technical assistance to,''; and

(D) in paragraph (7)—

(i) by inserting ''and extension'' after ''existing education''; and

(ii) by inserting ''intervention,'' after ''awareness of the causes, impacts,''.

(2) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ACTIVITIES.—Section 603A(f) (33 U.S.C. 4002(f)) is amended—

(A) in paragraph (3), by inserting '', which shall include unmanned systems,'' after ''infrastructure'';

(B) in paragraph (5), by striking ''and'' at the end;

(C) in paragraph (6)(C), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(7) use cost effective methods in carrying out this Act; and

''(8) develop contingency plans for the long-term monitoring of hypoxia.''.

(f) CONSULTATION REQUIRED.—Section 102 of the Harmful Algal Bloom and Hypoxia Amendments Act of 2004 (33 U.S.C. 4001a) is amended by striking ''the amendments made by this title'' and inserting ''the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998''.

(g) HYPOXIA OR HARMFUL ALGAL BLOOM OF NATIONAL SIGNIFICANCE.—

(1) RELIEF.—

(A) IN GENERAL.—Upon a determination under paragraph (2) that there is an event of

national significance, the appropriate Federal official is authorized to make sums available to the affected State or local government for the purposes of assessing and mitigating the detrimental environmental, economic, subsistence use, and public health effects of the event of national significance.

(B) FEDERAL SHARE.—The Federal share of the cost of any activity carried out under this paragraph for the purposes described in subparagraph (A) may not exceed 50 percent of the cost of that activity.

(C) DONATIONS.—Notwithstanding any other provision of law, an appropriate Federal official may accept donations of funds, services, facilities, materials, or equipment that the appropriate Federal official considers necessary for the purposes described in subparagraph (A). Any funds donated to an appropriate Federal official under this paragraph may be expended without further appropriation and without fiscal year limitation.

(2) DETERMINATIONS.—

(A) IN GENERAL.—At the discretion of an appropriate Federal official, or at the request of the Governor of an affected State, an appropriate Federal official shall determine whether a hypoxia or harmful algal bloom event is an event of national significance.

(B) CONSIDERATIONS.—In making a determination under subparagraph (A), the appropriate Federal official shall consider the toxicity of the harmful algal bloom, the severity of the hypoxia, its potential to spread, the economic impact, the relative size in relation to the past 5 occurrences of harmful algal blooms or hypoxia events that occur on a recurrent or annual basis, and the geographic scope, including the potential to affect several municipalities, to affect more than 1 State, or to cross an international boundary.

(3) DEFINITIONS.—In this subsection:

(A) APPROPRIATE FEDERAL OFFICIAL.—The term ''appropriate Federal official'' means—

(i) in the case of a marine or coastal hypoxia or harmful algal bloom event, the Under Secretary of Commerce for Oceans and Atmosphere; and

(ii) in the case of a freshwater hypoxia or harmful algal bloom event, the Administrator of the Environmental Protection Agency.

(B) EVENT OF NATIONAL SIGNIFICANCE.—The term ''event of national significance'' means a hypoxia or harmful algal bloom event that has had or will likely have a significant detrimental environmental, economic, subsistence use, or public health impact on an affected State.

(C) HYPOXIA OR HARMFUL ALGAL BLOOM EVENT.—The term ''hypoxia or harmful algal bloom event'' means the occurrence of hypoxia or a harmful algal bloom as a result of a natural, anthropogenic, or undetermined cause.

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 609(a) (33 U.S.C. 4009(a)) is amended by inserting '', and $20,500,000 for each of fiscal years 2019 through 2023'' before the period at the end.

The bill (S. 2200), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

FEDERAL ACQUISITION SUPPLY CHAIN SECURITY ACT OF 2018

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 666, S. 3085.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3085) to establish a Federal Acquisition Security Council and to provide executive agencies with authorities relating to mitigating supply chain risks in the procurement of information technology, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Acquisition Supply Chain Security Act of 2018''.

SEC. 2. FEDERAL ACQUISITION SUPPLY CHAIN SECURITY.

(a) IN GENERAL.—Chapter 13 of title 41, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER III—FEDERAL ACQUISITION SUPPLY CHAIN SECURITY

''§ 1321. Definitions

''In this subchapter:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term 'appropriate congressional committees and leadership' means—

''(A) the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Committee on Armed Services, the Committee on Appropriations, the Select Committee on Intelligence, and the majority and minority leader of the Senate; and

''(B) the Committee on Oversight and Government Reform, the Committee on the Judiciary, the Committee on Armed Services, the Committee on Appropriations, the Committee on Homeland Security, the Permanent Select Committee on Intelligence, and the Speaker and minority leader of the House of Representatives.

''(2) COUNCIL.—The term 'Council' means the Federal Acquisition Security Council established under section 1322(a) of this title.

''(3) COVERED ARTICLE.—The term 'covered article' has the meaning given that term in section 4713 of this title.

''(4) COVERED PROCUREMENT ACTION.—The term 'covered procurement action' has the meaning given that term in section 4713 of this title.

''(5) INFORMATION AND COMMUNICATIONS TECHNOLOGY.—The term 'information and communications technology' has the meaning given that term in section 4713 of this title.

''(6) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

''(7) NATIONAL SECURITY SYSTEM.—The term 'national security system' has the meaning given that term in section 3552 of title 44.

''(8) SUPPLY CHAIN RISK.—The term 'supply chain risk' has the meaning given that term in section 4713 of this title.

''§ 1322. Federal Acquisition Security Council establishment and membership

''(a) ESTABLISHMENT.—There is established in the executive branch a Federal Acquisition Security Council.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The following agencies shall be represented on the Council:

''(A) The Office of Management and Budget.

''(B) The General Services Administration.

''(C) The Department of Homeland Security.

''(D) The Office of the Director of National Intelligence, including the National Counterintelligence and Security Center.

''(E) The Department of Justice, including the Federal Bureau of Investigation.

''(F) The Department of Defense, including the National Security Agency.

''(G) The Department of Commerce, including the National Institute of Standards and Technology.

''(H) Such other executive agencies as determined by the Chairperson of the Council.

''(2) LEAD REPRESENTATIVES.—

''(A) DESIGNATION.—

''(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018, the head of each agency represented on the Council shall designate a representative of that agency as the lead representative of the agency on the Council.

''(ii) REQUIREMENTS.—The representative of an agency designated under clause (i) shall have expertise in supply chain risk management, acquisitions, or information and communications technology.

''(B) FUNCTIONS.—The lead representative of an agency designated under subparagraph (A) shall ensure that appropriate personnel, including leadership and subject matter experts of the agency, are aware of the business of the Council.

''(c) CHAIRPERSON.—

''(1) DESIGNATION.—Not later than 90 days after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018, the Director of the Office of Management and Budget shall designate a senior-level official from the Office of Management and Budget to serve as the Chairperson of the Council.

''(2) FUNCTIONS.—The Chairperson shall perform functions that include—

''(A) subject to subsection (d), developing a schedule for meetings of the Council;

''(B) designating executive agencies to be represented on the Council under subsection (b)(1)(H);

''(C) in consultation with the lead representative of each agency represented on the Council, developing a charter for the Council; and

''(D) not later than 7 days after completion of the charter, submitting the charter to the appropriate congressional committees and leadership.

''(d) MEETINGS.—The Council shall meet not later than 180 days after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018 and not less frequently than quarterly thereafter.

''§ 1323. Functions and authorities

''(a) IN GENERAL.—The Council shall perform functions that include the following:

''(1) Identifying and recommending development by the National Institute of Standards and Technology of supply chain risk management standards, guidelines, and practices for executive agencies to use when assessing and developing mitigation strategies to address supply chain risks, particularly in the acquisition and use of covered articles under section 1326(a) of this title.

''(2) Identifying or developing criteria for sharing information with respect to supply chain risk, including information related to the exercise of authorities provided under this section and sections 1326 and 4713 of this title. At a minimum, such criteria shall address—

''(A) the content to be shared;

''(B) the circumstances under which sharing is mandated or voluntary; and

''(C) the circumstances under which it is appropriate for an executive agency to rely on information made available through such sharing in exercising the responsibilities and authorities provided under this section and section 4713 of this title.

''(3) Identifying an appropriate executive agency to—

''(A) accept information submitted by executive agencies based on the criteria established under paragraph (2);

''(B) facilitate the sharing of information received under subparagraph (A) to support supply chain risk analyses under section 1326 of this title, recommendations under this section, and covered procurement actions under section 4713 of this title;

''(C) share with the Council information regarding covered procurement actions by executive agencies taken under section 4713 of this title; and

''(D) inform the Council of orders issued under this section.

''(4) Identifying, as appropriate, executive agencies to provide—

''(A) shared services, such as support for making risk assessments, validation of products that may be suitable for acquisition, and mitigation activities; and

''(B) common contract solutions to support supply chain risk management activities, such as subscription services or machine-learning-enhanced analysis applications to support informed decision making.

''(5) Identifying and issuing guidance on additional steps that may be necessary to address supply chain risks arising in the course of executive agencies providing shared services, common contract solutions, acquisitions vehicles, or assisted acquisitions.

''(6) Engaging, as appropriate, with the private sector and other nongovernmental stakeholders on issues relating to the management of supply chain risks posed by the acquisition of covered articles.

''(7) Carrying out such other actions, as determined by the Council, that are necessary to reduce the supply chain risks posed by acquisitions and use of covered articles.

''(b) PROGRAM OFFICE AND COMMITTEES.—The Council may establish a program office and any committees, working groups, or other constituent bodies the Council deems appropriate, in its sole and unreviewable discretion, to carry out its functions.

''(c) AUTHORITY FOR EXCLUSION OR REMOVAL ORDERS.—

''(1) CRITERIA.—To reduce supply chain risk, the Council shall establish criteria and procedures for—

''(A) recommending orders applicable to executive agencies requiring the exclusion of sources or covered articles from executive agency procurement actions (in this section referred to as 'exclusion orders');

''(B) recommending orders applicable to executive agencies requiring the removal of covered articles from executive agency information systems (in this section referred to as 'removal orders');

''(C) requesting and approving exceptions to an issued exclusion or removal order when warranted by circumstances, including alternative mitigation actions; and

''(D) ensuring that recommended orders do not conflict with standards and guidelines issued under section 11331 of title 40 and that the Council consults with the Director of the National Institute of Standards and Technology regarding any recommended orders that would implement standards and guidelines developed by the National Institute of Standards and Technology.

''(2) RECOMMENDATIONS.—The Council shall use the criteria established under paragraph (1), information made available under subsection (a)(3), and any other information the Council determines appropriate to issue recommendations, for application to executive agencies or any subset thereof, regarding the exclusion of sources or covered articles from any executive agency procurement action, including source selection and consent for a contractor to subcontract, or the removal of covered articles from executive agency information systems. Such recommendations shall include—

''(A) information necessary to positively identify the sources or covered articles recommended for exclusion or removal;

''(B) information regarding the scope and applicability of the recommended exclusion or removal order;

''(C) a summary of any risk assessment reviewed or conducted in support of the recommended exclusion or removal order;

''(D) a summary of the basis for the recommendation, including a discussion of less intrusive measures that were considered and why such measures were not reasonably available to reduce supply chain risk;

''(E) a description of the actions necessary to implement the recommended exclusion or removal order; and

''(F) where practicable, in the Council's sole and unreviewable discretion, a description of mitigation steps that could be taken by the source that may result in the Council rescinding a recommendation.

''(3) NOTICE OF RECOMMENDATION AND REVIEW.—A notice of the Council's recommendation under paragraph (2) shall be issued to any source named in the recommendation advising—

''(A) that a recommendation has been made;

''(B) of the criteria the Council relied upon under paragraph (1) and, to the extent consistent with national security and law enforcement interests, of information that forms the basis for the recommendation;

''(C) that, within 30 days after receipt of notice, the source may submit information and argument in opposition to the recommendation;

''(D) of the procedures governing the review and possible issuance of an exclusion or removal order pursuant to paragraph (4); and

''(E) where practicable, in the Council's sole and unreviewable discretion, a description of mitigation steps that could be taken by the source that may result in the Council rescinding the recommendation.

''(4) EXCLUSION AND REMOVAL ORDERS.—

''(A) ORDER ISSUANCE.—Recommendations of the Council under paragraph (2), together with any information submitted by a source under paragraph (3) related to such a recommendation, shall be reviewed by the following officials, who in their sole and unreviewable discretion may issue exclusion and removal orders based upon such recommendations:

''(i) The Secretary of Homeland Security, for exclusion and removal orders applicable to civilian agencies, to the extent not covered by clause (ii) or (iii).

''(ii) The Secretary of Defense, for exclusion and removal orders applicable to the Department of Defense and national security systems other than sensitive compartmented information systems.

''(iii) The Director of National Intelligence, for exclusion and removal orders applicable to the intelligence community and sensitive compartmented information systems, to the extent not covered by clause (ii).

''(B) DELEGATION.—The officials identified in subparagraph (A) may not delegate any authority under this subparagraph to an official below the level one level below the Deputy Secretary or Principal Deputy Director, except that the Secretary of Defense may delegate authority for removal orders to the Commander of the United States Cyber Command, who may not redelegate such authority to an official below the level one level below the Deputy Commander.

''(C) FACILITATION OF EXCLUSION ORDERS.—If officials identified under this paragraph from the Department of Homeland Security, the Department of Defense, and the Office of the Director of National Intelligence issue orders collectively resulting in a governmentwide exclusion, the Administrator for General Services and officials at other executive agencies responsible for management of the Federal Supply Schedules, governmentwide acquisition contracts and multi-agency contracts shall help facilitate implementation of such orders by removing the covered articles or sources identified in the orders from such contracts.

''(D) REVIEW OF EXCLUSION AND REMOVAL ORDERS.—The officials identified under this paragraph shall review all exclusion and removal orders issued under subparagraph (A) not less frequently than annually pursuant to procedures established by the Council.

''(E) RESCISSION.—Orders issued pursuant to subparagraph (A) may be rescinded by an authorized official from the relevant issuing agency.

''(5) NOTIFICATIONS.—Upon issuance of an exclusion or removal order pursuant to paragraph (4)(A), the official identified under that paragraph who issued the order shall—

''(A) notify any source named in the order of—

''(i) the exclusion or removal order; and

''(ii) to the extent consistent with national security and law enforcement interests, information that forms the basis for the order;

''(B) provide classified or unclassified notice of the exclusion or removal order to the appropriate congressional committees and leadership; and

''(C) provide the exclusion or removal order to the agency identified in subsection (a)(3).

''(6) COMPLIANCE.—Executive agencies shall comply with exclusion and removal orders issued pursuant to paragraph (4).

''(d) AUTHORITY TO REQUEST INFORMATION.—The Council may request such information from executive agencies as is necessary for the Council to carry out its functions.

''(e) RELATIONSHIP TO OTHER COUNCILS.—The Council shall consult and coordinate, as appropriate, with other relevant councils, including the Chief Information Officers Council, the Chief Acquisition Officers Council, and the Federal Acquisition Regulatory Council, with respect to supply chain risks posed by the acquisition and use of covered articles.

''(f) RULE OF CONSTRUCTION.—Nothing in this section shall limit the authority of the Office of Federal Procurement Policy to carry out the responsibilities of that Office under any other provision of law.

''§ 1324. Strategic plan

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018, the Council shall develop a strategic plan for addressing supply chain risks posed by the acquisition of covered articles and for managing such risks that includes—

''(1) the criteria and processes required under section 1323(a) of this title, including a threshold and requirements for sharing relevant information about such risks with all executive agencies;

''(2) an identification of existing authorities for addressing such risks;

''(3) an identification and promulgation of best practices and procedures and available resources for executive agencies to assess and mitigate such risks;

''(4) recommendations for any legislative, regulatory, or other policy changes to improve efforts to address such risks;

''(5) an evaluation of the effect of implementing new policies or procedures on existing contracts and the procurement process;

''(6) a plan for engaging with executive agencies, the private sector, and other nongovernmental stakeholders to address such risks;

''(7) a plan for identification, assessment, mitigation, and vetting of supply chain risks from existing and prospective information and communications technology made available by executive agencies to other executive agencies through common contract solutions, shared services, acquisition vehicles, or other assisted acquisition services; and

''(8) plans to strengthen the capacity of all executive agencies to conduct assessments of—

''(A) the supply chain risk posed by the acquisition of covered articles; and

''(B) compliance with the requirements of this subchapter.

''(b) SUBMISSION TO CONGRESS.—Not later than 7 calendar days after completion of the

strategic plan required by subsection (a), the Chairperson of the Council shall submit the plan to the appropriate congressional committees and leadership.

''§ 1325. Annual report

''Not later than December 31 of each year, the Chairperson of the Council shall submit to the appropriate congressional committees and leadership a report on the activities of the Council during the preceding 12-month period.

''§ 1326. Requirements for executive agencies

''(a) IN GENERAL.—The head of each executive agency shall be responsible for—

''(1) assessing the supply chain risk posed by the acquisition and use of covered articles and avoiding, mitigating, accepting, or transferring that risk, as appropriate and consistent with the standards, guidelines, and practices identified by the Council under section 1323(a)(1); and

''(2) prioritizing supply chain risk assessments conducted under paragraph (1) based on the criticality of the mission, system, component, service, or asset.

''(b) INCLUSIONS.—The responsibility for assessing supply chain risk described in subsection (a) includes—

''(1) developing an overall supply chain risk management strategy and implementation plan and policies and processes to guide and govern supply chain risk management activities;

''(2) integrating supply chain risk management practices throughout the life cycle of the system, component, service, or asset;

''(3) limiting, avoiding, mitigating, accepting, or transferring any identified risk;

''(4) sharing relevant information with other executive agencies as determined appropriate by the Council in a manner consistent with section 1323(a) of this title;

''(5) reporting on progress and effectiveness of the agency's supply chain risk management consistent with guidance issued by the Office of Management and Budget and the Council; and

''(6) ensuring that all relevant information, including classified information, with respect to acquisitions of covered articles that may pose a supply chain risk, consistent with section 1323(a) of this title, is incorporated into existing processes of the agency for conducting assessments described in subsection (a) and ongoing management of acquisition programs, including any identification, investigation, mitigation, or remediation needs.

''(c) INTERAGENCY ACQUISITIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), in the case of an interagency acquisition, subsection (a) shall be carried out by the head of the executive agency whose funds are being used to procure the covered article.

''(2) ASSISTED ACQUISITIONS.—In an assisted acquisition, the parties to the acquisition shall determine, as part of the interagency agreement governing the acquisition, which agency is responsible for carrying out subsection (a).

''(3) DEFINITIONS.—In this subsection, the terms 'assisted acquisition' and 'interagency acquisition' have the meanings given those terms in section 2.101 of title 48, Code of Federal Regulations (or any corresponding similar regulation or ruling).

''(d) ASSISTANCE.—The Secretary of Homeland Security may—

''(1) assist executive agencies in conducting risk assessments described in subsection (a) and implementing mitigation requirements for information and communications technology; and

''(2) provide such additional guidance or tools as are necessary to support actions taken by executive agencies.

''§ 1327. Judicial review procedures

''(a) IN GENERAL.—Except as provided in subsection (b) and chapter 71 of this title, and notwithstanding any other provision of law, an action taken under section 1323 or 4713 of this title, or any action taken by an executive agency to implement such an action, shall not be subject to administrative review or judicial review, including bid protests before the Government Accountability Office or in any Federal court.

''(b) PETITIONS.—

''(1) IN GENERAL.—Not later than 60 days after a party is notified of an exclusion or removal order under section 1323(c)(5) of this title or a covered procurement action under section 4713 of this title, the party may file a petition for judicial review in the United States Court of Appeals for the District of Columbia Circuit claiming that the issuance of the exclusion or removal order or covered procurement action is unlawful.

''(2) STANDARD OF REVIEW.—The Court shall hold unlawful a covered action taken under sections 1323 or 4713 of this title, in response to a petition that the court finds to be—

''(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

''(B) contrary to constitutional right, power, privilege, or immunity;

''(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right;

''(D) lacking substantial support in the administrative record taken as a whole or in classified information submitted to the court under paragraph (3); or

''(E) not in accord with procedures required by law.

''(3) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over claims arising under sections 1323(c)(4) or 4713 of this title against the United States, any United States department or agency, or any component or official of any such department or agency, subject to review by the Supreme Court of the United States under section 1254 of title 28.

''(4) ADMINISTRATIVE RECORD AND PROCEDURES.—

''(A) IN GENERAL.—The procedures described in this paragraph shall apply to the review of a petition under this section.

''(B) ADMINISTRATIVE RECORD.—

''(i) FILING OF RECORD.—The United States shall file with the court an administrative record, which shall consist of the information that the appropriate official relied upon in issuing an exclusion or removal order under section 1323(c)(4) or a covered procurement action under section 4713 of this title.

''(ii) UNCLASSIFIED, NONPRIVILEGED INFORMATION.—All unclassified information contained in the administrative record that is not otherwise privileged or subject to statutory protections shall be provided to the petitioner with appropriate protections for any privileged or confidential trade secrets and commercial or financial information.

''(iii) IN CAMERA AND EX PARTE.—The following information may be included in the administrative record and shall be submitted only to the court ex parte and in camera:

''(I) Classified information.

''(II) Sensitive security information, as defined by section 1520.5 of title 49, Code of Federal Regulations.

''(III) Privileged law enforcement information.

''(IV) Information obtained or derived from any activity authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), except that, with respect to such information, subsections (c), (e), (f), (g), and (h) of section 106 (50 U.S.C. 1806), subsections (d), (f), (g), (h), and (i) of section 305 (50 U.S.C. 1825), subsections (c), (e), (f), (g), and (h) of section 405 (50 U.S.C. 1845), and section 706 (50 U.S.C. 1881e) of that Act shall not apply.

''(V) Information subject to privilege or protections under any other provision of law.

''(iv) UNDER SEAL.—Any information that is part of the administrative record filed ex parte and in camera under clause (iii), or cited by the court in any decision, shall be treated by the court consistent with the provisions of this subparagraph and shall remain under seal and preserved in the records of the court to be made available consistent with the above provisions in the event of further proceedings. In no event shall such information be released to the petitioner or as part of the public record.

''(v) RETURN.—After the expiration of the time to seek further review, or the conclusion of further proceedings, the court shall return the administrative record, including any and all copies, to the United States.

''(C) EXCLUSIVE REMEDY.—A determination by the court under this subsection shall be the exclusive judicial remedy for any claim described in this section against the United States, any United States department or agency, or any component or official of any such department or agency.

''(D) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting, superseding, or preventing the invocation of, any privileges or defenses that are otherwise available at law or in equity to protect against the disclosure of information.

''(c) DEFINITION.—In this section, the term 'classified information'—

''(1) has the meaning given that term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.); and

''(2) includes—

''(A) any information or material that has been determined by the United States Government pursuant to an Executive order, statute, or regulation to require protection against unauthorized disclosure for reasons of national security; and

''(B) any restricted data, as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

''§ 1328. Termination

''This subchapter shall terminate on the date that is 5 years after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 13 of such title is amended by adding at the end the following new items:

''SUBCHAPTER III—FEDERAL ACQUISITION SUPPLY CHAIN SECURITY

''Sec.
''1321. Definitions.
''1322. Federal Acquisition Security Council establishment and membership.
''1323. Functions and authorities.
''1324. Strategic plan.
''1325. Annual report.
''1326. Requirements for executive agencies.
''1327. Judicial review procedures.
''1328. Termination.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act and shall apply to contracts that are awarded before, on, or after that date.

(d) IMPLEMENTATION.—

(1) INTERIM FINAL RULE.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Security Council shall prescribe an interim final rule to implement subchapter III of chapter 13 of title 41, United States Code, as added by subsection (a).

(2) FINAL RULE.—Not later than one year after prescribing the interim final rule under paragraph (1) and considering public comments with respect to such interim final rule, the Council shall prescribe a final rule to implement subchapter III of chapter 13 of title 41, United States Code, as added by subsection (a).

(3) FAILURE TO ACT.—

(A) IN GENERAL.—If the Council does not issue a final rule in accordance with paragraph (2) on or before the last day of the one-year period referred to in that paragraph, the Council shall submit to the appropriate congressional committees and leadership, not later than 10 days after

such last day and every 90 days thereafter until the final rule is issued, a report explaining why the final rule was not timely issued and providing an estimate of the earliest date on which the final rule will be issued.

(B) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP DEFINED.—In this paragraph, the term ''appropriate congressional committees and leadership'' has the meaning given that term in section 1321 of title 41, United States Code, as added by subsection (a).

SEC. 3. AUTHORITIES OF EXECUTIVE AGENCIES RELATING TO MITIGATING SUPPLY CHAIN RISKS IN THE PROCUREMENT OF COVERED ARTICLES.

(a) IN GENERAL.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

''§ 4713. Authorities relating to mitigating supply chain risks in the procurement of covered articles

''(a) AUTHORITY.—Subject to subsection (b), the head of an executive agency may—

''(1) carry out a covered procurement action; and

''(2) limit, notwithstanding any other provision of law, in whole or in part, the disclosure of information relating to the basis for carrying out a covered procurement action.

''(b) DETERMINATION AND NOTIFICATION.—Except as authorized by subsection (c) to address an urgent national security interest, the head of an executive agency may exercise the authority provided in subsection (a) only after—

''(1) obtaining a joint recommendation, in unclassified or classified form, from the chief acquisition officer and the chief information officer of the agency, or officials performing similar functions in the case of executive agencies that do not have such officials, which includes a review of any risk assessment made available by the executive agency identified under section 1323(a)(3) of this title, that there is a significant supply chain risk in a covered procurement;

''(2) providing notice of the joint recommendation described in paragraph (1) to any source named in the joint recommendation advising—

''(A) that a recommendation is being considered or has been obtained;

''(B) to the extent consistent with the national security and law enforcement interests, of information that forms the basis for the recommendation;

''(C) that, within 30 days after receipt of the notice, the source may submit information and argument in opposition to the recommendation; and

''(D) of the procedures governing the consideration of the submission and the possible exercise of the authority provided in subsection (a);

''(3) making a determination in writing, in unclassified or classified form, after considering any information submitted by a source under paragraph (2) and in consultation with the chief information security officer of the agency, that—

''(A) use of the authority under subsection (a)(1) is necessary to protect national security by reducing supply chain risk;

''(B) less intrusive measures are not reasonably available to reduce such supply chain risk;

''(C) a decision to limit disclosure of information under subsection (a)(2) is necessary to protect an urgent national security interest; and

''(D) the use of such authorities will apply to a single covered procurement or a class of covered procurements, and otherwise specifies the scope of the determination; and

''(4) providing a classified or unclassified notice of the determination made under paragraph (3) to the appropriate congressional committees and leadership that includes—

''(A) the joint recommendation described in paragraph (1);

''(B) a summary of any risk assessment reviewed in support of the joint recommendation required by paragraph (1); and

''(C) a summary of the basis for the determination, including a discussion of less intrusive measures that were considered and why such measures were not reasonably available to reduce supply chain risk.

''(c) PROCEDURES TO ADDRESS URGENT NATIONAL SECURITY INTERESTS.—In any case in which the head of an executive agency determines that an urgent national security interest requires the immediate exercise of the authority provided in subsection (a), the head of the agency—

''(1) may, to the extent necessary to address such national security interest, and subject to the conditions in paragraph (2)—

''(A) temporarily delay the notice required by subsection (b)(2);

''(B) make the determination required by subsection (b)(3), regardless of whether the notice required by subsection (b)(2) has been provided or whether the notified source has submitted any information in response to such notice;

''(C) temporarily delay the notice required by subsection (b)(4); and

''(D) exercise the authority provided in subsection (a) in accordance with such determination within 60 calendar days after the day the determination is made; and

''(2) shall take actions necessary to comply with all requirements of subsection (b) as soon as practicable after addressing the urgent national security interest, including—

''(A) providing the notice required by subsection (b)(2);

''(B) promptly considering any information submitted by the source in response to such notice, and making any appropriate modifications to the determination based on such information;

''(C) providing the notice required by subsection (b)(4), including a description of the urgent national security interest, and any modifications to the determination made in accordance with subparagraph (B); and

''(D) providing notice to the appropriate congressional committees and leadership within 7 calendar days of the covered procurement actions taken under this section.

''(d) DELEGATION.—The head of an executive agency may not delegate the authority provided in subsection (a) or the responsibility identified in subsection (f) to an official below the level one level below the Deputy Secretary or Principal Deputy Director.

''(e) LIMITATION ON DISCLOSURE.—If the head of an executive agency has exercised the authority provided in subsection (a)(2) to limit disclosure of information, the agency head or a designee identified by the agency head shall—

''(1) provide to the executive agency identified by the Council under paragraph (3) of section 1323(a) of this title information identified by the criteria under paragraph (2) of that section, in a manner and to the extent consistent with the requirements of national security and law enforcement interests; and

''(2) take steps to maintain the confidentiality of any such notifications.

''(f) ANNUAL REVIEW OF DETERMINATIONS.—The head of an executive agency shall conduct an annual review of all determinations made by such head under subsection (b) and promptly amend any covered procurement action as appropriate.

''(g) REGULATIONS.—The Federal Acquisition Regulatory Council shall prescribe such regulations as may be necessary to carry out this section.

''(h) REPORTS REQUIRED.—Not less frequently than annually, the head of each executive agency that exercised the authority provided in subsection (a) or (c) during the preceding 12-month period shall submit to the appropriate congressional committees and leadership a report summarizing the actions taken by the agency under this section during that 12-month period.

''(i) APPLICABILITY.—Notwithstanding section 3101(c)(1)(A) of this title, this section applies to the Department of Defense, the Coast Guard, and the National Aeronautics and Space Administration.

''(j) TERMINATION.—The authority provided under subsection (a) shall terminate on the date that is 5 years after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018.

''(k) DEFINITIONS.—In this section:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term 'appropriate congressional committees and leadership' means—

''(A) the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Committee on Appropriations, the Select Committee on Intelligence, and the majority and minority leader of the Senate; and

''(B) the Committee on Oversight and Government Reform, the Committee on the Judiciary, the Committee on Appropriations, the Committee on Homeland Security, the Permanent Select Committee on Intelligence, and the Speaker and minority leader of the House of Representatives.

''(2) COVERED ARTICLE.—The term 'covered article' means—

''(A) information technology, as defined in section 11101 of title 40, including cloud computing services of all types;

''(B) telecommunications equipment or telecommunications service, as those terms are defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

''(C) the processing of information on a Federal or non-Federal information system, subject to the requirements of the Controlled Unclassified Information program; or

''(D) hardware, systems, devices, software, or services that include embedded or incidental information technology.

''(3) COVERED PROCUREMENT.—The term 'covered procurement' means—

''(A) a source selection for a covered article involving either a performance specification, as provided in subsection (a)(3)(B) of section 3306 of this title, or an evaluation factor, as provided in subsection (b)(1)(A) of such section, relating to a supply chain risk, or where supply chain risk considerations are included in the agency's determination of whether a source is a responsible source as defined in section 113 of this title;

''(B) the consideration of proposals for and issuance of a task or delivery order for a covered article, as provided in section 4106(d)(3) of this title, where the task or delivery order contract includes a contract clause establishing a requirement relating to a supply chain risk;

''(C) any contract action involving a contract for a covered article where the contract includes a clause establishing requirements relating to a supply chain risk; or

''(D) any other procurement in a category of procurements determined appropriate by the Federal Acquisition Regulatory Council, with the advice of the Federal Acquisition Security Council.

''(4) COVERED PROCUREMENT ACTION.—The term 'covered procurement action' means any of the following actions, if the action takes place in the course of conducting a covered procurement:

''(A) The exclusion of a source that fails to meet qualification requirements established under section 3311 of this title for the purpose of reducing supply chain risk in the acquisition or use of covered articles.

''(B) The exclusion of a source that fails to achieve an acceptable rating with regard to an evaluation factor providing for the consideration of supply chain risk in the evaluation of proposals for the award of a contract or the issuance of a task or delivery order.

''(C) The determination that a source is not a responsible source as defined in section 113 of this title based on considerations of supply chain risk.

''(D) The decision to withhold consent for a contractor to subcontract with a particular source or to direct a contractor to exclude a particular source from consideration for a subcontract under the contract.

''(5) INFORMATION AND COMMUNICATIONS TECHNOLOGY.—The term 'information and communications technology' means—

''(A) information technology, as defined in section 11101 of title 40;

''(B) information systems, as defined in section 3502 of title 44; and

''(C) telecommunications equipment and telecommunications services, as those terms are defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

''(6) SUPPLY CHAIN RISK.—The term 'supply chain risk' means the risk that any person may sabotage, maliciously introduce unwanted function, extract data, or otherwise manipulate the design, integrity, manufacturing, production, distribution, installation, operation, maintenance, disposition, or retirement of covered articles so as to surveil, deny, disrupt, or otherwise manipulate the function, use, or operation of the covered articles or information stored or transmitted on the covered articles.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of such title is amended by adding at the end the following new item:

''4713. Authorities relating to mitigating supply chain risks in the procurement of covered articles.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act and shall apply to contracts that are awarded before, on, or after that date.

SEC. 4. FEDERAL INFORMATION SECURITY MODERNIZATION ACT.

(a) IN GENERAL.—Title 44, United States Code, is amended—

(1) in section 3553(a)(5), by inserting ''and section 1326 of title 41'' after ''compliance with the requirements of this subchapter''; and

(2) in section 3554(a)(1)(B)—

(A) by inserting '', subchapter III of chapter 13 of title 41,'' after ''complying with the requirements of this subchapter'';

(B) in clause (iv), by striking ''; and'' and inserting a semicolon; and

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

''(vi) responsibilities relating to assessing and avoiding, mitigating, transferring, or accepting supply chain risks under section 1326 of title 41, and complying with exclusion and removal orders issued under section 1323 of such title; and''.

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to alter or impede any authority or responsibility under section 3553 of title 44, United States Code.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on the date that is 90 days after the date of the enactment of this Act.

Mr. BOOZMAN. I ask unanimous consent that the committee-reported substitute amendment be withdrawn; that the McCaskill substitute amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendment in the nature of a substitute was withdrawn.

The amendment (No. 4158) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Acquisition Supply Chain Security Act of 2018''.

SEC. 2. FEDERAL ACQUISITION SUPPLY CHAIN SECURITY.

(a) IN GENERAL.—Chapter 13 of title 41, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER III—FEDERAL ACQUISITION SUPPLY CHAIN SECURITY

''§ 1321. Definitions

''In this subchapter:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term 'appropriate congressional committees and leadership' means—

''(A) the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Committee on Appropriations, the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Select Committee on Intelligence, and the majority and minority leader of the Senate; and

''(B) the Committee on Oversight and Government Reform, the Committee on the Judiciary, the Committee on Appropriations, the Committee on Homeland Security, the Committee on Armed Services, the Committee on Energy and Commerce, the Permanent Select Committee on Intelligence, and the Speaker and minority leader of the House of Representatives.

''(2) COUNCIL.—The term 'Council' means the Federal Acquisition Security Council established under section 1322(a) of this title.

''(3) COVERED ARTICLE.—The term 'covered article' has the meaning given that term in section 4713 of this title.

''(4) COVERED PROCUREMENT ACTION.—The term 'covered procurement action' has the meaning given that term in section 4713 of this title.

''(5) INFORMATION AND COMMUNICATIONS TECHNOLOGY.—The term 'information and communications technology' has the meaning given that term in section 4713 of this title.

''(6) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

''(7) NATIONAL SECURITY SYSTEM.—The term 'national security system' has the meaning given that term in section 3552 of title 44.

''(8) SUPPLY CHAIN RISK.—The term 'supply chain risk' has the meaning given that term in section 4713 of this title.

''§ 1322. Federal Acquisition Security Council establishment and membership

''(a) ESTABLISHMENT.—There is established in the executive branch a Federal Acquisition Security Council.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The following agencies shall be represented on the Council:

''(A) The Office of Management and Budget.

''(B) The General Services Administration.

''(C) The Department of Homeland Security, including the Cybersecurity and Infrastructure Security Agency.

''(D) The Office of the Director of National Intelligence, including the National Counterintelligence and Security Center.

''(E) The Department of Justice, including the Federal Bureau of Investigation.

''(F) The Department of Defense, including the National Security Agency.

''(G) The Department of Commerce, including the National Institute of Standards and Technology.

''(H) Such other executive agencies as determined by the Chairperson of the Council.

''(2) LEAD REPRESENTATIVES.—

''(A) DESIGNATION.—

''(i) IN GENERAL.—Not later than 45 days after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018, the head of each agency represented on the Council shall designate a representative of that agency as the lead representative of the agency on the Council.

''(ii) REQUIREMENTS.—The representative of an agency designated under clause (i) shall have expertise in supply chain risk management, acquisitions, or information and communications technology.

''(B) FUNCTIONS.—The lead representative of an agency designated under subparagraph (A) shall ensure that appropriate personnel, including leadership and subject matter experts of the agency, are aware of the business of the Council.

''(c) CHAIRPERSON.—

''(1) DESIGNATION.—Not later than 45 days after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018, the Director of the Office of Management and Budget shall designate a senior-level official from the Office of Management and Budget to serve as the Chairperson of the Council.

''(2) FUNCTIONS.—The Chairperson shall perform functions that include—

''(A) subject to subsection (d), developing a schedule for meetings of the Council;

''(B) designating executive agencies to be represented on the Council under subsection (b)(1)(H);

''(C) in consultation with the lead representative of each agency represented on the Council, developing a charter for the Council; and

''(D) not later than 7 days after completion of the charter, submitting the charter to the appropriate congressional committees and leadership.

''(d) MEETINGS.—The Council shall meet not later than 60 days after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018 and not less frequently than quarterly thereafter.

''§ 1323. Functions and authorities

''(a) IN GENERAL.—The Council shall perform functions that include the following:

''(1) Identifying and recommending development by the National Institute of Standards and Technology of supply chain risk management standards, guidelines, and practices for executive agencies to use when assessing and developing mitigation strategies to address supply chain risks, particularly in the acquisition and use of covered articles under section 1326(a) of this title.

''(2) Identifying or developing criteria for sharing information with executive agencies, other Federal entities, and non-Federal entities with respect to supply chain risk, including information related to the exercise of authorities provided under this section and sections 1326 and 4713 of this title. At a minimum, such criteria shall address—

''(A) the content to be shared;

''(B) the circumstances under which sharing is mandated or voluntary; and

''(C) the circumstances under which it is appropriate for an executive agency to rely on information made available through such sharing in exercising the responsibilities and authorities provided under this section and section 4713 of this title.

''(3) Identifying an appropriate executive agency to—

''(A) accept information submitted by executive agencies based on the criteria established under paragraph (2);

''(B) facilitate the sharing of information received under subparagraph (A) to support supply chain risk analyses under section 1326 of this title, recommendations under this section, and covered procurement actions under section 4713 of this title;

''(C) share with the Council information regarding covered procurement actions by executive agencies taken under section 4713 of this title; and

''(D) inform the Council of orders issued under this section.

''(4) Identifying, as appropriate, executive agencies to provide—

''(A) shared services, such as support for making risk assessments, validation of products that may be suitable for acquisition, and mitigation activities; and

''(B) common contract solutions to support supply chain risk management activities, such as subscription services or machine-learning-enhanced analysis applications to support informed decisionmaking.

''(5) Identifying and issuing guidance on additional steps that may be necessary to address supply chain risks arising in the course of executive agencies providing shared services, common contract solutions, acquisitions vehicles, or assisted acquisitions.

''(6) Engaging with the private sector and other nongovernmental stakeholders in performing the functions described in paragraphs (1) and (2) and on issues relating to the management of supply chain risks posed by the acquisition of covered articles.

''(7) Carrying out such other actions, as determined by the Council, that are necessary to reduce the supply chain risks posed by acquisitions and use of covered articles.

''(b) PROGRAM OFFICE AND COMMITTEES.—The Council may establish a program office and any committees, working groups, or other constituent bodies the Council deems appropriate, in its sole and unreviewable discretion, to carry out its functions.

''(c) AUTHORITY FOR EXCLUSION OR REMOVAL ORDERS.—

''(1) CRITERIA.—To reduce supply chain risk, the Council shall establish criteria and procedures for—

''(A) recommending orders applicable to executive agencies requiring the exclusion of sources or covered articles from executive agency procurement actions (in this section referred to as 'exclusion orders');

''(B) recommending orders applicable to executive agencies requiring the removal of covered articles from executive agency information systems (in this section referred to as 'removal orders');

''(C) requesting and approving exceptions to an issued exclusion or removal order when warranted by circumstances, including alternative mitigation actions or other findings relating to the national interest, including national security reviews, national security investigations, or national security agreements; and

''(D) ensuring that recommended orders do not conflict with standards and guidelines issued under section 11331 of title 40 and that the Council consults with the Director of the National Institute of Standards and Technology regarding any recommended orders that would implement standards and guidelines developed by the National Institute of Standards and Technology.

''(2) RECOMMENDATIONS.—The Council shall use the criteria established under paragraph (1), information made available under subsection (a)(3), and any other information the Council determines appropriate to issue recommendations, for application to executive agencies or any subset thereof, regarding the exclusion of sources or covered articles from any executive agency procurement action, including source selection and consent for a contractor to subcontract, or the removal of covered articles from executive agency information systems. Such recommendations shall include—

''(A) information necessary to positively identify the sources or covered articles recommended for exclusion or removal;

''(B) information regarding the scope and applicability of the recommended exclusion or removal order;

''(C) a summary of any risk assessment reviewed or conducted in support of the recommended exclusion or removal order;

''(D) a summary of the basis for the recommendation, including a discussion of less intrusive measures that were considered and why such measures were not reasonably available to reduce supply chain risk;

''(E) a description of the actions necessary to implement the recommended exclusion or removal order; and

''(F) where practicable, in the Council's sole and unreviewable discretion, a description of mitigation steps that could be taken by the source that may result in the Council rescinding a recommendation.

''(3) NOTICE OF RECOMMENDATION AND REVIEW.—A notice of the Council's recommendation under paragraph (2) shall be issued to any source named in the recommendation advising—

''(A) that a recommendation has been made;

''(B) of the criteria the Council relied upon under paragraph (1) and, to the extent consistent with national security and law enforcement interests, of information that forms the basis for the recommendation;

''(C) that, within 30 days after receipt of notice, the source may submit information and argument in opposition to the recommendation;

''(D) of the procedures governing the review and possible issuance of an exclusion or removal order pursuant to paragraph (5); and

''(E) where practicable, in the Council's sole and unreviewable discretion, a description of mitigation steps that could be taken by the source that may result in the Council rescinding the recommendation.

''(4) CONFIDENTIALITY.—Any notice issued to a source under paragraph (3) shall be kept confidential until—

''(A) an exclusion or removal order is issued pursuant to paragraph (5); and

''(B) the source has been notified pursuant to paragraph (6).

''(5) EXCLUSION AND REMOVAL ORDERS.—

''(A) ORDER ISSUANCE.—Recommendations of the Council under paragraph (2), together with any information submitted by a source under paragraph (3) related to such a recommendation, shall be reviewed by the following officials, who may issue exclusion and removal orders based upon such recommendations:

''(i) The Secretary of Homeland Security, for exclusion and removal orders applicable to civilian agencies, to the extent not covered by clause (ii) or (iii).

''(ii) The Secretary of Defense, for exclusion and removal orders applicable to the Department of Defense and national security systems other than sensitive compartmented information systems.

''(iii) The Director of National Intelligence, for exclusion and removal orders applicable to the intelligence community and sensitive compartmented information systems, to the extent not covered by clause (ii).

''(B) DELEGATION.—The officials identified in subparagraph (A) may not delegate any authority under this subparagraph to an official below the level one level below the Deputy Secretary or Principal Deputy Director, except that the Secretary of Defense may delegate authority for removal orders to the Commander of the United States Cyber Command, who may not redelegate such authority to an official below the level one level below the Deputy Commander.

''(C) FACILITATION OF EXCLUSION ORDERS.—If officials identified under this paragraph from the Department of Homeland Security, the Department of Defense, and the Office of the Director of National Intelligence issue orders collectively resulting in a governmentwide exclusion, the Administrator for General Services and officials at other executive agencies responsible for management of the Federal Supply Schedules, governmentwide acquisition contracts, and multiagency contracts shall help facilitate implementation of such orders by removing the covered articles or sources identified in the orders from such contracts.

''(D) REVIEW OF EXCLUSION AND REMOVAL ORDERS.—The officials identified under this paragraph shall review all exclusion and removal orders issued under subparagraph (A) not less frequently than annually pursuant to procedures established by the Council.

''(E) RESCISSION.—Orders issued pursuant to subparagraph (A) may be rescinded by an authorized official from the relevant issuing agency.

''(6) NOTIFICATIONS.—Upon issuance of an exclusion or removal order pursuant to paragraph (5)(A), the official identified under that paragraph who issued the order shall—

''(A) notify any source named in the order of—

''(i) the exclusion or removal order; and

''(ii) to the extent consistent with national security and law enforcement interests, information that forms the basis for the order;

''(B) provide classified or unclassified notice of the exclusion or removal order to the appropriate congressional committees and leadership; and

''(C) provide the exclusion or removal order to the agency identified in subsection (a)(3).

''(7) COMPLIANCE.—Executive agencies shall comply with exclusion and removal orders issued pursuant to paragraph (5).

''(d) AUTHORITY TO REQUEST INFORMATION.—The Council may request such information from executive agencies as is necessary for the Council to carry out its functions.

''(e) RELATIONSHIP TO OTHER COUNCILS.—The Council shall consult and coordinate, as appropriate, with other relevant councils and interagency committees, including the Chief Information Officers Council, the Chief Acquisition Officers Council, the Federal Acquisition Regulatory Council, and the Committee on Foreign Investment in the United States, with respect to supply chain risks posed by the acquisition and use of covered articles.

''(f) RULES OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to limit the authority of the Office of Federal Procurement Policy to carry out the responsibilities of that Office under any other provision of law; or

''(2) to authorize the issuance of an exclusion or removal order based solely on the fact of foreign ownership of a potential procurement source that is otherwise qualified to enter into procurement contracts with the Federal Government.

''§ 1324. Strategic plan

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018, the Council shall develop a strategic plan for addressing supply chain risks posed by the acquisition of covered articles and for managing such risks, that includes—

''(1) the criteria and processes required under section 1323(a) of this title, including a threshold and requirements for sharing relevant information about such risks with all executive agencies and, as appropriate, with other Federal entities and non-Federal entities;

''(2) an identification of existing authorities for addressing such risks;

''(3) an identification and promulgation of best practices and procedures and available resources for executive agencies to assess and mitigate such risks;

''(4) recommendations for any legislative, regulatory, or other policy changes to improve efforts to address such risks;

''(5) recommendations for any legislative, regulatory, or other policy changes to incentivize the adoption of best practices for supply chain risk management by the private sector;

''(6) an evaluation of the effect of implementing new policies or procedures on existing contracts and the procurement process;

''(7) a plan for engaging with executive agencies, the private sector, and other nongovernmental stakeholders to address such risks;

''(8) a plan for identification, assessment, mitigation, and vetting of supply chain risks from existing and prospective information and communications technology made available by executive agencies to other executive agencies through common contract solutions, shared services, acquisition vehicles, or other assisted acquisition services; and

''(9) plans to strengthen the capacity of all executive agencies to conduct assessments of—

''(A) the supply chain risk posed by the acquisition of covered articles; and

''(B) compliance with the requirements of this subchapter.

''(b) SUBMISSION TO CONGRESS.—Not later than 7 calendar days after completion of the strategic plan required by subsection (a), the Chairperson of the Council shall submit the plan to the appropriate congressional committees and leadership.

''§ 1325. Annual report

''Not later than December 31 of each year, the Chairperson of the Council shall submit to the appropriate congressional committees and leadership a report on the activities of the Council during the preceding 12-month period.

''§ 1326. Requirements for executive agencies

''(a) IN GENERAL.—The head of each executive agency shall be responsible for—

''(1) assessing the supply chain risk posed by the acquisition and use of covered articles and avoiding, mitigating, accepting, or transferring that risk, as appropriate and consistent with the standards, guidelines, and practices identified by the Council under section 1323(a)(1); and

''(2) prioritizing supply chain risk assessments conducted under paragraph (1) based on the criticality of the mission, system, component, service, or asset.

''(b) INCLUSIONS.—The responsibility for assessing supply chain risk described in subsection (a) includes—

''(1) developing an overall supply chain risk management strategy and implementation plan and policies and processes to guide and govern supply chain risk management activities;

''(2) integrating supply chain risk management practices throughout the lifecycle of the system, component, service, or asset;

''(3) limiting, avoiding, mitigating, accepting, or transferring any identified risk;

''(4) sharing relevant information with other executive agencies, as determined appropriate by the Council in a manner consistent with section 1323(a) of this title;

''(5) reporting on progress and effectiveness of the agency's supply chain risk management consistent with guidance issued by the Office of Management and Budget and the Council; and

''(6) ensuring that all relevant information, including classified information, with respect to acquisitions of covered articles that may pose a supply chain risk, consistent with section 1323(a) of this title, is incorporated into existing processes of the agency for conducting assessments described in subsection (a) and ongoing management of acquisition programs, including any identification, investigation, mitigation, or remediation needs.

''(c) INTERAGENCY ACQUISITIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), in the case of an interagency acquisition, subsection (a) shall be carried out by the head of the executive agency whose funds are being used to procure the covered article.

''(2) ASSISTED ACQUISITIONS.—In an assisted acquisition, the parties to the acquisition shall determine, as part of the interagency agreement governing the acquisition, which agency is responsible for carrying out subsection (a).

''(3) DEFINITIONS.—In this subsection, the terms 'assisted acquisition' and 'interagency acquisition' have the meanings given those terms in section 2.101 of title 48, Code of Federal Regulations (or any corresponding similar regulation or ruling).

''(d) ASSISTANCE.—The Secretary of Homeland Security may—

''(1) assist executive agencies in conducting risk assessments described in subsection (a) and implementing mitigation requirements for information and communications technology; and

''(2) provide such additional guidance or tools as are necessary to support actions taken by executive agencies.

''§ 1327. Judicial review procedures

''(a) IN GENERAL.—Except as provided in subsection (b) and chapter 71 of this title, and notwithstanding any other provision of law, an action taken under section 1323 or 4713 of this title, or any action taken by an executive agency to implement such an action, shall not be subject to administrative review or judicial review, including bid protests before the Government Accountability Office or in any Federal court.

''(b) PETITIONS.—

''(1) IN GENERAL.—Not later than 60 days after a party is notified of an exclusion or removal order under section 1323(c)(6) of this title or a covered procurement action under section 4713 of this title, the party may file a petition for judicial review in the United States Court of Appeals for the District of Columbia Circuit claiming that the issuance of the exclusion or removal order or covered procurement action is unlawful.

''(2) STANDARD OF REVIEW.—The Court shall hold unlawful a covered action taken under sections 1323 or 4713 of this title, in response to a petition that the court finds to be—

''(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

''(B) contrary to constitutional right, power, privilege, or immunity;

''(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right;

''(D) lacking substantial support in the administrative record taken as a whole or in classified information submitted to the court under paragraph (3); or

''(E) not in accord with procedures required by law.

''(3) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over claims arising under sections 1323(c)(5) or 4713 of this title against the United States, any United States department or agency, or any component or official of any such department or agency, subject to review by the Supreme Court of the United States under section 1254 of title 28.

''(4) ADMINISTRATIVE RECORD AND PROCEDURES.—

''(A) IN GENERAL.—The procedures described in this paragraph shall apply to the review of a petition under this section.

''(B) ADMINISTRATIVE RECORD.—

''(i) FILING OF RECORD.—The United States shall file with the court an administrative record, which shall consist of the information that the appropriate official relied upon in issuing an exclusion or removal order under section 1323(c)(5) or a covered procurement action under section 4713 of this title.

''(ii) UNCLASSIFIED, NONPRIVILEGED INFORMATION.—All unclassified information contained in the administrative record that is not otherwise privileged or subject to statutory protections shall be provided to the petitioner with appropriate protections for any privileged or confidential trade secrets and commercial or financial information.

''(iii) IN CAMERA AND EX PARTE.—The following information may be included in the administrative record and shall be submitted only to the court ex parte and in camera:

''(I) Classified information.

''(II) Sensitive security information, as defined by section 1520.5 of title 49, Code of Federal Regulations.

''(III) Privileged law enforcement information.

''(IV) Information obtained or derived from any activity authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), except that, with respect to such information, subsections (c), (e), (f), (g), and (h) of section 106 (50 U.S.C. 1806), subsections (d), (f), (g), (h), and (i) of section 305 (50 U.S.C. 1825), subsections (c), (e), (f), (g), and (h) of section 405 (50 U.S.C. 1845), and section 706 (50 U.S.C. 1881e) of that Act shall not apply.

''(V) Information subject to privilege or protections under any other provision of law.

''(iv) UNDER SEAL.—Any information that is part of the administrative record filed ex parte and in camera under clause (iii), or cited by the court in any decision, shall be treated by the court consistent with the provisions of this subparagraph and shall remain under seal and preserved in the records of the court to be made available consistent with the above provisions in the event of further proceedings. In no event shall such information be released to the petitioner or as part of the public record.

''(v) RETURN.—After the expiration of the time to seek further review, or the conclusion of further proceedings, the court shall return the administrative record, including any and all copies, to the United States.

''(C) EXCLUSIVE REMEDY.—A determination by the court under this subsection shall be the exclusive judicial remedy for any claim described in this section against the United States, any United States department or agency, or any component or official of any such department or agency.

''(D) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting, superseding, or preventing the invocation of, any privileges or defenses that are otherwise available at law or in equity to protect against the disclosure of information.

''(c) DEFINITION.—In this section, the term 'classified information'—

''(1) has the meaning given that term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.); and

''(2) includes—

''(A) any information or material that has been determined by the United States Government pursuant to an Executive order, statute, or regulation to require protection against unauthorized disclosure for reasons of national security; and

''(B) any restricted data, as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

''§ 1328. Termination

''This subchapter shall terminate on the date that is 5 years after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 13 of such title is amended by adding at the end the following new items:

''SUBCHAPTER III—FEDERAL ACQUISITION SUPPLY CHAIN SECURITY

''Sec.
''1321. Definitions.
''1322. Federal Acquisition Security Council establishment and membership.
''1323. Functions and authorities.
''1324. Strategic plan.
''1325. Annual report.
''1326. Requirements for executive agencies.
''1327. Judicial review procedures.
''1328. Termination.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act and shall apply to contracts that are awarded before, on, or after that date.

(d) IMPLEMENTATION.—

(1) INTERIM FINAL RULE.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Security Council shall prescribe an interim final rule to implement subchapter III of chapter 13 of title 41, United States Code, as added by subsection (a).

(2) FINAL RULE.—Not later than one year after prescribing the interim final rule under paragraph (1) and considering public comments with respect to such interim final rule, the Council shall prescribe a final rule to implement subchapter III of chapter 13 of title 41, United States Code, as added by subsection (a).

(3) FAILURE TO ACT.—

(A) IN GENERAL.—If the Council does not issue a final rule in accordance with paragraph (2) on or before the last day of the 1-year period referred to in that paragraph, the Council shall submit to the appropriate congressional committees and leadership, not later than 10 days after such last day and every 90 days thereafter until the final rule is issued, a report explaining why the final rule was not timely issued and providing an estimate of the earliest date on which the final rule will be issued.

(B) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP DEFINED.—In this paragraph, the term ''appropriate congressional committees and leadership'' has the meaning given that term in section 1321 of title 41, United States Code, as added by subsection (a).

SEC. 3. AUTHORITIES OF EXECUTIVE AGENCIES RELATING TO MITIGATING SUPPLY CHAIN RISKS IN THE PROCUREMENT OF COVERED ARTICLES.

(a) IN GENERAL.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

''§ 4713. Authorities relating to mitigating supply chain risks in the procurement of covered articles

''(a) AUTHORITY.—Subject to subsection (b), the head of an executive agency may carry out a covered procurement action.

''(b) DETERMINATION AND NOTIFICATION.—Except as authorized by subsection (c) to address an urgent national security interest, the head of an executive agency may exercise the authority provided in subsection (a) only after—

''(1) obtaining a joint recommendation, in unclassified or classified form, from the chief acquisition officer and the chief information officer of the agency, or officials performing similar functions in the case of executive agencies that do not have such officials, which includes a review of any risk assessment made available by the executive agency identified under section 1323(a)(3) of this title, that there is a significant supply chain risk in a covered procurement;

''(2) providing notice of the joint recommendation described in paragraph (1) to any source named in the joint recommendation advising—

''(A) that a recommendation is being considered or has been obtained;

''(B) to the extent consistent with the national security and law enforcement interests, of information that forms the basis for the recommendation;

''(C) that, within 30 days after receipt of the notice, the source may submit information and argument in opposition to the recommendation; and

''(D) of the procedures governing the consideration of the submission and the possible exercise of the authority provided in subsection (a);

''(3) making a determination in writing, in unclassified or classified form, after considering any information submitted by a source under paragraph (2) and in consultation with the chief information security officer of the agency, that—

''(A) use of the authority under subsection (a) is necessary to protect national security by reducing supply chain risk;

''(B) less intrusive measures are not reasonably available to reduce such supply chain risk; and

''(C) the use of such authorities will apply to a single covered procurement or a class of covered procurements, and otherwise specifies the scope of the determination; and

''(4) providing a classified or unclassified notice of the determination made under paragraph (3) to the appropriate congressional committees and leadership that includes—

''(A) the joint recommendation described in paragraph (1);

''(B) a summary of any risk assessment reviewed in support of the joint recommendation required by paragraph (1); and

''(C) a summary of the basis for the determination, including a discussion of less intrusive measures that were considered and why such measures were not reasonably available to reduce supply chain risk.

''(c) PROCEDURES TO ADDRESS URGENT NATIONAL SECURITY INTERESTS.—In any case in which the head of an executive agency determines that an urgent national security interest requires the immediate exercise of the authority provided in subsection (a), the head of the agency—

''(1) may, to the extent necessary to address such national security interest, and subject to the conditions in paragraph (2)—

''(A) temporarily delay the notice required by subsection (b)(2);

''(B) make the determination required by subsection (b)(3), regardless of whether the notice required by subsection (b)(2) has been provided or whether the notified source has submitted any information in response to such notice;

''(C) temporarily delay the notice required by subsection (b)(4); and

''(D) exercise the authority provided in subsection (a) in accordance with such determination within 60 calendar days after the day the determination is made; and

''(2) shall take actions necessary to comply with all requirements of subsection (b) as soon as practicable after addressing the urgent national security interest, including—

''(A) providing the notice required by subsection (b)(2);

''(B) promptly considering any information submitted by the source in response to such notice, and making any appropriate modifications to the determination based on such information;

''(C) providing the notice required by subsection (b)(4), including a description of the urgent national security interest, and any modifications to the determination made in accordance with subparagraph (B); and

''(D) providing notice to the appropriate congressional committees and leadership within 7 calendar days of the covered procurement actions taken under this section.

''(d) CONFIDENTIALITY.—The notice required by subsection (b)(2) shall be kept confidential until a determination with respect to a covered procurement action has been made pursuant to subsection (b)(3).

''(e) DELEGATION.—The head of an executive agency may not delegate the authority provided in subsection (a) or the responsibility identified in subsection (g) to an official below the level one level below the Deputy Secretary or Principal Deputy Director.

''(f) ANNUAL REVIEW OF DETERMINATIONS.—The head of an executive agency shall conduct an annual review of all determinations made by such head under subsection (b) and promptly amend any covered procurement action as appropriate.

''(g) REGULATIONS.—The Federal Acquisition Regulatory Council shall prescribe such regulations as may be necessary to carry out this section.

''(h) REPORTS REQUIRED.—Not less frequently than annually, the head of each executive agency that exercised the authority provided in subsection (a) or (c) during the preceding 12-month period shall submit to the appropriate congressional committees and leadership a report summarizing the actions taken by the agency under this section during that 12-month period.

''(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the head of an executive agency to carry out a covered procurement action based solely on the fact of foreign ownership of a potential procurement source that is otherwise qualified to enter into procurement contracts with the Federal Government.

''(j) TERMINATION.—The authority provided under subsection (a) shall terminate on the date that is 5 years after the date of the enactment of the Federal Acquisition Supply Chain Security Act of 2018.

''(k) DEFINITIONS.—In this section:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term 'appropriate congressional committees and leadership' means—

''(A) the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Committee on Appropriations, the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Select Committee on Intelligence, and the majority and minority leader of the Senate; and

''(B) the Committee on Oversight and Government Reform, the Committee on the Judiciary, the Committee on Appropriations, the Committee on Homeland Security, the Committee on Armed Services, the Committee on Energy and Commerce, the Permanent Select Committee on Intelligence, and the Speaker and minority leader of the House of Representatives.

''(2) COVERED ARTICLE.—The term 'covered article' means—

''(A) information technology, as defined in section 11101 of title 40, including cloud computing services of all types;

''(B) telecommunications equipment or telecommunications service, as those terms are defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153);

''(C) the processing of information on a Federal or non-Federal information system, subject to the requirements of the Controlled Unclassified Information program; or

''(D) hardware, systems, devices, software, or services that include embedded or incidental information technology.

''(3) COVERED PROCUREMENT.—The term 'covered procurement' means—

''(A) a source selection for a covered article involving either a performance specification, as provided in subsection (a)(3)(B) of section 3306 of this title, or an evaluation factor, as provided in subsection (b)(1)(A) of such section, relating to a supply chain risk, or where supply chain risk considerations are included in the agency's determination of whether a source is a responsible source as defined in section 113 of this title;

''(B) the consideration of proposals for and issuance of a task or delivery order for a covered article, as provided in section 4106(d)(3) of this title, where the task or delivery order contract includes a contract clause establishing a requirement relating to a supply chain risk;

''(C) any contract action involving a contract for a covered article where the contract includes a clause establishing requirements relating to a supply chain risk; or

''(D) any other procurement in a category of procurements determined appropriate by the Federal Acquisition Regulatory Council, with the advice of the Federal Acquisition Security Council.

''(4) COVERED PROCUREMENT ACTION.—The term 'covered procurement action' means any of the following actions, if the action takes place in the course of conducting a covered procurement:

''(A) The exclusion of a source that fails to meet qualification requirements established under section 3311 of this title for the purpose of reducing supply chain risk in the acquisition or use of covered articles.

''(B) The exclusion of a source that fails to achieve an acceptable rating with regard to an evaluation factor providing for the consideration of supply chain risk in the evaluation of proposals for the award of a contract or the issuance of a task or delivery order.

''(C) The determination that a source is not a responsible source as defined in section 113 of this title based on considerations of supply chain risk.

''(D) The decision to withhold consent for a contractor to subcontract with a particular source or to direct a contractor to exclude a particular source from consideration for a subcontract under the contract.

''(5) INFORMATION AND COMMUNICATIONS TECHNOLOGY.—The term 'information and communications technology' means—

''(A) information technology, as defined in section 11101 of title 40;

''(B) information systems, as defined in section 3502 of title 44; and

''(C) telecommunications equipment and telecommunications services, as those terms are defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

''(6) SUPPLY CHAIN RISK.—The term 'supply chain risk' means the risk that any person may sabotage, maliciously introduce unwanted function, extract data, or otherwise manipulate the design, integrity, manufacturing, production, distribution, installation, operation, maintenance, disposition, or retirement of covered articles so as to surveil, deny, disrupt, or otherwise manipulate the function, use, or operation of the covered articles or information stored or transmitted on the covered articles.

''(7) EXECUTIVE AGENCY.—Notwithstanding section 3101(c)(1), this section applies to the Department of Defense, the Coast Guard, and the National Aeronautics and Space Administration.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of such title is amended by adding at the end the following new item:

''Sec. 4713. Authorities relating to mitigating supply chain risks in the procurement of covered articles.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act and shall apply to contracts that are awarded before, on, or after that date.

SEC. 4. FEDERAL INFORMATION SECURITY MODERNIZATION ACT.

(a) IN GENERAL.—Title 44, United States Code, is amended—

(1) in section 3553(a)(5), by inserting ''and section 1326 of title 41'' after ''compliance with the requirements of this subchapter''; and

(2) in section 3554(a)(1)(B)—

(A) by inserting '', subchapter III of chapter 13 of title 41,'' after ''complying with the requirements of this subchapter'';

(B) in clause (iv), by striking ''; and'' and inserting a semicolon; and

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

''(vi) responsibilities relating to assessing and avoiding, mitigating, transferring, or accepting supply chain risks under section 1326 of title 41, and complying with exclusion and removal orders issued under section 1323 of such title; and''.

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to alter or impede any authority or responsibility under section 3553 of title 44, United States Code.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on the date that is 90 days after the date of the enactment of this Act.

The bill (S. 3085), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

DEPARTMENT OF TRANSPORTATION REPORTS HARMONIZATION ACT

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 677, S. 3367.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3367) to amend certain transportation-related reporting requirements to improve congressional oversight, reduce reporting burdens, and promote transparency, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Transportation Reports Harmonization Act''.

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act takes effect on the date of enactment of this Act.

(b) DELAYED EFFECTIVE DATES.—Sections 6, 8, and 12 of this Act, and the amendments made by those sections, take effect on January 1, 2019.

SEC. 3. PUBLIC AVAILABILITY OF CHARGES AND FEES FOR ATTENDANCE AT UNITED STATES MERCHANT MARINE ACADEMY.

Section 51314 of title 46, United States Code, is amended by striking ''shall notify Congress of'' and inserting ''shall present at the next meeting of the Board of Visitors, and post on a publicly available website,''.

SEC. 4. PUBLIC AVAILABILITY OF INFORMATION ON ALIGNING FEDERAL ENVIRONMENTAL REVIEWS.

Section 310(f)(1) of title 49, United States Code, is amended by inserting '', and make publicly available on the Department of Transportation website,'' after ''House of Representatives''.

SEC. 5. PUBLIC AVAILABILITY OF INFORMATION ON UNIVERSITY TRANSPORTATION CENTERS PROGRAM.

Section 5505 of title 49, United States Code, is amended—

(1) in subsection (b)(5)(B), by inserting '', and make publicly available on the Department of Transportation website,'' after ''Senate''; and

(2) by amending subsection (d)(2)(B) to read as follows:

''(B) make publicly available on the Department of Transportation website a description of that review and evaluation.''.

SEC. 6. PUBLIC AVAILABILITY OF REPORTS BY INSPECTOR GENERAL OF DEPARTMENT OF TRANSPORTATION.

Section 6 of the Norman Y. Mineta Research and Special Programs Improvement Act (49 U.S.C. 108 note) is amended to read as follows:

''SEC. 6. REPORTS.

''Not later than 9 months after the date of enactment of the Department of Transportation Reports Harmonization Act—

''(1) the Secretary of Transportation shall make publicly available a list of each statutory mandate regarding pipeline safety or hazardous materials safety that has not been implemented by—

''(A) posting the list on the website of the Department of Transportation;

''(B) including the list in a regulatory flexibility agenda under section 602 of title 5, United States Code; or

''(C) providing the list in a regulatory planning document; and

''(2) the Inspector General of the Department of Transportation shall make publicly available on the website of the Office of the Inspector General a list of each open safety recommendation made by the Inspector General regarding pipeline safety or hazardous materials safety.''.

SEC. 7. PUBLIC AVAILABILITY OF SECRETARY OF TRANSPORTATION'S RESPONSES TO SAFETY RECOMMENDATIONS.

(a) IN GENERAL.—Section 1135 of title 49, United States Code, is amended—

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

''(a) SAFETY TRANSPORTATION RECOMMENDATIONS.—

''(1) IN GENERAL.—Not later than 90 days after the date that the Secretary of Transportation receives a recommendation about transportation safety from the National Transportation Safety Board, the Secretary shall submit to the Board a formal written response to the recommendation.

''(2) CONTENTS.—Each response under paragraph (1) shall indicate whether the Secretary intends—

''(A) to carry out procedures to adopt the complete recommendation;

''(B) to carry out procedures to adopt a part of the recommendation; or

''(C) to refuse to carry out procedures to adopt the recommendation.'';

(2) by amending subsection (b) to read as follows:

''(b) TIMETABLE FOR COMPLETING PROCEDURES AND REASONS FOR REFUSALS.—A response under—

''(1) subparagraph (B) or subparagraph (C) of subsection (a)(2) shall include a copy of a proposed timetable for completing the procedures;

''(2) subsection (a)(2)(B) shall detail the reasons for the refusal to carry out procedures on the remainder of the recommendation; and

''(3) subsection (a)(2)(C) shall detail the reasons for the refusal to carry out procedures.'';

(3) in subsection (c), by striking ''a copy of each recommendation and response available to the public at reasonable cost'' and inserting ''publicly available on its website each recommendation and response under subsection (a)'';

(4) in subsection (d)(2)(B), by striking ''a response under subsection (a)(2) or (a)(3)'' and inserting ''a response under subparagraph (B) or subparagraph (C) of subsection (a)(2)''; and

(5) by striking subsection (e).

(b) ANNUAL REPORT.—Section 1117 of title 49, United States Code, is amended to read as follows:

''§ 1117. Annual report

''(a) IN GENERAL.—The National Transportation Safety Board shall submit the information described in subsection (b)—

''(1) in a report to Congress on July 1 of each year; or

''(2) as part of its annual budget.

''(b) CONTENTS.—The information described in this subsection includes—

''(1) a statistical and analytical summary of the transportation accident investigations conducted and reviewed by the Board during the prior calendar year;

''(2)(A) a survey and summary of the recommendations made by the Board to reduce the likelihood of recurrence of those accidents together with the observed response to each recommendation; and

''(B) an appendix that includes, for each recommendation that was made by the Board, remains open, and requires a response from the Secretary, the most recent observed response from the Secretary to such recommendation;

''(3) a detailed appraisal of the accident investigation and accident prevention activities of other departments, agencies, and instrumentalities of the United States Government and State and local governmental authorities having responsibility for those activities under a law of the United States or a State;

''(4) a description of the activities and operations of the National Transportation Safety Board Academy during the prior calendar year;

''(5) a list of accidents, during the prior calendar year, that the Board was required to investigate under section 1131 but did not investigate and an explanation of why they were not investigated; and

''(6) a list of ongoing investigations that have exceeded the expected time allotted for completion by Board order and an explanation for the additional time required to complete each such investigation.''.

SEC. 8. CONSISTENCY IN RESPONSE REQUIREMENTS TO NTSB SAFETY RECOMMENDATIONS.

Section 19 of the Pipeline Safety Improvement Act of 2002 (49 U.S.C. 1135 note) is amended to read as follows:

''SEC. 19. NTSB SAFETY RECOMMENDATIONS.

''The Secretary of Transportation, the Administrator of the Pipeline and Hazardous Materials Safety Administration, and the Director of the Office of Pipeline Safety shall fully comply with section 1135 of title 49, United States Code, to ensure timely responsiveness to National Transportation Safety Board recommendations about pipeline safety.''.

SEC. 9. STREAMLINED REPORTING FOR THE NATIONAL MARITIME HERITAGE GRANTS PROGRAM.

Section 308703(j) of title 54, United States Code, is amended to read as follows:

''(j) STATUS REPORTS.—The Secretary shall include in the annual budget submission of the Department of the Interior a description of the current status of the Program, including—

''(1) the total number of grant applications submitted and approved under the Program in the prior fiscal year;

''(2) a description, including any results or any accomplishments, of each project funded under the Program in the prior fiscal year; and

''(3) recommended priorities for achieving the policy set forth in section 308701 of this title.''.

SEC. 10. PERIODIC UPDATES TO HIGHWAY-RAIL CROSSING REPORTS AND PLANS.

(a) HIGHWAY-RAIL GRADE CROSSING SAFETY.—

(1) IN GENERAL.—Section 11401 of the Fixing America's Surface Transportation Act (49 U.S.C. 24407 note) is amended—

(A) in subsection (b), by striking ''(49 U.S.C. 22501 note)'' each place it appears and inserting ''(49 U.S.C. 24407 note)'';

(B) by striking subsection (c); and

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

(2) REPORTS ON HIGHWAY-RAIL GRADE CROSSING SAFETY.—

(A) IN GENERAL.—Chapter 201 of title 49, United States Code, is amended by inserting after section 20166 the following:

''§ 20167. Reports on highway-rail grade crossing safety

''(a) REPORT.—Not later than 2 years after the deadline for States to submit State highway-rail grade crossing action plans under section 11401(b) of the Fixing America's Surface Transportation Act (49 U.S.C. 24407 note), the Administrator of the Federal Railroad Administration, in consultation with the Administrator of the Federal Highway 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 report on the State highway-rail grade crossing action plans, including—

''(1) an analysis and evaluation of each State railway-highway crossings program under section 130 of title 23, including—

''(A) compliance with section 11401 of the Fixing America's Surface Transportation Act (49 U.S.C. 24407 note) and section 130(g) of title 23; and

''(B) the specific strategies identified by each State to improve safety at highway-rail grade crossings, including crossings with multiple accidents or incidents;

''(2) the progress of each State in implementing its State highway-rail grade crossing action plan;

''(3) the number of projects undertaken under section 130 of title 23, including their distribution by cost range, road system, nature of treatment, and subsequent accident experience at improved locations;

''(4) each State that is not in compliance with its schedule of projects under section 130(d) of title 23; and

''(5) any recommendations for future implementation of the railroad highway crossings program under section 130 of title 23.

''(b) UPDATES.—Not later than 5 years after the date the report under subsection (a) is submitted, the Administrator of the Federal Railroad Administration, in consultation with the Administrator of the Federal Highway Administration, shall—

''(1) update the report based on the State reports submitted under section 130(g) of title 23 and any other information obtained by or available to the Administrator of the Federal Railroad Administration; and

''(2) submit the updated report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

''(c) DEFINITIONS.—In this section:

''(1) HIGHWAY-RAIL GRADE CROSSING.—The term 'highway-rail grade crossing' means a location within a State, other than a location where 1 or more railroad tracks cross 1 or more railroad tracks at grade, where—

''(A) a public highway, road, or street, or a private roadway, including associated sidewalks and pathways, crosses 1 or more railroad tracks either at grade or grade-separated; or

''(B) a pathway explicitly authorized by a public authority or a railroad carrier that is dedicated for the use of non-vehicular traffic, including pedestrians, bicyclists, and others, that is not associated with a public highway, road, or street, or a private roadway, crosses 1 or more railroad tracks either at grade or grade-separated.

''(2) STATE.—The term 'State' means a State of the United States or the District of Columbia.''.

(B) TABLE OF CONTENTS.—The table of contents of chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20166 the following:

''20167. Reports on highway-rail grade crossing safety.''.

(b) IN GENERAL.—Section 130(g) of title 23, United States Code, is amended to read as follows:

''(g) ANNUAL REPORT.—

''(1) IN GENERAL.—Not later than December 30 of each year, each State shall submit to the Administrator of the Federal Highway Administration a report on the progress being made to implement the railway-highway crossings program authorized by this section and the effectiveness of such improvements.

''(2) CONTENTS.—Each State report shall contain an assessment of the costs of the various treatments employed and subsequent accident experience at improved locations.

''(3) COORDINATION.—The Administrator of the Federal Highway Administration shall make available to the Administrator of the Federal Railroad Administration each report submitted under paragraph (1).''.

SEC. 11. UPDATES TO HAZARDOUS MATERIALS GRANT PROGRAMS AND REPORTS.

(a) PLANNING AND TRAINING GRANTS, MONITORING, AND REVIEW.—Section 5116(j) of title 49, United States Code, is amended to read as follows:

''(j) LIST OF GRANTS.—

''(1) IN GENERAL.—Not later than 120 days after the date of enactment of the Department of Transportation Reports Harmonization Act, and annually thereafter, the Secretary shall—

''(A) compile a list of the grants made—

''(i) under subsections (a) and (i) of this section; and

''(ii) under subsections (e) and (i) of section 5107; and

''(B) make the list publicly available on the Department of Transportation website, including—

''(i) the identity of all final recipients of such grants;

''(ii) the allocation and uses of such grants; and

''(iii) information on the effects of such grants, such as the number of persons trained, by training level.''.

(b) BIENNIAL REPORT ON TRANSPORTATION OF HAZARDOUS MATERIALS.—Section 5121 of title 49, United States Code, is amended by striking subsection (h) and inserting the following:

''(h) COMPILATION OF ACCIDENTS AND CASUALTIES.—The Secretary shall make publicly available on the Department of Transportation website, and update at least biennially, a statistical compilation of accidents and casualties related to the transportation of hazardous material.

''(i) BUDGET SUBMISSION.—The Secretary shall include in the annual budget submission of the Department of Transportation—

''(1) an evaluation of the effectiveness of enforcement activities relating to a function regulated by the Secretary under section 5103(b)(1); and

''(2) a summary of outstanding problems in carrying out this chapter, in order of priority.''.

(c) DISCLOSURE OF AGENCY ACTION.—Section 5117(g) of title 49, United States Code, is amended to read as follows:

''(g) DISCLOSURE OF AGENCY ACTION.—The Secretary shall—

''(1) periodically, but at least every 120 days—

''(A) publish in the Federal Register notice of the final disposition of each application for a

new special permit, modification to an existing special permit, or approval during the preceding quarter; and

''(B) make available to the public on the Department of Transportation website—

''(i) notice of the final disposition of any other special permit during the preceding quarter;

''(ii) a list of special permits in effect; and

''(iii) a summary of the basis for each special permit; and

''(2) make available to the public on the Department of Transportation website, and update at least biennially, a list and summary of applicable Government regulations, criteria, orders, guidance, and special permits relating to the transportation of hazardous materials.''.

SEC. 12. ELIMINATING UNNECESSARY REPORTING REQUIREMENTS FOR THE REGIONAL INFRASTRUCTURE ACCELERATOR DEMONSTRATION PROGRAM.

Section 1441(e) of the Fixing America's Surface Transportation Act (23 U.S.C. 601 note) is amended to read as follows:

''(e) ANNUAL REPORT.—Each fiscal year that funds are made available to carry out the program, the Secretary shall submit to Congress, not later than 30 days after the date that fiscal year ends, a report that describes the findings and effectiveness of the program.''.

SEC. 13. CONSOLIDATED REPORTING ON STATUTORY MANDATES AND RECOMMENDATIONS.

Section 106 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20101 note) is amended to read as follows:

''SEC. 106. REPORTS ON STATUTORY MANDATES AND RECOMMENDATIONS.

''The Secretary shall—

''(1) not later than 1 year after the date of enactment of the Department of Transportation Reports Harmonization Act, describe the actions the Secretary has taken to implement unmet statutory mandates regarding railroad safety;

''(2) update the description under paragraph (1) not less than annually; and

''(3) make the description, including any updates thereto, available by—

''(A) posting the description on the website of the Department of Transportation;

''(B) including the description in the regulatory flexibility agenda under section 602 of title 5, United States Code; or

''(C) providing the description in a regulatory planning document.''.

SEC. 14. REPORTING ON THE NORTHEAST CORRIDOR.

(a) NORTHEAST CORRIDOR SAFETY COMMITTEE REPORT.—Section 24905(e) of title 49, United States Code, is amended by striking paragraph (3).

(b) CONTENTS OF GRANT REQUESTS.—

(1) IN GENERAL.—Section 24319(c) of title 49, United States Code, is amended—

(A) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) describe the status of efforts to improve safety and security on the Northeast Corridor main line, including a description of any efforts to implement recommendations of relevant railroad safety advisory committees.''.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection or an amendment made by this subsection shall affect a grant request made under section 24319 of title 49, United States Code, before the date of enactment of this Act.

SEC. 15. IN-VEHICLE ALCOHOL DETECTION DEVICE RESEARCH REPORTS.

Section 403 of title 23, United States Code, is amended—

(1) in subsection (f)(1), by striking ''subsection 402(c)'' and inserting ''section 402(c)''; and

(2) in subsection (h)(4), in the matter preceding subparagraph (A), by striking ''submit an annual report'' and inserting ''submit a biennial report''.

SEC. 16. HIGHWAY SAFETY PROGRAMS REPORT TO CONGRESS.

(a) DOT REPORTS.—Section 402 of title 23, United States Code, is amended by striking subsection (n) and inserting the following:

''(n) PUBLIC TRANSPARENCY.—The Secretary shall publicly release on its website information that contains each State's performance with respect to the State's highway safety plan under subsection (k) and performance targets set by the States in such plans. Such information shall be posted on the website within 45 calendar days of approval of a State's highway safety plan.''.

(b) GAO REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the highway safety programs under section 402 of title 23, United States Code. In carrying out the review, the Comptroller General shall review States' progress in achieving safety performance targets, including how States are utilizing grants and problems encountered in achieving such targets.

(2) SUBMISSION.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives that contains the results of the study conducted under paragraph (1), including any recommendations for improvements to State activities and the Secretary of Transportation's administration of the highway safety programs.

SEC. 17. WAIVER NOTIFICATION AND ANNUAL REPORTS.

Section 117(b) of the SAFETEA–LU Technical Corrections Act of 2008 (23 U.S.C. 313 note) is amended by striking ''submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a'' and inserting ''make publicly available on the Department of Transportation website an annual''.

SEC. 18. CESSATION OF CERTAIN ADVISORY COUNCILS AND ADVISORY COMMITTEES.

(a) ADVISORY COUNCIL ON TRANSPORTATION STATISTICS.—Section 6305 of title 49, United States Code, is amended by adding at the end the following:

''(f) SUNSET.—The advisory council established under this section ceases to exist effective January 1, 2019.''.

(b) NORTHEAST CORRIDOR SAFETY COMMITTEE.—Section 24905(e) of title 49, United States Code, as amended by this Act, is further amended by striking paragraph (2) and inserting the following:

''(2) SUNSET.—The Committee established under this subsection ceases to exist on the date that the Secretary determines positive train control, as required by section 20157, is fully implemented along the Northeast Corridor.''.

(c) NATIONAL RAIL COOPERATIVE RESEARCH PROGRAM OVERSIGHT COMMITTEE.—Section 24910(c) of title 49, United States Code, is amended by adding at the end the following:

''(3) SUNSET.—The advisory board established under this subsection ceases to exist effective January 1, 2019.''.

Mr. BOOZMAN. I ask unanimous consent that the committee-reported substitute amendment be withdrawn; that the Thune substitute amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendment in the nature of a substitute was withdrawn.

The amendment (No. 4159) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Transportation Reports Harmonization Act''.

SEC. 2. PUBLIC AVAILABILITY OF CHARGES AND FEES FOR ATTENDANCE AT UNITED STATES MERCHANT MARINE ACADEMY.

Section 51314(b) of title 46, United States Code, is amended by striking ''shall notify Congress of'' and inserting ''shall present at the next meeting of the Board of Visitors, and post on a publicly available website,''.

SEC. 3. PUBLIC AVAILABILITY OF INFORMATION ON ALIGNING FEDERAL ENVIRONMENTAL REVIEWS.

Section 310(f)(1) of title 49, United States Code, is amended by inserting '', and make publicly available on the Department of Transportation website,'' after ''House of Representatives''.

SEC. 4. REPORTING ON THE NORTHEAST CORRIDOR.

(a) NORTHEAST CORRIDOR SAFETY COMMITTEE REPORT.—Section 24905(e) of title 49, United States Code, is amended by striking paragraph (3).

(b) CONTENTS OF GRANT REQUESTS.—

(1) IN GENERAL.—Section 24319(c) of title 49, United States Code, is amended—

(A) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) describe the status of efforts to improve safety and security on the Northeast Corridor main line, including a description of any efforts to implement recommendations of relevant railroad safety advisory committees.''.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection or an amendment made by this subsection shall affect a grant request made under section 24319 of title 49, United States Code, before the date of enactment of this Act.

SEC. 5. HIGHWAY SAFETY PROGRAMS REPORT TO CONGRESS.

(a) DOT REPORTS.—Section 402 of title 23, United States Code, is amended by striking subsection (n) and inserting the following:

''(n) PUBLIC TRANSPARENCY.—The Secretary shall publicly release on its website information that contains each State's performance with respect to the State's highway safety plan under subsection (k) and performance targets set by the States in such plans. Such information shall be posted on the website within 45 calendar days of approval of a State's highway safety plan.''.

(b) GAO REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the highway safety programs under section 402 of title 23, United States Code. In carrying out the review, the Comptroller General shall review States' progress in achieving safety performance targets, including how States are utilizing grants and problems encountered in achieving such targets.

(2) SUBMISSION.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives that contains the results of

the study conducted under paragraph (1), including any recommendations for improvements to State activities and the Secretary of Transportation's administration of the highway safety programs.

SEC. 6. CESSATION OF CERTAIN ADVISORY COUNCILS AND ADVISORY COMMITTEES.

(a) NORTHEAST CORRIDOR SAFETY COMMITTEE.—Section 24905(e) of title 49, United States Code, as amended by this Act, is further amended by striking paragraph (2) and inserting the following:

''(2) SUNSET.—The Committee established under this subsection ceases to exist on the date that the Secretary determines positive train control, as required by section 20157, is fully implemented along the Northeast Corridor.''.

(b) NATIONAL RAIL COOPERATIVE RESEARCH PROGRAM OVERSIGHT COMMITTEE.—Section 24910(c) of title 49, United States Code, is amended by adding at the end the following:

''(3) SUNSET.—The advisory board established under this subsection ceases to exist effective January 1, 2019.''.

SEC. 7. TECHNICAL AMENDMENTS TO RAIL IMPROVEMENT GRANTS.

(a) REDESIGNATION.—Subtitle V of title 49, United States Code, is amended—

(1) by redesignating sections 24401 through 24408 as sections 22901 through 22908, respectively;

(2) by redesignating chapter 244 as chapter 229;

(3) by moving chapter 229, as redesignated, to appear at the end of part B;

(4) in the table of chapters—

(A) by striking the item relating to chapter 244; and

(B) by inserting after the item relating to chapter 227 the following:

''Chapter 229. Rail Improvement Grants ..... 22901'';

and

(5) by amending the table of sections for chapter 229, as redesignated, to read as follows:

''CHAPTER 229—RAIL IMPROVEMENT GRANTS

''Sec.
''22901. Definitions.
''22902. Capital investment grants to support intercity passenger rail services.
''22903. Project management oversight.
''22904. Use of capital grants to finance first-dollar liability of grant project.
''22905. Grant conditions.
''22906. Authorization of appropriations.
''22907. Consolidated rail infrastructure and safety improvements.
''22908. Restoration and enhancement grants.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TECHNICAL AMENDMENTS.—Chapter 229 of title 49, United States Code, as redesignated, is amended—

(A) in section 22902, as redesignated—

(i) in subsection (c)(3)(A)—

(I) in the matter preceding clause (i), by inserting ''of'' after ''other modes''; and

(II) in clause (vi) by striking ''environmentally'' and inserting ''environmental''; and

(ii) in subsection (k), by striking ''state rail plan'' and inserting ''State rail plan''; and

(B) in section 22905(e)(1), as redesignated—

(i) by striking ''government authority'' and inserting ''governmental authority''; and

(ii) by striking ''section 5302(11) and (6), respectively, of this title'' and inserting ''section 5302''.

(2) CONFORMING AMENDMENTS.—Chapter 229 of title 49, United States Code, as redesignated, is amended—

(A) in section 22901(2)(D), as redesignated, by striking ''24404'' and inserting ''22904'';

(B) in section 22904, as redesignated, by striking ''24402'' and inserting ''22902'';

(C) in section 22905(e)(1), as redesignated, by striking ''24102(4) of this title'' and inserting ''24102'';

(D) in section 22907, as redesignated—

(i) in subsection (c)(2), by striking ''24401(2)'' and inserting ''22901(2)''; and

(ii) in subsection (k), by striking ''of sections 24402, 24403, and 24404 and the definition contained in 24401(1)'' and inserting ''under sections 22902, 22903, and 22904, and the definition contained in section 22901(1)''; and

(E) in section 22908, as redesignated—

(i) in subsection (a), in the matter preceding paragraph (1), by striking ''24401(1)'' and inserting ''22901(1)''; and

(ii) in subsection (i)(3), by striking ''24405'' and inserting ''22905''.

(3) ADDITIONAL CONFORMING AMENDMENTS.—

(A) SUBTITLE V.—Subtitle V of title 49, United States Code, is amended—

(i) in part C—

(I) in section 24102(7)(D)(ii), by striking ''chapter 244'' and inserting ''chapter 229'';

(II) in section 24103, by inserting ''or chapter 229'' after ''this part'' each place it appears;

(III) in section 24711(c)(3), by striking ''24405'' and inserting ''22905''; and

(IV) in section 24911(i), by striking ''24405'' and inserting ''22905''; and

(ii) in part D, in section 26106(e)(3), by striking ''24405 of this title'' and inserting ''22905''.

(B) RAILROAD SAFETY ENHANCEMENT ACT OF 2008.—The Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432) is amended—

(i) in section 301(c) (49 U.S.C. 24405 note), by striking ''24405(a)'' and inserting ''22905(a)''; and

(ii) in section 502(a)(4)(I) (49 U.S.C. 26106 note), by striking ''24405'' and inserting ''22905''.

(C) FAST ACT.—The Fixing America's Surface Transportation Act (Public Law 114–94; 129 Stat. 1312) is amended—

(i) in section 11102, by adding at the end the following:

''(c) CONFORMING PROVISION FOR REDESIGNATION OF APPLICABLE SECTION.—Any amounts authorized under this section for grants or project management oversight under section 24407 of such title shall be deemed to refer to grants or project management oversight under section 22907 of such title on or after the date of enactment of the Department of Transportation Reports Harmonization Act.'';

(ii) in section 11104, by adding at the end the following:

''(c) CONFORMING PROVISION FOR REDESIGNATION OF APPLICABLE SECTION.—Any amounts authorized under this section for grants or project management oversight under section 24408 of such title shall be deemed to refer to grants or project management oversight under section 22908 of such title on or after the date of enactment of the Department of Transportation Reports Harmonization Act.'';

(iii) in section 11308(a)(4)(I), by striking ''24405'' and inserting ''22905''; and

(iv) in section 11401(b)(5), by striking ''chapter 244'' and inserting ''chapter 229''.

The bill (S. 3367), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

DOUGLAS FOURNET DEPARTMENT OF VETERANS AFFAIRS CLINIC

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 3444 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3444) to designate the community-based outpatient clinic of the Department of Veterans Affairs in Lake Charles, Louisiana, as the ''Douglas Fournet Department of Veterans Affairs Clinic.''

The PRESIDING OFFICER. Is there objection to proceeding to the measure?

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

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

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

The amendment (No. 4160) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. DESIGNATION OF DOUGLAS FOURNET DEPARTMENT OF VETERANS AFFAIRS CLINIC IN LAKE CHARLES, LOUISIANA.

(a) DESIGNATION.—The community-based outpatient clinic of the Department of Veterans Affairs in Lake Charles, Louisiana, shall after the date of the enactment of this Act be known and designated as the ''Douglas Fournet Department of Veterans Affairs Clinic'' or the ''Douglas Fournet VA Clinic''.

(b) REFERENCE.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the community-based outpatient clinic referred to in subsection (a) shall be considered to be a reference to the Douglas Fournet Department of Veterans Affairs Clinic.

The bill (S. 3444) was ordered to be engrossed for a third reading, was read the third time, and passed.

EFFECTIVE PROSECUTION OF POSSESSION OF BIOLOGICAL TOXINS AND AGENTS ACT OF 2018

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 2 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2) to amend section 175b of title 18, United States Code, to correct a scrivener's error.

The PRESIDING OFFICER. Is there objection to proceeding to the measure?

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. BOOZMAN. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 2) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2

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 ''Effective Prosecution of Possession of Biological Toxins and Agents Act of 2018''.

SEC. 2. PROHIBITION ON THE POSSESSION OF BIOLOGICAL TOXINS AND AGENTS.

Section 175b of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''(a)(1) No restricted'' and all that follows through the end of paragraph (1) and inserting the following:

''(a) OFFENSE.—

''(1) IN GENERAL.—It shall be unlawful for a restricted person to—

''(A) ship, transport, or possess in or affecting interstate or foreign commerce any biological agent or toxin described in paragraph (2); or

''(B) receive any biological agent or toxin described in paragraph (2) that has been shipped or transported in interstate or foreign commerce.

''(2) AGENTS AND TOXINS COVERED.—A biological agent or toxin described in this paragraph is a biological agent or toxin that—

''(A) is listed as a non-overlap or overlap select biological agent or toxin under part 73 of title 42, Code of Federal Regulations, pursuant to section 351A of the Public Health Service Act (42 U.S.C. 262a); and

''(B) is not excluded or exempted under part 73 of title 42, Code of Federal Regulations.''; and

(B) by striking ''(2) Whoever'' and inserting ''(3) PENALTY.—Whoever'' and adjusting the margin accordingly; and

(2) in subsection (d), in the matter preceding paragraph (1), by inserting ''DEFINITIONS.—'' before ''In this section:''.

FOREVER GI BILL HOUSING PAYMENT FULFILLMENT ACT OF 2018

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3777, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3777) to require the Secretary of Veterans Affairs to establish a tiger team dedicated to addressing the difficulties encountered by the Department of Veterans Affairs in carrying out section 3313 of title 38, United States Code, after the enactment of sections 107 and 501 of the Harry W. Colmery Veterans Educational Assistance Act of 2017.

The PRESIDING OFFICER. Is there objection to proceeding to the measure?

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

Mr. BOOZMAN. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 3777) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3777

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 ''Forever GI Bill Housing Payment Fulfillment Act of 2018''.

SEC. 2. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) On August 16, 2017, the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48) (known by some as the ''Forever GI Bill'') was enacted into law.

(2) Such Act makes certain improvements to the Post-9/11 Educational Assistance program for veterans, including improvements relating to how the Secretary of Veterans Affairs calculates the amount of payments for monthly housing stipends under that program.

(3) Section 107 of such Act (Public Law 115–48; 33 U.S.C. 3313 note) requires the Secretary to calculate the amount of payments for monthly housing stipends based on the location of the campus of the institution of higher learning where the individual attends classes, a change from the previous direction to make such calculation based on the location of the institution of higher learning.

(4) Section 501 of such Act (Public Law 115–48; 37 U.S.C. 403 note) repeals the inapplicability of a modification of the basic allowance for housing for members of the uniformed services to benefits administered by the Department of Veterans Affairs.

(5) The amendments made by section 107 and 501 of such Act became effective on August 1, 2018, and January 1, 2018, respectively.

(6) Representatives of the Department of Veterans Affairs have stated that the Department will not be able to determine proper payment amounts based on the amendment made by section 107 of such Act until December 1, 2019.

(7) Representatives of the Department have also stated that outdated information technology systems have stymied efforts to update necessary information that enable proper housing payments as required by the provisions of law amended by sections 107 and 501 of such Act.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) as soon as possible, the Secretary of Veterans Affairs should end the making of improper payment amounts for monthly stipends under section 3313 of title 38, United States Code;

(2) by January 1, 2020, the Secretary should make whole the individuals entitled to payments of monthly stipends under section 3313 of title 38, United States Code, who have been underpaid as a result of the difficulties encountered by the Department of Veterans Affairs in carrying out such section after the enactment of sections 107 and 501 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48); and

(3) no individuals entitled to payments of monthly stipend under section 3313 of title 38, United States Code, who have been overpaid as a result of the difficulties encountered by the Department in carrying out such section after the enactment of sections 107 and 501 of such Act should have overpayments recuperated by the Department.

SEC. 3. TIGER TEAM FOR HOUSING STIPENDS.

(a) ESTABLISHMENT.—Not later than one day after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a tiger team (in this section referred to as the ''Tiger Team'') dedicated to addressing the difficulties encountered by the Department of Veterans Affairs in carrying out section 3313 of title 38, United States Code, after the enactment of sections 107 and 501 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note).

(b) COMPOSITION.—Not later than 15 days after the date of the enactment of this Act, the Secretary shall submit to Congress the names and titles of the employees of the Department who compose the Tiger Team established under subsection (a), including the name and title of the senior-level employee of the Department who serves as the lead accountable official of the Tiger Team.

(c) DUTIES.—

(1) SUBMISSION TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Tiger Team shall submit to Congress the following:

(A) A plan describing the following:

(i) How the Secretary will obtain the information necessary to determine the correct payment amounts for monthly stipends under section 3313 of title 38, United States Code, made after the enactment of sections 107 and 501 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note), from officials responsible for the certification of payments of monthly stipends made under section 3313 of such title.

(ii) How the Secretary will modify the relevant information technology systems of the Department to correct the payment amounts for monthly stipends under section 3313 of such title made after the enactment of sections 107 and 501 of such Act (Public Law 115–48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note) that were deficient.

(iii) How the Secretary will identify all of the individuals who received payments of monthly stipends under section 3313 of such title that were not in compliance with such section, after the enactment of sections 107 and 501 of such Act (Public Law 115–48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note).

(iv) How the Secretary will notify the individuals described in clause (iii).

(v) The procedures the Secretary will use to correct the payments of monthly stipends under section 3313 of such title that were deficient as a result of the difficulties encountered by the Department of Veterans Affairs in carrying out such section after the enactment of sections 107 and 501 of such Act (Public Law 115–48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note).

(B) A complete timeline for the implementation of the plan described in subparagraph (A).

(C) Any additional funding and personnel requirements necessary to support the implementation of the plan described in subparagraph (A), including any such requirements as may be necessary for staffing increases or relevant improvements to the information technology infrastructure of the Department.

(2) IMPLEMENTATION.—

(A) IN GENERAL.—The Secretary shall implement the plan submitted under paragraph (1)(A).

(B) PERIODIC UPDATES.—Not less frequently than once every 90 days after submission of

the items under paragraph (1), the Tiger Team shall submit to Congress an update on the implementation of the plan described in subparagraph (A) of such paragraph.

(3) FINAL REPORT.—

(A) IN GENERAL.—Not later than July 1, 2020, the Tiger Team shall submit to the appropriate congressional committees a final report on the activities and findings of the Tiger Team.

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) The number of individuals who were affected by payments of monthly stipends under section 3313 of title 38, United States Code, that were not in compliance with such section after the enactment of sections 107 and 501 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note).

(ii) The number of individuals described in clause (i) who received deficient payments as a result of the difficulties encountered by the Department in carrying out section 3313 of such title after the enactment of sections 107 and 501 of such Act (Public Law 115–48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note), and the total amount of the deficiency for each individual, disaggregated by State.

(iii) The number of individuals described in clause (ii) who have not received the amount of monthly stipend to which such individuals are entitled under section 3313 of such title and an explanation of why such individuals have not received such amounts.

(iv) A certification of whether the Department is fully compliant with sections 107 and 501 of such Act (Public Law 115–48; 38 U.S.C. 3313 note and 37 U.S.C. 403 note).

(C) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this paragraph, the term ''appropriate congressional committees'' means the following:

(i) The Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate.

(ii) The Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.

(d) TERMINATION.—On the date that is 60 days after the date on which the Tiger Team submits the final report required by subsection (c)(3), the Secretary shall terminate the Tiger Team established under subsection (a).

VEHICULAR TERRORISM PREVENTION ACT OF 2018

Mr. BOOZMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of H.R. 4227 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 4227) to require the Secretary of Homeland Security to examine what actions the Department of Homeland Security is undertaking to combat the threat of vehicular terrorism, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the measure.

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

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

The amendment (No. 4162) was agreed to, as follows:

(Purpose: To modify the bill)

On page 2, line 16, insert ''and the Committee on Commerce, Science, and Transportation'' after ''Affairs''.

On page 3, strike lines 17 through 20 and insert the following:

(2) VEHICULAR TERRORISM.—The term ''vehicular terrorism'' means an action that utilizes automotive transportation to commit terrorism (as defined in section 2(18) of the Homeland Security Act of 2002 (6 U.S.C. 101(18))).

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

The bill was read the third time.

The bill (H.R. 4227), as amended, was passed.

COUNTERING WEAPONS OF MASS DESTRUCTION ACT OF 2018

Mr. BOOZMAN. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7213, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 7213) to amend the Homeland Security Act of 2002 to establish the Countering Weapons of Mass Destruction Office, and for other purposes.

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

Mr. BOOZMAN. I ask unanimous consent that the bill be considered read a third time.

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

The bill was ordered to a third reading and was read the third time.

Mr. BOOZMAN. I know of no further debate on the bill.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 7213) was passed.

Mr. BOOZMAN. 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.

NAISMITH MEMORIAL BASKETBALL HALL OF FAME COMMEMORATIVE COIN ACT

Mr. BOOZMAN. I ask unanimous consent that the Banking Committee be discharged and the Senate proceed to the immediate consideration of H.R. 1235.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 1235) to require the Secretary of the Treasury to mint coins in recognition of the 60th Anniversary of the Naismith Memorial Basketball Hall of Fame.

There being no objection, the committee was discharged, and the Senate proceeded to consider the measure.

Mr. BOOZMAN. I ask unanimous consent that the bill be considered read a third time.

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

The bill was ordered to a third reading and was read the third time.

Mr. BOOZMAN. I know of no further debate on the bill.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 1235) was passed.

Mr. BOOZMAN. 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.

ORDERS FOR WEDNESDAY, DECEMBER 19, 2018

Mr. BOOZMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, December 19; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate proceed to executive session and resume consideration of the Maguire nomination.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BOOZMAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 10:07 p.m., adjourned until Wednesday, December 19, 2018, at 10 a.m.