

data assets of such agency or unit acquired or accessed under this subchapter to develop evidence while protecting such assets from inappropriate access and use, in accordance with the regulations promulgated under subsection (b).

“(b) REGULATIONS FOR ACCESSIBILITY OF NONPUBLIC DATA ASSETS.—The Director shall promulgate regulations, in accordance with applicable law, for statistical agencies and units to carry out the requirement under subsection (a). Such regulations shall include the following:

“(1) Standards for each statistical agency or unit to assess each data asset owned or accessed by the statistical agency or unit for purposes of categorizing the sensitivity level of each such asset and identifying the corresponding level of accessibility to each such asset. Such standards shall include—

“(A) common sensitivity levels and corresponding levels of accessibility that may be assigned to a data asset, including a requisite minimum and maximum number of sensitivity levels for each statistical agency or unit to use;

“(B) criteria for determining the sensitivity level and corresponding level of accessibility of each data asset; and

“(C) criteria for determining whether a less sensitive and more accessible version of a data asset can be produced.

“(2) Standards for each statistical agency or unit to improve access to a data asset pursuant to paragraph (1) or (3) by removing or obscuring information in such a manner that the identity of the data subject is less likely to be reasonably inferred by either direct or indirect means.

“(3) A requirement for each statistical agency or unit to conduct a comprehensive risk assessment of any data asset acquired or accessed under this subchapter prior to any public release of such asset, including standards for such comprehensive risk assessment and criteria for making a determination of whether to release the data.

“(4) Requirements for each statistical agency or unit to make any process or assessment established, produced, or conducted pursuant to this section transparent and easy to understand, including the following:

“(A) A requirement to make information on the assessment of the sensitivity level of each data asset conducted pursuant to paragraph (1) available on the Federal data catalogue established under section 3511(c)(1).

“(B) A requirement to make any comprehensive risk assessment, and associated determinations, conducted under paragraph (3) available on the Federal data catalogue established under section 3511(c)(1).

“(C) A requirement to make any standard or policy established by the statistical agency or unit to carry out this section and any assessment conducted under this section easily accessible on the public website of such agency or unit.

“(c) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall—

“(1) make public all standards and policies established under this section; and

“(2) ensure that statistical agencies and units have the ability to make information public on the Federal data catalogue established under section 3511(c)(1), in accordance with requirements established pursuant to subsection (b).

**“§ 3583. Application to access data assets for developing evidence**

“(a) STANDARD APPLICATION PROCESS.—The Director shall establish a process through which agencies, the Congressional Budget Office, State, local, and Tribal governments, researchers, and other individuals, as appropriate, may apply to access the data assets accessed or acquired under this subchapter

by a statistical agency or unit for purposes of developing evidence. The process shall include the following:

“(1) Sufficient detail to ensure that each statistical agency or unit establishes an identical process.

“(2) A common application form.

“(3) Criteria for statistical agencies and units to determine whether to grant an applicant access to a data asset.

“(4) Timeframes for prompt determinations by each statistical agency or unit.

“(5) An appeals process for adverse decisions and noncompliance with the process established under this subsection.

“(6) Standards for transparency, including requirements to make the following information publicly available:

“(A) Each application received.

“(B) The status of each application.

“(C) The determination made for each application.

“(D) Any other information, as appropriate, to ensure full transparency of the process established under this subsection.

“(b) CONSULTATION.—In establishing the process required under subsection (a), the Director shall consult with stakeholders, including the public, agencies, State and local governments, and representatives of non-governmental researchers.

“(c) IMPLEMENTATION.—The head of each statistical agency or unit shall implement the process established under subsection (a).”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 35 of title 44, United States Code, as amended by preceding provisions of this Act, is further amended by adding at the end the following:

“PART D—ACCESS TO DATA FOR EVIDENCE  
“3581. Presumption of accessibility for statistical agencies and units.

“3582. Expanding secure access to CIPSEA data assets.

“3583. Application to access data assets for developing evidence.”

(c) DEADLINE FOR GUIDANCE AND IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall promulgate or issue any regulation or guidance required by subchapter III of title 44, United States Code, as amended by this section, with a requirement for such regulation or guidance to be implemented not later than 1 year after the date on which such regulation or guidance has been promulgated or issued.

**TITLE IV—GENERAL PROVISIONS**

**SEC. 401. RULE OF CONSTRUCTION.**

Nothing in this Act, or the amendments made by this Act, may be construed—

(1) to require the disclosure of information or records that are exempt from disclosure under section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”);

(2) to create or expand an exemption from disclosure under such section;

(3) to override, limit, or otherwise affect intellectual property rights, including rights under titles 17 and 35, United States Code;

(4) to affect the authority of a Federal agency regarding the use, disclosure, or licensing of—

(A) confidential business information that could be withheld under section 552(b)(4) of title 5, United States Code; or

(B) data assets restricted from disclosure under a contract or other binding, written agreement; or

(5) to affect the independence, responsibilities, or work products of an Inspector General of any agency.

**SEC. 402. USE OF EXISTING RESOURCES.**

To the extent practicable, the head of each agency shall use existing procedures and sys-

tems to carry out agency requirements and shall select existing employees for appointments under this Act and the amendments made by this Act.

**SEC. 403. EFFECTIVE DATE.**

Except as otherwise provided, this Act, and the amendments made by this Act, shall take effect on the date that is 180 days after the date of the enactment of this Act.

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. 4174), as amended, was passed.

**TRIBUTE TO HAZEN MARSHALL**

Mr. MCCONNELL. Mr. President, earlier today, I finished my yearend tributes to several of my fellow Senators, but, unfortunately, there is still one more goodbye to a very special member of my own team. It is no exaggeration at all to say that for the past 4 years, Hazen Marshall has stood squarely in the center of every consequential decision and piece of legislation that Congress has taken up. Just wrap your mind around the job: the policy director in the Senate Majority Leader’s office.

Every day that Hazen has driven here to the Capitol and parked his big pickup truck among all the hybrids and hatchbacks, he has come ready to work—as a visionary strategist, a lead negotiator, a graceful manager, a constant resource to key players on both sides of the aisle—basically, something like an air traffic controller for the U.S. Senate.

Now, with a job like that, it is no wonder that when my chief of staff and I set out to lure Hazen back to the Capitol to join our team in 2014, it didn’t start out as an easy sell. For one thing, he had already served 18 years of hard time here.

Hazen started out as an intern for his home State Senator, Don Nickles. Now, the way I hear it all these years later, he may or may not have missed the official deadline for submitting his internship application, but this agriculture and economics whiz from Oklahoma State was exactly what the office needed, with a farm bill coming up. So they brought him on.

By the time he departed the Senate with Don for greener pastures, he had shot up through the ranks and become staff director on the Senate Budget Committee. Everybody knew Hazen, and they knew that he knew everything. Everyone loved working with him. He had become a part of this institution in his own right.

We knew he would need some good luck to persuade him to write a sequel to all of that, but our fortunes turned around when Hazen volunteered to come down to Kentucky in the last days of my 2014 campaign.

With the atmosphere of public service and the camaraderie and old friendships already in place with so many of his would-be colleagues, well, I think

the old bug hit Hazen again right then and right there. I am sure it didn't hurt when we actually won the majority that year, too.

So this policy mastermind and peerless budget expert came on board. Keep in mind that this is the guy who has only worked for two bosses in his whole life—Don Nickles and his own father. I got to be lucky No. 3.

Just a couple of things have happened since then: the early wins, like the 2015 highway bill, paving the way for reconciliation with a quick turnaround on the 2017 budget, getting tax reform off the white board and on to the President's desk, walking the narrow bipartisan balance beam of this past winter's funding agreement, and scoring a win for defense funding.

During each of these battles and many others, Hazen was right there at the center of the action. But I can't think of a single time when he himself sought to be the center of attention. As far as Hazen was concerned, his accomplishments were not Hazen Marshall's. They were the accomplishments of the leader's office, the conference, and the Senate. His victories were all team victories.

You couldn't succeed at a job like Hazen has without having thoroughly mastered the machinery of Congress, but you wouldn't be as happy doing it or make nearly so many friends along the way, unless you were in it for the right reasons.

This is a town where many folks will try to parlay any proximity to power into black-tie invitations and jump at any chance to self-promote—not Hazen. It probably doesn't hurt that he would probably rather be in the seats at Nat's Park, anyway, at his kids' performances, or on the river than at most high-society functions. But even more than that, selfishness is simply not in the man's character.

He is just rock solid, completely confident, and utterly reliable.

When I or any other Member or any staffer brought a question or problem to Hazen, we knew we would get a straight answer and we would get it fast, and it was guaranteed to be right. In every meeting, on every hard day, there was Hazen at the end of the table reassuring me and everyone else with a smile and his trademark encouraging words: "It's all good. It's all good."

He is one of the seniormost staffers in the Senate, still totally humble, still trying to buck everyone up and squeeze some smiles out of the work. And, frankly, with Hazen at the negotiating table, it almost always was "all good."

Of course, we will miss more than just Hazen's professional excellence. His humble, hard-working spirit isn't the only way he remains less of a beltway operator and more of that farm boy from Hennessy, OK. He may be one of the most savvy and well-connected guys in this city, but you had better believe that while colleagues would compare notes about the dif-

ferent trips they had taken over recess, Hazen would grin ear-to-ear while describing the latest Indy car race he had taken in.

To be fair, this is also a man of high culture. His affinity for music and theater includes the artistic pursuits of his children, Madeline and Max, and practically everything else under the sun as well.

So I don't suspect Hazen will have a hard time filling his days when the Senate reconvenes without him in January. Maybe he will dive even deeper into his CrossFit habit and convert to "two-a-days."

Certainly, his devotion to the Washington Nationals will ensure that he still faces many frustrating, stressful situations come springtime, but unlike many legislative challenges, he will be able to shoulder that burden with a cold beer in his hand.

I can't wait to see you in the stands, buddy, but I will miss you here.

Thanks so much for your service to me, to your colleagues, and, most of all, to your country.

The PRESIDING OFFICER (Mr. TILLIS). The Senator from Oregon.

#### CLIMATE CHANGE

Mr. MERKLEY. Mr. President, I am pleased to come to the floor with my colleagues from Massachusetts and Delaware to address the grave threat to America and to our planet from carbon pollution and climate chaos.

Over the last 2 weeks, representatives from nearly 200 countries have gathered together in Poland to continue the fight against climate chaos. They know that in each and every country we are seeing the impacts across this planet. There are more powerful hurricanes, like we have seen here in the United States, more destructive wildfires, like those we see in the Northwest of the United States, record breaking heat waves, air quality deterioration, loss of glaciers, loss of global ice, Arctic ice, insect-borne diseases that spread, and coral reefs dying. We are in trouble.

The scientists tell us we are now driving the sixth great extinction on planet Earth. It is being driven by human conduct, and a big factor in that is our burning of fossil fuels. We are, in fact, facing the greatest threat humankind has known on the planet. When you begin to damage your own home, you really are in a situation that needs to be immediately addressed.

It was back in 1959 that Edward Teller, a famed scientist, gave a speech to the 100th anniversary of the petroleum industry. He said: This energy that you have unleashed has done amazing things on the planet. It has given so much ability for humankind to magnify their efforts.

There was a lot of positive in that, but then the scientist, Edward Teller, went on to say: But there are a couple of challenges here, one of which is that

there are only so many fossil fuels in the ground and so, at some point, we will run out.

Of course, we know that there are a lot more fossil fuels in the ground now than we knew about in 1959.

He said that there is a second problem. When you burn this stuff, it creates an invisible, odorless gas. So it doesn't really sound like a challenge, but it traps heat. He said that because it traps heat, it will melt the poles, it will raise the oceans, and that will be a problem for humankind because humankind lives along the waterways.

He didn't go into more details than that, but it was one of the first direct commentaries—in 1959—about how the age of fossil fuels was going to produce significant problems for human kind.

Now, that speech he gave in 1959. That was 59 years ago, and what have we seen in the ensuing period? We have seen a roughly 100-point increase in carbon pollution on the planet. Or to take my lifetime, for example, in 1956, when I was born, we had about 312 parts per million of carbon.

I will just put this chart up. What we see here on the red is the rising line of carbon, going back to roughly when I was born. About in here, 1956 until now, we see that it is accelerating, but essentially there is a 100 parts-per-million increase. We started at about 312 when I was born. We are at about almost 412 now at the very peak. That is a 30-percent increase in my single lifetime, just a little flash of time in terms of the life of this planet—a 32-percent increase in carbon in the atmosphere, and it is having a significant impact.

The most obvious way to look at this impact is the global temperature year after year. So here we see the 10 hottest years on record. We see that only one of those years, 1998, was before the turn of the century. The rest of them have all been since the turn of the century. In fact, 17 of the 18 hottest years on record have occurred since the year 2000. Not only that, but look at the dramatic, dramatic change for 2014, and 2015, and 2016, and 2017—these last four years—and how much hotter the planet is than it was just a few years before. That should trouble all of us.

We have seen all of this when global leaders came together in 2015 in Paris—the largest gathering of world leaders in human history. They said we have to put limits on what we are doing. We all have to apply a strategy of each reducing our carbon dioxide production. I would like to say that they have been successful, but they have not. Total global carbon production is still going up and, because of that, we are still in deep trouble.

If we didn't have the information just from these bars of the hottest years on record, we could turn to a more complicated analysis, or several of them, that have come out just recently. Just back in October, we had the Intergovernmental Panel on Climate Change, bringing the work of scientists across